

OEA/Ser.L/V/II  
Doc. 185  
24 octubre 2024  
Original: Spanish

**REPORT No. 176/24**  
**PETITION 1694-14**  
REPORT ON INADMISSIBILITY

JHON DIDIER PIAMBA PAZ AND LUZ ANGÉLICA PAZ BOLAÑOS  
COLOMBIA

Approved electronically by the Commission on October 24, 2024.

**Cite as:** IACHR, Report No. 176/24, Petition 1694-14. Inadmissibility. Jhon Didier Piamba Paz and Luz Angélica Paz Bolaños. Colombia. October 24, 2024.

**I. INFORMATION ABOUT THE PETITION**

<b>Petitioner<sup>1</sup>:</b>	Luz Angélica Paz Bolaños
<b>Alleged victims:</b>	Jhon Didier Piamba Paz and Luz Angélica Paz Bolaños
<b>Respondent State:</b>	Colombia <sup>2</sup>
<b>Rights invoked:</b>	Articles 4 (right to life), 8 (judicial guarantees), and 25 (judicial protection) of the American Convention on Human Rights <sup>3</sup>

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

<b>Filing of the petition:</b>	November 6, 2014
<b>Additional information received at the stage of initial review:</b>	October 13, 2016
<b>Notification of the petition to the State:</b>	November 18, 2021
<b>State's first response:</b>	March 31, 2022
<b>Warning of possible archiving:</b>	September 24, 2020
<b>Petitioner's response to warning of possible archiving:</b>	October 13, 2020

**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 (deposit of instrument of ratification done 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>	None
<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	No, in the terms of Section VI
<b>Timeliness of the petition:</b>	No, in the terms of Section VI

**V. THE PARTIES' POSITIONS***Petitioner*

1. The petitioner alleges that in 1996, seven members of the 39<sup>th</sup> Front of the Fuerzas Armadas Revolucionarias de Colombia raided the village of Puerto Siare, municipality of Mapiripán, and kidnapped Jhon Didier Piamba Paz, 11 years old. She asserts that subsequently, in 2007, the victim died in combat with the Army, and that after undertaking several search actions she found his remains in the Office of the Eleventh

<sup>1</sup> The petition was initially filed by Mr. Yecid Chequemarca

<sup>2</sup> In keeping with Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Carlos Bernal Pulido, of Colombian nationality, did not participate in the deliberations or decision in this matter.

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

<sup>4</sup> Each party's observations were duly forwarded to the other party.

Special Prosecutor. She adds that in 2011 she was forcibly displaced after being threatened and humiliated by a paramilitary chief.

2. As a result, on March 15, 2012, Ms. Paz Bolaños reported the facts to the Office of the Attorney General of the Nation, which opened an investigation under case file No. 462898, assigned to the 74<sup>th</sup> Office of the Delegate before the District Court of the Department of Support for Investigation and Analysis against Organized Crime. She says that to date that investigation continues.

3. In her view, this situation triggers the responsibility of the State, for it committed a serious breach on renouncing its obligations to guarantee the security of its citizens, especially in the case of minors.

4. Finally, even though the Commission requested additional information to learn more details about the facts alleged and the petitioner's arguments, the petitioner merely reiterated the information provided in the initial petition.

#### *The State*

5. The State argues that the petition is inadmissible, for failure to exhaust domestic remedies. It explains that in July 1996 the Office of the 73<sup>rd</sup> Delegate before the District Court of the Department of Investigation and Analysis against Organized Crime initiated a criminal investigation under Law 975 of 2005 ("Law on Justice and Peace"), through case file No. 462898. It notes that according to said law there must be a confession and/or statement of the facts by the demobilized to make progress in documenting the events, which has yet to occur in this case.

