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REPORT No. 133/25
PETITION 230-15
ADMISSIBILITY REPORT

RAMIRO ALFONSO MOLINA BALBÍN & FAMILY MEMBERS
COLOMBIA

Approved electronically by the Commission on July 19, 2025.

Cite as: IACHR, Report No. 133/25. Petition 230-15. Admissibility. Ramiro Alfonso Molina Balbín and family members. Colombia. July 19, 2025.

I. PETITION DETAILS

Petitioner:	Javier Leonidas Villegas Posada
Alleged victims :	Ramiro Alfonso Molina Balbín, Gloria Cecilia Vélez Balbín, Claudia Marcela Molina Vélez, Ricardo Alberto Molina Vélez, María Clarisa Balbín Agudelo, Aura Elena Molina Balbín, Beatriz Amparo Molina Balbín, Martha Dolly Molina Bolbín and Jader Orlando Molina Balbín
Respondent State:	Colombia ¹
Rights invoked:	Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 22 (movement and residence), and 25 (judicial protection) of the American Convention on Human Rights ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	March 31, 2015
Additional information received during the study stage:	October 4, 2018, October 10, 2019, January 10, 2020, and April 7, 2025
Notification of the petition to the State:	November 23, 2022
The State's Response:	March 31, 2023
Warning about possible archiving:	August 8, 2018
Response of the petitioner to the warning of possible archiving:	August 17, 2018

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione Temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention (deposit of the instrument of ratification made on July 31, 1973)

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

Duplication of proceedings and international <i>res judicata</i>:	No
Rights declared admissible:	Articles 4 (life), 5 (humane treatment), 8 (right to a fair trial), 17 (protection of the family), and 25 (judicial protection) of the American Convention, in relation to Article 1(1) (obligation to respect rights)
Exhaustion of domestic remedies or admissibility of an exception:	Yes, under the terms of Section VI
Timeliness of petition:	Yes, under the terms of Section VI

¹ In accordance with the provisions of Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate or decision in this case.

² Hereinafter "the American Convention" or "the Convention."

³ The observations of each party were duly forwarded to the opposing party.

V. POSITION OF THE PARTIES

The petitioner

1. The petitioner alleges the international responsibility of the State in the murder of Ramiro Alfonso Molina Balbín (hereinafter also "Mr. Molina Balbín"), due to the failure to adopt protective measures to prevent this event, despite his requests for protection and the fact that he was the victim of kidnapping and threats by a criminal group.

The kidnapping of members of the Molina Vélez family

2. The petitioner relates that at about 11:00 p.m. on December 11, 2002, Mr. Ramiro Alfonso Molina Balbín and his son, Ricardo Alberto Molina Vélez, were on their way to their residence in their family vehicle in the city of Medellín when men in uniform with National Police emblems and weapons intercepted them. He highlights that the motorcycles of the uniformed men also bore the logo of the police, and the men indicated to the alleged victims that Mr. Molina Balbín had an arrest warrant for the crime of illicit enrichment. Under this pretext, they were taken handcuffed in their own vehicle to a mechanic's shop west of Medellín, where they were left tied up in the custody of several men in civilian clothes. There, he narrates that the men forced Mr. Molina Balbín to ingest a capsule that left him unconscious and took him away in an ambulance. In addition, they tied the hands of the young Molina Vélez, stripped him off his phone and the money he was carrying, and locked him in the trunk of his father's car.

3. The petitioner states that Mr. Ricardo Alberto Molina Vélez managed to free himself and reported the fact to the authorities. After four days without any news of Mr. Molina Balbín's whereabouts, on December 15, 2002, the Molina Vélez family received a call from an individual who identified himself as a member of the 34th Front of the Revolutionary Armed Forces of Colombia (hereinafter "FARC") guerrilla group, who informed them that their relative had been kidnapped and demanded that they pay a sum of six million dollars for his release. With this, the petitioner indicates that the family began a dangerous and painful negotiation with the guerrillas, while the Unified Action Group for Personal Liberty (hereinafter "Gaula") of the National Police began to investigate the identity and whereabouts of those responsible.

