

ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 30, 2011
CASE OF MANUEL CEPEDA VARGAS v. COLOMBIA
MONITORING COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The Judgment on the preliminary objections, merits and reparations (hereinafter, the "Judgment") delivered by the Inter-American Court of Human Rights (hereinafter, the "Court", "the Inter-American Court" or the "Tribunal") on May 26, 2010, whereby it was decided, *inter alia*, that the State should:

8. [...] conduct the domestic investigations that are underway effectively and, if applicable, those opened in future to identify, prosecute and, when applicable, punish all those responsible for the extrajudicial execution of Senator Manuel Cepeda Vargas, in the terms of paragraphs 214 to 217 of [the] judgment.

9. [...] adopt all necessary measures to guarantee the safety of the next-of-kin of Senator Manuel Cepeda Vargas and to prevent them having to move or to leave the country again as a result of threats, or acts of harassment or persecution against them following notification of [the] judgment, in the terms of paragraph 218 of [the] judgment.

10. [...] publish, once, in the official gazette and in another national newspaper, paragraphs 1 to 5, 13 to 23, 71 to 73, 85 to 87, 88, 100 to 102, 103, 114, 115, 122 to 126, 167, 175 to 177, 179, 180, 181, 194 to 196, 201, 202, 204, 209, 210, 216 to 218, 220, 223, 228, 233 and 235 of [the] judgment, including the headings of each chapter and of the respective section – without the corresponding footnotes – and the operative paragraphs hereof. In addition, this judgment must be published integrally, for at least one year, on an appropriate official web page of the State, in the terms of paragraph 220 of the judgment.

11. [...] organize a public act of acknowledgement of international responsibility for the facts of [the] case, in the terms of paragraphs 223 to 225 of [the] judgment.

12. [...] prepare a publication and make an audio-visual documentary on the political life, journalism career and political role of Senator Manuel Cepeda Vargas, in coordination with the next-of-kin, and disseminate it, in the terms of paragraphs 228 and 229 of [the] judgment.

13. [...] award a one-time grant bearing the name of Manuel Cepeda Vargas, in the terms of paragraph 233 of [the] judgment.

14. [...] provide the medical and psychological treatment that the victims require, in the terms of paragraph 234 of [the] judgment.

15. [...] pay the amounts established in paragraph 247 [t]hereof, as compensation for pecuniary damage [...].

16. [...] pay the amounts established in paragraphs 251, 253 and 259 [t]hereof, as compensation for non-pecuniary damage, and reimbursement of costs and expenses [...].

17. Within one year of notification of the judgment, and in order to monitor the judgment, the State must submit a report to the Court on the measures it has adopted [...].

2. The reports of the Republic of Colombia (hereinafter, "Colombia" or the "State") submitted on July 26, 2010; June 22 and August 24, 2011, by means of which it informed on the progress made in the compliance with the Judgment.

3. The briefs of the victims' representatives (hereinafter, the "representatives") of July 16, 2010 and September 6, 2011, by means of which they presented the observations to the State's reports and to the compliance with the Judgment.

4. The brief of August 18, 2011, whereby the Inter-American Commission on Human Rights (hereinafter, the "Commission" or the "Inter-American Commission") submitted its observations to the reports of the State.

CONSIDERING THAT:

1. It is an inherent power of the judicial functions of the Court to monitor compliance with its decisions.

2. Colombia has been a State Party to the American Convention on Human Rights (hereinafter, the "American Convention" or the "Convention") since July 31, 1973, and that it accepted the binding jurisdiction of the Court on June 21, 1985.

3. Article 68 of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties". Therefore, States must ensure that the rulings set out in the decisions of the Court are implemented at the domestic level¹.

4. The obligation to comply with the rulings of the Tribunal conforms to a basic principle of the law on the international responsibility of States, under which States are required to fulfill their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot invoke their municipal laws to escape from their pre-established international responsibilities². The treaty obligations of States Parties are binding on all State powers and organs³.

¹ See *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para 60; *Case of the Girls Yean and Bosico V. Dominican Republic*. Monitoring Compliance with Judgment Order of the Court of August 10, 2011, Considering clause four.