6. Without prejudice to the foregoing, it reports that the facts addressed in this petition are now under the jurisdiction of the Special Peace Courts (JEP: Jurisdicción Especial para la Paz). According to its rules, these courts have preference over all others, and exclusive jurisdiction over criminal conduct committed before December 1, 2016, associated directly or indirectly with the internal armed conflict. In that regard, it reports that the JEP has indicated that the facts that occurred in 1996 related to the recruitment of Jhon Didier Piamba are in macro-case 007, "*Recruitment and use of children in the armed conflict.*" Nonetheless, it clarifies that neither the alleged victim nor Ms. Luz Angélica Paz Bolaños has been accredited as victims before the JEP, or in the process of being accredited.

7. Colombia underscores the importance of being accredited as victims, as this enabled them to produce evidence and file motions, receive counsel, guidance, and judicial representation, have access to the voluntary statements of the persons appearing and make observations, have psychosocial support, be informed of progress in the process, participate in the public hearings on recognition of truth and responsibility, and make arguments related to the restorative projects and sanctions proposed by the persons appearing.

8. Based on the foregoing, Colombia argues that domestic remedies have not been exhausted in relation to this petition since Ms. Luz Angélica Paz Bolaños has not taken the measures necessary for the JEP to be able to take up her situation. Therefore, it asks the Commission to find the petition inadmissible for failure to comply with the requirement at Article 46(1)(a) of the American Convention.

9. Accordingly, given that case No. 007, "*Recruitment and use of children in the armed conflict,*" and case file No. 462898, in the framework of the Law on Justice and Peace, are still pending resolution, the State considers that the mechanisms provided for to address these matters in the domestic jurisdiction have not been exhausted. Therefore, it asks the Commission to find the petition inadmissible for failure to comply with the requirement established at Article 46(1)(a) of the Convention.

10. Finally, Colombia considers that the facts presented in the petition are manifestly groundless. It notes that the FARC were responsible for recruiting Jhon Didier Piamba Paz, accordingly that act cannot be attributed to the State. It also emphasizes that the petitioner has not submitted evidence, not even indicia, showing any sort of responsibility of its public servants in this incident. Accordingly, it is not possible to infer

that some state agent acted with tolerance, complicity, or acquiescence with private persons to violate the alleged victim's rights, not that there was a lack of diligence to prevent that act.

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

11. In the instant case the Inter-American Commission observes that the Colombian State presented a series of legal arguments regarding the inadmissibility of the petition, as well as the information regarding the domestic judicial proceedings. For her part, the petitioner has not submitted even a minimum argument regarding exhaustion of domestic judicial remedies or the applicability of any exception to that requirement.

12. In light of the lack of specific information in her petition, on March 21, 2016, the IACHR sent the petitioner a broad request for information, in the terms of Article 28 of its Rules of Procedure. Nonetheless, on August 12, 2016, petitioner did no more than reiterate the information submitted initially.

13. The Inter-American Commission thus observes that the petitioner has not met her duty to set forth at least minimally her legal position regarding exhaustion of domestic remedies or the applicability of any exception to this requirement, in the terms of Article 46 of the American Convention. Merely producing photocopies of her own documents from the domestic proceeding does not meet this requirement, if petitioner offers no explanation of those documents. It is not the Commission's job to decipher the meaning of documents submitted with a petition without any explanation; rather, it is the petitioner's duty to develop her specific arguments in the case and indicate what she seeks to prove or support with the documents they send in.

14. Therefore, the Inter-American Commission considers that it does not have sufficient information to enable it to verify that the requirement to exhaust domestic remedies established at Article 46(1)(a) of the American Convention has been met, nor the requirements as to the time for filing established at Article 46(1)(b) of the same instrument.

15. Finally, the Inter-American Commission recalls that the submission of contentious cases to the inter-American human rights system, while not a very formalistic exercise by its nature, compared to other domestic legal procedures, does fulfill a series of requirements and minimal conditions; and it requires a level of commitment and ethics on the part of the petitioners before the organs of the inter-American system, and above all vis-à-vis the victims themselves, who are definitely at the center of and the *raison d'être* of international human rights law.

## **VII. 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 25<sup>th</sup> day of the month of October, 2024. (Signed:) Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice President; Arif Bulkan, and Gloria Monique de Mees, Commissioners.