4. The petitioner states that the family collected another sum that they had negotiated through loans, and given their inexperience in the matter, they appointed several negotiators, with whom the kidnapping group agreed to meet on February 14, 2003. Mr. Molina Balbín's wife, Mrs. Gloria Cecilia Vélez, went to the site, where she delivered approximately USD\$. \$101,360 to the commander of the FARC's 34th Front, who released Ramiro Alfonso Molina Balbín, but held Mrs. Gloria Cecilia Vélez demanding payment of a new sum of about USD \$50,000 more. After an arduous negotiation and the payment of USD\$. \$50,000 freed Mrs. Vélez nine months later, on November 12, 2003, with the intervention of the Catholic Church.

Homicide of Mr. Ramiro Alfonso Molina Balbín

5. The petitioner emphasizes that after Mrs. Vélez's release, the State decided to withdraw the escort service provided to the Molina Vélez family; and although in the framework of the investigation it was possible to capture several persons identified in the transactions carried out by the alleged victims, the risk remained because there were still several perpetrators not captured and the collaboration of Mr. Molina Balbín had been crucial in investigating and capturing those responsible. In view of the withdrawal of the protection scheme granted to them by the police, the petitioner indicates that on January 27, 2005, he asked the Gaula to assign the scheme because of the risk that would correspond to him as a collaborator of justice, but that entity never replied to the request. For this reason, the alleged victim filed an action for protection (tutela) that resulted in the Metropolitan Police authorizing the polarization of the alleged victim's vehicle on February 20, 2004 as a protection measure. The petitioner emphasizes that due to the lack of protection of the Gaula, on November 8, 2005, unknown individuals murdered Mr. Ramiro Alfonso Molina Balbín when he approached a parking lot where he had his vehicle.

Judicial proceedings initiated as a result of the kidnapping

6. With respect to the proceedings following these events, the petitioner notes that the Prosecutor's Office conducted an investigation into the kidnapping of Mr. Molina Balbín (processed under number 610446) in which an arrest warrant was issued against the commander of the FARC's 34th Front, who accepted an early sentence and was sentenced to 420 months in prison. Three police officers and four civilians were linked to the trial, and on 1 September 2006 they were sentenced to 30 and 32 years' imprisonment for the abduction of the alleged victim. Inspector Six Regional Delegate of the National Police also opened a disciplinary investigation against several officials of the National Police for the abduction of Mr. Molina Balbín, and on 1 December 2005 he declared the responsibility of two police officers involved in the events and dismissed them from office and imposed on them disqualification from holding public office for five years.

7. On March 2, 2005, the Molina Vélez family sued the Nation before the contentious-administrative jurisdiction for the kidnapping of Mr. Molina Balbín. It indicates that on March 2, 2005, the Administrative Court of Antioquia issued a ruling unfavorable to the plaintiffs and they appealed the decision to the Council of State, but it does not state how that process ended, nor what were the grounds for the dismissal judgment.

Proceedings brought following the murder of Mr. Molina Balbín

8. On the other hand, with respect to the murder of Mr. Molina Balbín, the petitioner indicates that the investigation opened was conducted under file number 1008594 of the Life Unit of the Medellín Prosecutor's Office, but it was closed on February 27, 2007, when an inhibitory resolution issued by that entity became enforceable. With this decision, the petitioner contends that the State rendered null and void the alleged victims' rights to truth and justice.

9. They also filed a lawsuit for direct reparation for the alleged victim's murder on November 8, 2005. He relates that on November 11, the Administrative Court of Antioquia issued a judgment denying his claims in the first instance. However, on August 6, 2018, the Council of State revoked that ruling, and condemned the State for the lack of prevention in the murder of Mr. Molina Balbín. However, the petitioner considers that the judgment did not offer comprehensive reparation measures to the family, since it did not order an investigation against the officers responsible for the failure to respond and to carry out risk studies on the family.

