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**REPORT No. 232/24**  
**PETITION 1044-14**  
REPORT ON INADMISSIBILITY

CÉSAR EDUARDO PIÑEROS BELTRÁN  
COLOMBIA

Approved electronically by the Commission on December 5, 2024.

**Cite as:** IACHR, Report No. 232/24, Petition 1044-14. Inadmissibility.  
César Eduardo Piñeros Beltrán. Colombia. December 5, 2024.

**I. INFORMATION ABOUT THE PETITION**

<b>Petitioner:</b>	Jaime Moreno Ramirez <sup>1</sup>
<b>Alleged victim:</b>	César Eduardo Piñeros Beltrán
<b>Respondent State:</b>	Colombia <sup>2</sup>
<b>Rights invoked:</b>	The petitioner does not invoke specific rights; however, it is inferred from the facts and arguments put forward that the petition refers to the rights enshrined in Articles 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 21 (property), 22 (freedom of movement and residence), and 25 (judicial protection) of the American Convention on Human Rights, <sup>3</sup> in relation to Article 1.1 thereof (obligation to respect rights).

**II. PROCEEDINGS BEFORE THE IACHR<sup>4</sup>**

<b>Filing of the petition:</b>	July 24, 2014
<b>Additional information received at the stage of initial review:</b>	January 4, 2016 and March 25, 2019
<b>Notification of the petition to the State:</b>	February 5, 2020
<b>State's first response:</b>	September 30, 2020
<b>Additional observations from the petitioner:</b>	January 16, 2021 and July 3, 2024

**III. COMPETENCE**

<b>Competence <i>Ratione personae</i>:</b>	Yes
<b>Competence <i>Ratione loci</i>:</b>	Yes
<b>Competence <i>Ratione temporis</i>:</b>	Yes
<b>Competence <i>Ratione materiae</i>:</b>	Yes, American Convention (instrument deposited on July 31, 1973)

**IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

<b>Duplication of procedures and international <i>res judicata</i>:</b>	No
<b>Rights declared admissible:</b>	N/A
<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	No, under the terms of Section VI
<b>Timeliness of the petition:</b>	No, under the terms of Section VI

<sup>1</sup> The alleged victim, Mr. César Eduardo Piñeros Beltrán, filed the initial petition on his own behalf. He was later represented by Mr. Yecid Chequemarca García, as stated in the petitioner's brief of March 25, 2019. However, he subsequently named Mr. Jaime Moreno Ramirez as his new representative, according to a brief dated July 3, 2024.

<sup>2</sup> In keeping with Article 17.2(a) of the Commission's Rules of Procedure, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the deliberations or in the decision in this case.

<sup>3</sup> Hereinafter "the American Convention" or "the Convention."

<sup>4</sup> The observations submitted by each party were duly considered and transmitted to the opposing party. In its letter of August 21, 2024, the petitioner expressed his intention to initiate a friendly settlement process; however, by communication of October 17, 2024, the Colombian State asserted that it was not feasible to initiate such a process at that time.

## V. POSITION OF THE PARTIES

### The petitioner

1. The petitioner alleges the kidnapping of Mr. César Eduardo Piñeros Beltrán (“the alleged victim” or “Mr. Piñeros”) by the Revolutionary Armed Forces of Colombia (FARC), as well as threats that led to his forced displacement. He maintains that this kidnapping and forced displacement caused psychological, physical, and economic consequences. He also condemns the State’s failure to investigate and to provide compensation for these acts.

2. According to the petitioner, in June 1990, Mr. Piñeros was at home with his sister and brother-in-law when five armed individuals—two women and three men—who identified themselves as members of the 53rd Front of the FARC guerrillas, burst into the house. The assailants forced them to stand against the wall with their hands up and asked for their names. When Mr. Piñeros said his name, one of the guerrillas replied, “We need you,” and they took him away.

3. After several days on the road, they took him to the border of the department of Meta and the municipios of Fomeque and Choachí, Cundinamarca, where they told him that it was a kidnapping for ransom led by the commanders Mono Jojoy, Vladimir, and Romaña. Negotiations were made via radio to reach a financial arrangement to free the alleged victim. His relatives had to part with livestock and other properties to pay the ransom. Mr. César Eduardo Piñeros Beltrán was released twenty-seven days after they reached an agreement with his captors.