² See *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention* (articles 1 and 2 American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994, Series A N°. 14, para. 35; *case of Tibi V. Ecuador*. Monitoring compliance with Judgment. Order of the Court of March 3, 2011; considering clause four. *Case of the Girls Yean and Bosico V. Dominican Republic*, *supra* note 1, considering clause five.

³ See *Case of Castillo Petruzzi et al V. Peru*. Monitoring Compliance with Judgment. Order of the Court of November 17, 1999; considering clause three. *Case of the Girls Yean and Bosico V. Dominican Republic*, *supra* note 1, considering clause five.

5 The States Parties to the Convention must ensure compliance with its conventional provisions and their inherent effects (*effet utile*) within their respective domestic legal systems. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with the protected rights) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are intended to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, taking into account the special nature of human rights treaties⁴.

6. Those States Parties to the American Convention that have accepted the contentious jurisdiction of the Court are under a duty to fulfill the obligations set by the Tribunal. This obligation includes the State's duty to report on the measures adopted to comply with such decisions of the Court. Timely fulfillment of the State's obligation to report to the Court on the exact manner in which it is complying with each of the aspects ordered by the latter is essential to evaluate the whole status of compliance in this case⁵.

A) On the duty to conduct the domestic investigations that are underway effectively and, if applicable, those opened in future to identify, prosecute and, when applicable, punish all those responsible for the extrajudicial execution of Senator Manuel Cepeda Vargas (operative paragraph eight of the Judgment)

7. The State made reference to several investigation procedures: it reiterated that, by the time the Court delivered the Judgment, the State was already aware of the fact that on October 14, 2009, a former Director of the DAS (Security Administrative Department) was implicated in the proceeding by means of an inquiry and in addition, on May 17, 2011, he was sentenced to preventive detention without the benefit of being released on bail for his alleged participation as instigator of the crime of murder. It also recalled what it informed before the delivery of the Judgment, as to the fact that on April 13, 2010, the investigation in favor of Edilson Jimenez Ramirez, a.k.a. "El Nato", was precluded given that his death was proven. Moreover, the State informed that on May 3, 2010, the implication of another person in the proceeding was ordered, to whom one of the weapons used in the crime was allocated and on August 24, 2010, that person was sentenced to preventive detention. Likewise, the State informed that "[...] the Solicitor General's Office had ordered several proceedings in order to shed light on the existence of a "plan" intended to systematically murder the members of the UP, including Manuel Cepeda Vargas, as well as the alleged participation or conspiracy of civil and military authorities or state intelligence services."

8. The representatives indicated that they positively valued the decision made by the Solicitor General by which a high-ranking civil authority was implicated in the proceeding as alleged perpetrator of the murder of Senator Cepeda Vargas. However,

⁴ See *Case of Ivcher Bronstein. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of the Girls Yean and Bosico V. Dominican Republic*, supra note 1, considering clause six.

⁵ See *Case of Barrios Altos V. Peru*. Monitoring Compliance with Judgment. Order of the Court of September 22, 2005; considering clause seven and *Case of "Las Dos Erres" Massacre V. Guatemala*. Monitoring Compliance with the Judgment Order of the Court of July 6, 2011, Considering clause six.

they considered "the progress made to be insufficient" and that the investigation procedures of the State are not guided by the criteria established by the Court in the Judgment. In this respect, they indicated that "the State has not adequately investigated the participation of all the perpetrators and instigators [;] that there are obstacles to question the commanders of paramilitary groups who were extradited to the United States of America; [that] no investigation was conducted to shed light on the existence of a "'*coup de grâce* plan" and finally [that] the State officials, who are currently being investigated, enjoy benefits during their detention. They asserted, regarding the investigation into the "*coup de grâce* plan", that "the State has made no effort to shed light on the existence, the perpetrators, the purpose of the Plan [...] or the patterns of violence against the UP; it has neither identified the persons who are members of the so-called 'group of the six or the eight" [*grupo de los seis o de los ocho*]. They also sustained that there is "no body of evidence" related to other cases concerning the process of extermination of the Patriotic Union, or a more immediate manner regarding other crimes possibly concerning the execution of the Plan, like the murder of Miller Chacón, the attack against the President of the UP, Aida Abella and the threats against other UP leaders".