The Colombian State

10. For its part, the State submits its observations only on the murder of Mr. Molina Balbín and replies that the present petition is inadmissible because it was lodged in untimely manner, since it exceeds the six-month period established in Article 46(1)(b) of the American Convention for the submission of petitions. It also alleges the failure to exhaust domestic remedies, and the configuration of the so-called 'doctrine of the fourth international instance' in the present case.

11. With respect to the facts alleged, the State adds that the Office of the Prosecutor began an investigation into the murder of Mr. Molina Balbín on November 8, 2005, in which it received the testimony of ten persons and linked four by means of a free statement. However, finding no serious evidence of authorship, it issued an inhibitory decision on February 14, 2007, since it was not possible to identify those responsible. On the other hand, it points out that, in the contentious-administrative proceedings, the claims of the alleged victims for compensation were rejected at first instance on 11 November 2011 and granted at second instance on 19 July 2018 by the Council of State.

12. Regarding the inadmissibility of the petition, the State argues, first, that it exceeded the six-month filing period established in Article 46(1)(b) of the American Convention, since the decision that exhausted the criminal proceedings was the inhibitory resolution issued on February 14, 2007, and in view of the fact that the petitioner filed its international complaint on March 31, 2015, 8 years, one month and 17 days

have passed since the ruling that closed the investigation. Consequently, it considers that the present petition is inadmissible because it was out of time.

13. In the alternative, it alleges the failure to exhaust domestic remedies, in violation of the provisions of Article 46(1)(a) of the Convention. In this regard, it recalls that this requirement is based on the principle of subsidiarity of the Inter-American System for the Protection of Human Rights with the aim of allowing the national authorities to know about the alleged violation of protected rights in order to resolve and repair it before resorting to the international body. In the instant case, Colombia asserts that the tutela action was the mechanism provided for in the legislation then in force to challenge the inhibition resolutions issued by the prosecutor's office when there is a violation of human rights. It bases this argument on the jurisprudence of the Supreme Court of Justice and the Constitutional Court, as well as decisions of inadmissibility of the IACHR for the failure to file the tutela action against the inhibition decisions.

14. Finally, Colombia states that the present petition falls within the 'formula of the fourth international instance', whereby the organs of the inter-American system do not have the power to review the orders emanating from the national courts acting within their sphere of competence and in application of judicial guarantees, since the Commission is not an appellate court to examine alleged errors of fact or law. Thus, the review of a judicial decision will only be appropriate when it concerns a violation of the rights contained in the American Convention. In this regard, Colombia states that the petitioner seeks that the IACHR review the judgments issued in the contentious-administrative proceeding, despite the fact that they respected the guarantees of due process, and, in the second instance, it turned out to be favorable to the interests of the alleged victims. Therefore, it requests that the instant case be declared inadmissible, in accordance with the provisions of Article 47(b) of the Convention in this regard.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIME LIMIT FOR SUBMISSION

15. This petition deals with the lack of prevention and reparation for the murder of Ramiro Alfonso Molina Balbín. The State asserts that the present petition is untimely in the face of the criminal proceedings, because it was filed more than eight years after its completion; and, in the alternative, it is inadmissible for failure to exhaust the tutela action against the inhibitory resolution issued by the Prosecutor's Office. The petitioner does not submit additional observations in this regard, nor does it dispute these allegations.