4. The petitioner states that the kidnapping had psychological effects on the alleged victim, in addition to leaving him with asthma, malaria, and hearing problems. Also, a year and a half after the kidnapping, Mr. Piñeros began to receive death threats saying he would be killed if he did not hand over certain amounts of money. This forced him to move to the city, despite being a man of the countryside.

5. With respect to the domestic proceedings, the petitioner notes that, initially, no one filed a report about the kidnapping due to a national law that he believed allowed the State to confiscate the property of an abductee’s family in order to prevent them from paying ransom. For this reason, it is alleged, the victim’s relatives feared that the State would confiscate their property, and they would not be in a position to negotiate the ransom to save his life.

6. However, on May 9, 2013, the alleged victim reported the 1990 kidnapping to the office of the municipal prosecutor (*procuraduría*) of Medina. He also reported the same facts to the Victims Unit in order to be eligible for compensation as a victim of kidnapping and forced displacement. The petitioner claims that the State, despite knowing the facts, failed to investigate what happened.

7. Regarding the displacement, he reports that he was added to the Unified Registry of Victims (RUV) on May 9, 2013. Also included in the petition is a document dated April 2014 from the Unit for Victim Services and Comprehensive Reparation (UARIV) that confirms that he was included in the RUV as of July 26, 2011. Despite mentioning that he sought administrative compensation, the petitioner notes that he does not consider domestic remedies to have been exhausted due to the lack of a criminal investigation into the facts.

### The Colombian State

8. The State underscores that the petitioner is not specific as to the date of his forced displacement. In addition, the alleged victim gave a statement about his forced displacement to the office of the municipal prosecutor of Medina, Cundinamarca, on November 20, 2010, approximately twenty years after the kidnapping and eighteen years after the threats. This statement was the first in which the alleged victim provided these facts for purposes of obtaining administrative reparation.

9. The State reports that the alleged victim is included in the RUV for the forced displacement that took place on August 16, 2007. He was also granted individual administrative compensation under Law

1448 of 2011 (Victims Law), in the amount of \$26,640,000 pesos (approximately US\$14,000.00).<sup>5</sup> This compensation was collected on June 18, 2014.

10. It also reports that the alleged victim's relatives Edilberto Elí Piñeros Beltrán and Pastor Nicodemus Piñeros Beltrán are in the RUV for the acts of forced displacement of April 1, 2009, and April 25, 2003, respectively. Ms. Gladys Aurora Piñeros Beltrán is in the RUV based on the kidnapping of July 6, 2010. The information related to the alleged victim's family group included in the RUV shows that the facts recorded in the registry are not related to the June 1990 kidnapping reported to the IACHR, or to the displacement that allegedly occurred a year and a half after the kidnapping.

11. The State also argues that the petition under study is untimely, given the unreasonable and unexplained lapse of time between the facts giving rise to the alleged victims' allegations and the date on which they were brought before the IACHR. Mr. César Eduardo Piñeros was allegedly kidnapped in June 1990 and forcibly displaced a year and a half after his kidnapping. This petition was filed on June 24, 2014, that is, 24 years after the facts occurred. The State notes that the IACHR, in Inadmissibility Report No. 100/06, considered that the petitioner's seven-year delay in filing the initial petition—with no explanation as to why it took him so long to go to the Inter-American Commission—was unreasonable, and therefore that the petitioner had failed to comply with the requirement set forth in Article 32.2 of the Commission's Rules of Procedure.

12. With respect to domestic remedies, the State underscores that the petitioner in this case failed to exhaust the appropriate and effective domestic remedies available in the criminal justice system, as the alleged victim never reported his kidnapping to the Office of the Prosecutor General of Colombia (*Fiscalía General de la Nación*). The right to bring a criminal action had thus been terminated by 2013, when he gave his statement to the office of the municipal prosecutor of Medina, Cundinamarca. In addition, regarding the crime of forced displacement, the alleged victim stated that a year and a half after his kidnapping he received threats that forced him to leave the municipio of Medina. However, he maintained that he experienced constant situations of forced displacement, without establishing when these events occurred. In any case, these facts were not brought to the attention of the Prosecutor General's Office for the respective investigation to be conducted. If the facts are not reported, the competent authority cannot initiate an investigation, which in any case is carried out on the authority's own initiative once it becomes aware of the possible crime.