9. Regarding the investigation into State officials, the representatives indicated that "there were no investigations underway to verify the chain of command of the two military officers who were convicted of the murder of Senator Cepeda". They also mentioned that it was "worrying that [one of the high-ranking civil authority, who was found responsible and accused] is not detained in a common prison, but in a special penitentiary attached to the Armed Forces, that is, the *Escuela de Comunicaciones de Facatativá* (Cundinamarca)". Following this line of thought, they stated that they did not intend to question the need to separate in the prison, for security reasons, public officials from the rest of inmates, but that "said detention must be served in special blocks of common prisons, as established by criminal law".

10. Apart from the foregoing, as to the investigation into paramilitary officers, the representatives noted that "the perpetrators and instigators have not been fully identified and that, despite some of them were identified, their situations have not been defined in the specific case". They mentioned that the information gathered in the criminal proceeding contains valuable *indicia* about the responsibility of paramilitary officers who had not confessed to their participation in the facts and, especially, that the 26th Office of the Special Public Prosecutor for International Humanitarian Law had not included any paramilitary officer in the investigation. They also emphasized that "[...] in the instant case, there is a statement of the extradited paramilitary leader, Diego Fernando Murillo Bejarano, alias "*Don Berna*", rendered on September 17, 2009, in New York and that [...] his extradition objectively hinders the possibility of obtaining information from him, in order for him to elaborate upon the information related to the murder of Senator Cepeda." Regarding the extraditions, they alleged that "it is up to the Colombian State to adopt adequate mechanisms and enter into the necessary cooperation agreements in order to guarantee the participation of the victims in the proceedings followed against the paramilitary leaders; however, no progress was made in the cooperation agreements."

11. The Commission considered the detention of the high-ranking civil authority, allegedly involved in the instant case, to be a positive step. Nevertheless, it noted that "most of the information gathered in relation to the investigations corresponds to proceedings before Judgment". It also argued that, therefore, it was waiting for updated information, "as well as the evidence on this respect." In addition, it

requested the Court “to order the State to implement the necessary measures to conduct and finish the investigation promptly and effectively.”

12. In view of what was informed by the State and the observations submitted by the representatives and the Commission, the Court values the efforts made and actions taken by the State to conduct the investigation into the facts of the instant case, *inter alia*, by implicating a high-ranking civil authority and other alleged perpetrators of the facts in the criminal proceeding. However, from the information furnished by the State, it is not possible to determine further progress than what the Court already knew upon the delivery of the Judgment, especially in relation to the lines of investigation to determine the joint action of state agents and members of paramilitary groups; the functioning of mechanism to ensure the appearance or collaboration of extradited persons who could have relevant information and the duly coordination of domestic authorities to ensure the adequate handling of relevant information in all the investigations.

13. The Court recalls that, in paragraph 216, subparagraph a) to g), 217 and 218 of the Judgment, the Tribunal established the criteria that must be applied in the investigations into the facts of the instant case. In addition, the Tribunal deems that even though the State has taken several actions to detain the alleged responsible, it must make every effort to effectively investigate into the facts that gave rise to the violations declared in the Judgment, since 17 years have elapsed from the occurrence of the facts and there is still partial impunity surrounding the case. In view of the above, the Court recalls the State's duty to make every effort and take all pertinent actions, as soon as possible, to make progress in the corresponding investigations. It is essential that the State present updated, detailed and complete information on the investigations, actions taken and the results thereof.

B) On the duty to publish, once, in the official gazette and in another national newspaper, the pertinent parts of the judgment, and the duty to publish the entirety of the Judgment, for at least one year, on an appropriate official web page of the State (operative paragraph ten of the Judgment).