16. The IACHR recalls that Article 46(1)(a) of the American Convention provides that in order for a petition to be admissible, it is necessary that the remedies under domestic law have been pursued and exhausted, in accordance with generally recognized principles of international law. From its first jurisprudence, in the Velásquez Rodríguez Case, the Inter-American Court established the fundamental criteria of this norm in the following terms:

It follows, in the first place, from the generally recognized principles of international law that it is a rule whose invocation may be waived expressly or implicitly by the State that has the right to invoke it [...] Second, that the objection of non-exhaustion of domestic remedies, in order to be timely, must be raised in the early stages of the proceedings, failing which it may be presumed that the State concerned has tacitly waived its right to avail itself of it. Third, that the State alleging non-exhaustion is responsible for indicating the domestic remedies that must be exhausted and their effectiveness⁴.

17. For the analysis of the exhaustion of domestic remedies in the present case, the IACHR recalls that, according to its consolidated and reiterated practice, in order to identify the appropriate remedies that should have been exhausted by a petitioner before resorting to the Inter-American System, the first

⁴ Inter-American Court of Human Rights. Case of Velásquez Rodríguez v. Honduras. Preliminary Objections. Judgment of June 26, 1987. Series C No. 1, para. 88; in the same vein, see more recently the same language in: Inter-American Court. Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 15.

methodological step in the analysis consists of distinguishing the various claims formulated in the corresponding petition in order to proceed to their individualized examination⁵.

18. Along these lines, in the present proceeding, the IACHR observes that the claims made by the petitioners are fundamentally: (a) the failure to prevent the murder of Mr. Molina Balbín; and (b) the lack of comprehensive reparation in favor of his family for said homicide. The Commission will proceed to carry out the exhaustion analysis in relation to each object.

With regard to the failure to prevent the murder of Mr. Molina Balbín

19. With respect to the first complaint, the Commission notes that the alleged victims requested, in a timely manner, the Guala of the police to maintain its security scheme and resorted to the tutela action to guarantee protection for the life of Mr. Molina Balbín. However, the resources to achieve their protection were neither adequate nor effective. In this regard, the Commission notes that the family was persecuted and turned into the object of a criminal association composed of guerrillas and police, that Mr. Molina Balbín collaborated with the authorities to reveal the identity of those responsible for his kidnappings and requested protection until his murder was consummated.

20. These are sufficient indications to consider, *prima facie*, that the remedies and protection mechanisms were not sufficient in the present case, despite the fact that the alleged victims informed the authorities of their security situation, and even so, a risk assessment was never carried out. The Commission therefore considers that the issue of exhaustion of domestic remedies is inextricably linked to the alleged violations of the American Convention, in terms of the failure to comply with the duty of prevention in relation to Mr. Molina Balbín's right to life. Given the interconnection between these elements, the Commission concludes that the most in-depth analysis of exhaustion of domestic remedies corresponds to the merits stage, so that this issue differs from that procedural moment.

21. In addition, given that the murder of Mr. Molina Balbín occurred on November 8, 2005, and his family members have raised their claims continuously, and in view of the fact that the petition was filed on March 31, 2015, the IACHR concludes that it was filed within a reasonable period of time under the terms of Article 32(2) of the Commission's Rules of Procedure.

With respect to the request for compensation as part of the comprehensive reparation

22. With respect to the second complaint concerning the lack of comprehensive reparation, the Commission notes that the petitioner filed a demand for direct reparation that culminated in the decision issued by the Council of State on July 19, 2018. Given that the petition was filed on March 31, 2015; considers that it meets the requirements set forth in Articles 46(1)(a) and (b) of the American Convention.

VII. ANALYSIS OF A COLORABLE CLAIM

23. The Commission observes that the present petition includes allegations related to the failure to prevent the murder of Mr. Molina Balbín and the ineffectiveness of the contentious-administrative process to provide comprehensive reparation to the Molina Vélez family, including the order to investigate the public officials involved in the events. The State, for its part, maintains that the complaint falls under the so-called formula of the fourth international instance because the petitioner seeks that the IACHR review the judgment of direct reparation as an appellate court, without there being any human rights violations in the process.