13. The State also alleges the failure to exhaust domestic remedies in relation to the action for direct reparation. It asserts that an action for direct reparation is the appropriate remedy to establish, if applicable, the responsibility of the State and to obtain comprehensive reparation for the harm caused; and it contends that the alleged victim has not exhausted this remedy.

14. Finally, Colombia argues that the petitioner's allegations are manifestly groundless, based on the following considerations: (i) the acts complained of were committed by a guerrilla group, the 53rd Front of the FARC; (ii) there is no evidence indicating that the perpetrators acted with the complicity, acquiescence, or tolerance of State security forces; and (iii) there had been no reports of threats to the alleged victim and his family group, so the risk they faced was not foreseeable, real, and immediate. Thus, the outcome cannot be attributed to the State on the grounds of an alleged lack of diligence.

## **VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

15. The IACHR notes that the main purpose of this petition is to condemn the kidnapping and forced displacement of César Eduardo Piñeros Beltrán by FARC guerrillas, as well as the lack of an investigation and reparations for the events described.

16. The Commission notes that the petitioner is vague about the dates of the alleged kidnapping and forced displacement. Although he states that the kidnapping took place in June 1990, he does not provide

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<sup>5</sup> This estimate is based on the exchange rate on the date of the compensation payment, June 18, 2014, according to the website <https://www.exchange-rates.org/exchange-rate-history/cop-usd-2014-06-18>.

specific dates for the forced displacement; nor does he clarify whether the alleged victim experienced several displacements, or the order of the displacements. The limited information indicates that the alleged victim left his place of origin to live in the capital, but there is no information as to whether he is referring to the national capital or a provincial capital. There is also information to indicate that the alleged victim went to Medina, Cundinamarca, after being displaced.

17. The IACHR considers, as it has done on other occasions, that the suitable remedy to exhaust in cases involving the crimes of kidnapping<sup>6</sup> and forced displacement<sup>7</sup> is criminal proceedings. According to the facts alleged, the petitioner did not report his kidnapping or forced displacement to the police or the Prosecutor General's Office. Mr. Piñeros alleges that he did not file a complaint because of a law that allowed for the confiscation of the property of a kidnapped person's family to prevent the payment of ransom, which caused his family members to fear losing their property and not being able to negotiate the ransom; however, he does not explain which law he is referring to. Mr. Piñeros further alleges that he informed the State of the kidnapping and forced displacement only on May 9, 2013, in a communication to the municipal prosecutor of Medina.

18. The Colombian State, for its part, highlights the failure to file a complaint with the Prosecutor General's Office. It reports that the alleged victim gave a statement on his forced displacement to the office of the municipal prosecutor of Medina, Cundinamarca, on November 20, 2010, some twenty years after the kidnapping and eighteen years after the threats. The petitioner provides no explanation for the lengthy period between the alleged kidnapping and forced displacement and the date of his statements to the municipal prosecutor's office.

19. The Commission finds that the lack of specific information about the circumstances of the kidnapping, and especially of the forced displacement, makes it difficult to analyze whether the petition meets the requirement of prior exhaustion of domestic remedies. It would also be difficult to determine whether the petition presents a colorable claim. In any case, the existing information is sufficient to conclude that the petitioner failed to timely pursue the appropriate domestic remedy for the investigation and punishment of the crimes, and that he did not present a sufficient explanation for the lack of action.

20. Consequently, the Inter-American Commission concludes that the petition does not meet the requirement of Article 46.1(a) of the American Convention.

## VIII. DECISION

1. To find the instant petition inadmissible.
2. To notify the parties of this decision, and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 5<sup>th</sup> day of the month of December, 2024. (Signed:) Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice President; Arif Bulkan, and Gloria Monique de Mees, Commissioners.

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<sup>6</sup> IACHR, Report No. 321/22. Petition 45-13. Inadmissibility. Vilma Menjívar and Julio Martín Baltodano. Honduras. November 26, 2022, paras. 11-12.

<sup>7</sup> IACHR, Report No. 11/17. Admissibility. María Hilaria González Sierra et al. Colombia. January 27, 2017, para. 4; IACHR, Report No. 89/18. Petition 1110-07. Admissibility. Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and Family. Colombia. July 27, 2018, para. 10; IACHR, Report No. 44/18. Admissibility. Pijiguay Massacre. Colombia. May 4, 2018, para. 11.