14. The State informed that “on July 16, 2010, it published the entire judgment of the Court on the web page of the Ministry of Foreign Affairs and the Presidential Program on Human Rights. Moreover, on July 21, 2010, it published the judgment on the web page of the Public Prosecutor's Office and the Ministry of National Defense.” In addition, it mentioned that “the publication of the chapters of the judgment in a national newspaper was made on an additional offspring in [...] El Espectador newspaper, on Sunday November 28, 2010 [...] Lastly, regarding the publication of the chapters of the Judgment of the [...] Court in the official gazette, it mentioned that said chapters were published in the Official Gazette No. 47931 of December 22, 2010, page No.67” and, consequently, it requested to declare full compliance with this measure.

15. The representatives noted that “the publications made by the Colombian State in the official gazette, in ‘El Espectador’ newspaper and on four official web pages, comply with the requirements established by the Court in its judgment”; for which they considered that the Court must declare that this measure was complied with.

16. The Commission valued the information presented by the State, but it noted that “the State has not submitted the annex containing the physical publication;

moreover, regarding the electronic publication, it notes that it was not possible to locate it on the web page of the Ministry of Foreign Affairs".

17. Considering that the State published the pertinent parts of the Judgment in the Official Gazette No. 47.931 of December 22, 2010, page 67; in the 'El Espectador' national newspaper, on November 28, 2010 and that it published the entire judgment on the web page of the Presidential Program on Human Rights on July 16, 2010; and on the web page of the Ministry of National Defense on July 21, 2010; and given that the representatives expressed their satisfaction about this, the Court concludes that Colombia has fully complied with operative paragraph ten of the Judgment, with the understanding that it will guarantee the adequate publication of the Judgment on the Internet sites.

C) On the duty to adopt all necessary measures to guarantee the safety of the next-of-kin of Senator Manuel Cepeda Vargas and to prevent them from having to move or leave the country again as a result of threats, or acts of harassment or persecution against them (operative paragraph nine of the Judgment).

18. The State expressed that it agrees with providing the necessary protective measures to guarantee the safety of the next-of-kin of Senator Cepeda Vargas. Moreover, "regarding the situation of Mr. Ivan Cepeda Castro and Claudia Girón [...] it indicated that it [was] providing the necessary protective measures to guarantee their lives and personal integrity within the framework of the precautionary measures requested by the Commission".

19. In this respect, the representatives informed that "during the last year, Ivan Cepeda has been receiving threats" and they considered that the information contained in the last report was insufficient in order to verify that the actions taken by the State are adequate to guarantee the safety of the next-of-kin. They indicated that "on February 5, 2011, a threat, issued by the paramilitary groups called "Rastrojos Urbanos – Comandos Urbanos and "Aguilas Negras—Bloque capital D.C., was sent to the electronic mails of [...] human rights defenders' organizations [...] including that of Ivan Cepeda". The representatives alleged that the perpetrators of the threats had previously issued seven threatening 'messages', and that the "authorities had not done a diligent work to individualize and identify the electronic accounts from which they were sent and their perpetrators"; moreover, they indicated that "such lack of investigation results has been acknowledged at different spheres of the National Government, without adopting remedial measures in that respect. Based on the foregoing, they requested the Court to order the State to report on the actions taken to investigate, within a reasonable time, the threats against the next-of-kin of the Senator.

20. In its observations, the Commission indicated that it does not have updated information regarding the protection provided to Mr. Cepeda Castro, and to Claudia Girón and that, from the information furnished by the State, it does not spring that it is affording protection to all the next-of-kin of Senator Cepeda Vargas; therefore, it requested the Court to order the State to present detailed information in that respect.

21. Based on the above, this Tribunal urges the State to continue adopting the necessary security measures to guarantee the safety of the next-of-kin of Senator

Cepeda Vargas and requests the State to present, in its next report, detailed and complete information in that regard.