24. The Commission reiterates that the criterion for evaluating the admissibility phase differs from that used to rule on the merits of a petition; at this stage, the IACHR must carry out a *prima facie* evaluation to determine whether the petition identifies the basis for the possible or potential violation of a right guaranteed by the Convention. but not to establish the existence of a violation of rights. This determination on

⁵ IACHR, Report No. 279/21. Petition 2106-12, Admissibility, Huitosachi, Mogótavo, and Bacajipare Communities of the Rarámuri Indigenous People, Mexico, October 29, 2021, para. 29.

the characterization of violations of the American Convention constitutes a primary analysis that does not imply prejudging the merits of the case. For purposes of admissibility, the Commission must decide whether the alleged facts may constitute violations of rights, as stipulated in Article 47(b) of the American Convention, or whether the petition is "manifestly groundless" or "manifestly out of order," pursuant to Article 47(c) of the American Convention.

25. In the first place, concerning the claim of failure to comply with the duty of prevention, the IACHR considers that the petitioner's allegations are not manifestly unfounded and require a study of the merits; since the alleged facts, if corroborated as true, could characterize violations of Articles 4 (life), 5 (humane treatment), 8 (fair trial), 17 (protection of the family) and 25 (judicial protection) of the American Convention on Human Rights.

26. With respect to the second claim for compensation, the Commission recalls that the right of access to justice derived from the joint reading of Articles 8(1) and 25(1) of the American Convention "*confers on the relatives of the victims the right to reparation for the damages suffered by the death of their loved ones.*"⁶ However, the IACHR has limited its analysis of the violation of the right to access an effective judicial remedy to that it is not limited to determining a specific amount of compensation or replacing the domestic courts when the alleged victims are dissatisfied with the amounts awarded at the domestic level.⁷

27. In the instant case, the IACHR notes that the petitioner argues that the judgment ordering compensation in his favor did not constitute a form of comprehensive reparation because it did not order an investigation into the criminal responsibility of the state officials involved. However, the Commission considers that this was not the appropriate remedy to investigate this type of responsibility, as was the criminal jurisdiction.

28. The Commission reiterates that it cannot review judgments in proceedings that respected judicial guarantees of a fair trial and in which no substantive violations are alleged, particularly because it has been proven that the remedy used was effective in obtaining the compensation sought by the alleged victims. However, the petitioner's allegations concerning the contentious-administrative proceeding do not detail any violation of the rights protected by the Convention, but refer to a proceeding of a different nature, the remedies for which they have not exhausted.

29. Consequently, the petition must be declared inadmissible in this regard because the existence of violations of the rights contained in the American Convention in the context of the contentious-administrative proceeding has not even been *prima facie* proven. However, the Commission, at the merits stage, may establish the reparations that correspond to the possible violation of the rights to life, humane treatment, and protection of the family.

VIII. DECISION

1. To declare this petition admissible in relation to Articles 4, 5, 8, 17, and 25 of the American Convention, in connection with Article 1(1) thereof; and

2. To notify the parties of this decision; to continue with the analysis of the merits of the matter; and publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

⁶ IACHR, Report No. 62/01, Case 11.564, Riofrío Massacre, Colombia, April 6, 2001, para. 44; and IACHR, Report No. 52/16, Case 12.521, Merits, Maria Laura Ordenes Guerra et al., Chile, November 30, 2016, para. 105.

⁷ See IACHR, Report No. 173/22, Petition 916-10, Inadmissibility, Hernando Martínez Novoa et al., Colombia, July 22, 2022, paras. 15 and 16; and IACHR, Report No. 12/22, Petition 1035-11, Admissibility, Blanca Ruth Sánchez de Franco and Family, Colombia, February 9, 2022, para. 12.

Approved by the Inter-American Commission on Human Rights on the 19th day of the month of July, 2025.
(Signed:) José Luis Caballero Ochoa, President; Arif Bulkan, Second Vice President; Roberta Clarke, and Gloria Monique de Mees, Commissioners.