D. On the duty to organize a public act of acknowledgement of international responsibility for the facts of this case (operative paragraph eleven of the Judgment)

22. The State indicated that the public act of acknowledgement of international responsibility was carried out on August 9, 2011, and that the act was honored by the participation of the then Minister of Interior and Justice [...] at the request of the victim's next-of-kin and their representatives. It also informed that "the public act was organized by means of an informal session of the Two Chambers of the Congress [...], to which the [...] Senators of the Republic and [...] Representatives of the Chamber [...] were convened. In turn, the act was honored by the presence of several persons invited by the victims' representatives, such as non-governmental organizations, civil society and representatives of different State institutions, like the Attorney General's Office, the Ministry of Interior and Justice, the Ministry of National Defense, the Presidential Program on Human Rights, the Solicitor General's Office, the Ombudsman and the Judicial branch". The State also indicated that "afterwards, Mr. Iván Cepeda Castro, in his capacity as the victim's son, [had accepted], on behalf of the family, the public apology offered by the Colombian State". Lastly, the State indicated that the representatives pointed out that the "public act was broadcasted live by the national television channel '*Canal Institucional*' and the regional television channels, *Telemedellín* and *Telepacífico*".

23. In its observations, the representatives and the Commission acknowledged that the public act was carried out on the date mentioned. The representatives agreed that this measure of reparation has been complied with by the Colombian State. The Commission assigned value to the public act and highlighted the public apology offered to the victims by the State's representatives as a fundamental gesture within the spirit of the reparations ordered.

24. In the Judgment, the Tribunal determined that: a) the public act of acknowledgment of international responsibility must be organized in Colombia; b) during the act reference must be made to the facts relating to the execution of Senator Manuel Cepeda Vargas, committed in the context of generalized violence against members of the UP by act and omission of public officials, and the human rights violations declared in the Judgment; c) insofar as possible, the organization and characteristics of the public ceremony must be decided with the agreement and participation of the victims, if they so wish; d) to create awareness about the consequences of the facts of the instant case, the acknowledgement act or event should be held in the Congress of the Republic of Colombia, or in a prominent public place, and e) in the presence of members of the two chambers, as well as the highest-ranking State authorities.

25. In its statement before the Congress of the Republic, the Minister of Interior and Justice sustained that the murder of Senator Manuel Cepeda "[w]as committed by State officials, that is, the State itself together with members of paramilitary groups." It also sustained that "said reprehensible and disgraceful action frustrated the life plan of a public man like the Senator was: a political leader and active member of the Patriotic Union and the Colombian Communist Party," and that "[o]n behalf of the Colombian State, acting in the name of the National Government, and in [his] capacity

as Minister of Interior and Justice, [he offered] a public apology for the crime committed against Senator Cepeda Vargas" and expressed "his most sincere condolences to his [next-of-kin]."

26. Mr. Ivan Cepeda, in his capacity as victim and representative of the next-of-kin, mentioned, during the formal act of acknowledgment of responsibility of the State, that "by complying with the judgment of the Inter-American Court [...], the National Government is not only performing its duty to comply with and implement the measures of reparation ordered by the international tribunal in a particular case. It is, at the same time, doing a symbolic act which has, at least, four profound meanings for the Colombian society [...] In the first place, "by officially acknowledging its responsibility in the case of the murder of Senator Manuel Cepeda Vargas, it is doing justice in one of the thousands facts of genocide committed against the UP" [...] In the second place, [said] act [...] it is a defending the historical truth and, in this sense, the dignity [of the next-of-kin] and the dignity of Senator Manuel Cepeda Vargas". In the third place, "the acknowledgment made by the State [...] is an act with profound meaning for the democracy and the commencement of a procedure of political reparation in the case of the Patriotic Union". Lastly, it mentioned that the "official apology offered in the case of Manuel Cepeda Vargas is an act that builds up the hope that Colombia may put an end to the endless armed conflict that is destroying the country".

27. The Tribunal recognizes and positively values the ceremony of the acknowledgment acts which are a series of actions that contribute to the preservation of the historic memory of the victims of the human rights violations committed in this case and promote the non-repetition of similar acts. The act was carried out in the Congress of the Republic and it was honored by the presence of the then Minister of Interior and Justice, the State authorities and civil society organizations and persons, as well as the next-of-kin. The statements made by the authorities, acting on behalf of the State, allowed the audience to identify, from the oral point of view and graphic as well, the facts and some of the authorities implicated in the proceeding. Mr. Ivan Cepeda accepted the ceremony on behalf of the next-of-kin. The Court considers that said act for acknowledgment of responsibility **adequately** satisfies the formalities previously noted (*supra* Considering clause 27) and, therefore, the purpose of the reparation ordered, given that it was organized by a high-ranking State authority; it was broadly disseminated by the television and the press and it made express reference to the victims and facts of the instant case. The Court declares that the State has fully complied with this measure of reparation, in the terms of operative paragraph eleven of the Judgment.

E. On the duty to prepare a publication and make an audio-visual documentary on the political life, journalism career and political role of Senator Manuel Cepeda Vargas, in coordination with the next-of-kin, and disseminate it (operative paragraph twelve of the Judgment)

28. The State indicated that, in a meeting held with the representatives and Mr. Ivan Cepeda Castro on November 30, 2010, it was agreed that they would send a proposal for the compliance with the measure of reparation, "a commitment that [would have been] reminded by the State by means of electronic mails of February 2, 2011 and March 7, 2011 and official letter of April 5, 2011". The State further alleged that "once the State hears the proposal made by the victims and their representatives, it will proceed to analyze it in order to make progress in the compliance".

29. The representatives expressed that the first meeting to follow up the compliance with the judgment was in fact held and that, in such meeting, they were informed about the fact that the documentary will be filmed by RTI Producciones and they agreed that the documentary's producers will be Lisandro Duque. They mentioned that "in the next months [they would inform] the [...] Court [on] the progress related to this measure of reparation". The Inter-American Commission valued the information submitted by the State regarding these obligations, as well as the State's will to make progress and comply with these measures.

30. The Court values the will expressed by the State to comply with this measure of reparation. Based on the information presented by the State and the representatives, the Tribunal is looking forward to receive information on the effective compliance therewith.

F. On the duty to award a grant bearing the name of Manuel Cepeda Vargas (operative paragraph thirteen of the Judgment)

31. The State indicated that Mr. Ivan Cepeda Castro and his representatives were informed that this measure of reparation "would be implemented by means of an agreement entered into between the Ministry of Education and ICETEX and that said measure could be enforced as from the second semester of 2011, as long as the representatives inform what may correspond by the end of April 2011 at the latest". It further alleged that this information was reiterated to the representatives by means of electronic mails of February 2, 2011 and March 7, 2011 and official letter of April 5, 2011. It indicated that, on May 25, 2011, the representatives responded and that, as soon as the State is familiar with "the terms of the call, it would take the necessary actions to disseminate it".

32. The representatives indicated that "the Manuel Cepeda Foundation, together with the Voz newspaper, is defining the terms of the call, which, as agreed, will be broadly disseminated"; all of which was agreed with the State. To that end, they requested the State authorities to publish the terms of the call by means of institutional communications, like web pages, institutional radio and television stations, through which the call may be disseminated".

33. The Inter-American Commission made no specific reference to this aspect.

34. The Court values the actions taken by the State in consultation with the representatives to comply with this measure of reparation, according to the terms of paragraph 233 of the Judgment. The Tribunal is looking forward to information on the effective compliance with this measure of reparation.

G. On the duty to pay the amounts established as compensation for pecuniary and non-pecuniary damage and reimbursement of legal costs and expenses (operative paragraphs fifteen and sixteen of the Judgment)

35. In its report of August 30, 2011, the State pointed out that "compliance with the payment of compensatory amounts, costs and expenses [was] ordered by means of Resolution 6096 of 2010 of the Ministry of National Defense in favor of Claudia Giron Ortiz, Ivan Cepeda Castro, Maria Stella Cepeda Vargas and Maria Cepeda". It further alleged that, taking into account that the heirs of Mrs. Olga Navia Soto had not requested the payment of the compensation that was acknowledged to them, the State will proceed to "enforce paragraph 262 of the Judgment, by depositing the

amount in their favor in an account or a deposit certificate in a solvent Colombian banking institute". The State requested the Court to declare that it partially complied with operative paragraphs 15 and 16 of the Judgment.

36. On this regard, the representatives stated that, by means of Resolutions 6390 and 6096 of November 24 and November 9, 2010, respectively, the State made the payment corresponding to the compensation of pecuniary damage, non-pecuniary damage and reimbursement of legal costs and expenses, according to what was ordered by the Court in paragraphs 247, 251, 253, 259, 260 to 264 of the Judgment, for which they considered that this measure must be declared to be complied with. The Commission valued the progress made in the payment made in favor of the victims and is waiting for the necessary evidentiary information to issue a ruling in that respect.

37. According to the foregoing, the Tribunal values the actions taken by the State to comply in full with the terms of paragraphs 247, 251, 257 and 259 of the Judgment. Given that the representatives stated that they considered these measures of reparation to be complied with, the Court declares that Colombia has fully complied with operative paragraphs fifteen and sixteen of the Judgment.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

by virtue of its authority to monitor compliance with its decisions, according to articles 33, 62.1, 62.3, 65, 67 and 68.1 of the American Convention, 25.1 and 30 of its Statute and 31.2 and 69 of its Rules of Procedure,

DECLARES:

1. According to the terms of this Order, the State has complied with the following operative paragraphs of the Judgment:

- a) Duty to publish, once, in the official gazette and in another national newspaper, the pertinent parts of the Judgment, as well as the entire Judgment on an appropriate official web page of the State (*operative paragraph ten of the Judgment*);
- b) Duty to organize a public act of acknowledgement of international responsibility for the facts of the case, in the terms of paragraphs 223 to 225 of the judgment. (*operative paragraph eleven of the Judgment*)
- c) Duty to pay the amounts established as compensation for pecuniary and non-pecuniary damage and reimbursement of legal costs and expenses (*operative paragraphs fifteen and sixteen of the Judgment*).

2. In monitoring overall compliance with the Judgment delivered in the instant case and having analyzed the information provided by the State, the Commission and the representatives, the Court will maintain open the procedure for monitoring compliance with those aspects still pending compliance in the instant case, namely:

- a) Duty to conduct the domestic investigations that are underway effectively and, if applicable, those opened in future to identify, prosecute and, when applicable, punish all those responsible for the extrajudicial execution of Senator Manuel Cepeda Vargas (*operative paragraph eight of the Judgment*);
- b) Duty to adopt all necessary measures to guarantee the safety of the next-of-kin of Senator Manuel Cepeda Vargas and to prevent them from having to move or to leave the country again as a result of threats, or acts of harassment or persecution against them following notification of the Judgment (*operative paragraph nine of the Judgment*);
- c) Duty to prepare a publication and make an audio-visual documentary on the political life, journalism career and political role of Senator Manuel Cepeda Vargas, in coordination with the next-of-kin, and disseminate it (*operative paragraph twelve of the Judgment*);
- d) Duty to award a grant bearing the name of Manuel Cepeda Vargas (*operative paragraph thirteen of the Judgment*) and
- e) Duty to provide the medical and psychological treatment that the victims require (*operative paragraph fourteen of the Judgment*).

AND DECIDES:

1. To order the State to continue adopting all such measures as may be necessary to effectively and promptly comply with any pending aspects ordered in the Judgment delivered the Court, in accordance with Article 68(1) of the American Convention on Human Rights.
2. To request the State to submit to the Inter-American Court of Human Rights, no later than April 30, 2012, a report specifying such measures as may have been adopted to comply with the reparations ordered by this Tribunal which remain unfulfilled, according to the terms of Considering clause 12, 13, 21, 30 and 34 of this Order.
3. To call upon the representatives of the victims and the Inter-American Commission on Human Rights to submit the observations they deem pertinent to the State report referred to in the preceding operative paragraph, within a term of two and four weeks, respectively, as from the date of receipt of the report.
4. To continue monitoring the aspects of the Judgment on preliminary objections, merits, reparations and legal costs of May 26, 2010, that are still pending compliance.
5. To require the Secretariat of the Court to notify this Order to the State, the Inter-American Commission and the victims or their representatives.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary