

**ADMINISTRATIVE COURT OF CUNDINAMARCA**  
**SECTION ONE**  
**SUBSECTION "A"**

Bogotá D.C. third (3rd) day of May of two thousand twelve (2012)

**Reporting Judge: CLAUDIA ELIZABETH LOZZI MORENO**

**Case File No.: 250002324000-2011-0227-01**

**Plaintiff: ÁNGELA MARÍA MALDONADO RODRÍGUEZ ET AL**

**Defendant: FUNDACIÓN INSTITUTO DE INMUNOLOGÍA DE COLOMBIA (FIDIC), MINISTRY OF ENVIRONMENT, HOUSING AND TERRITORIAL DEVELOPMENT, CURRENTLY MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT ET AL.**

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**POPULAR ACTION**

**SUBJECT - FIRST INSTANCE RULING**

This Court does hereby decide the popular action instituted by Ms. Ángela María Maldonado and Mr. Gabriel Vanegas Torres against Fundación Instituto de Inmunología (Fidic); the Ministry of Environment, Housing and Territorial Development, hereinafter Ministry of Environment and Sustainable Development; the Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) and the delegated prosecutor general for environmental and agricultural matters, which seeks protection of collective rights and interests of: i) the administrative morality, ii) the public security and health and iii) the existence of an ecological balance and the rational management and harvesting of natural resources in order to guarantee sustainable development, conservation, restoration or substitution thereof. The conservation of animal and plant species, protection of areas having special ecological importance, ecosystems located at ....

[...]

## DOES HEREBY RULE

**First: IT IS HEREBY DECLARED** unproven the defense of a **non-standing lawsuit** argued by the then Ministry of Environment, Housing and Territorial Development as explained in the recitals of this ruling.

**Second: IT IS HEREBY DECLARED** that the collective right and interest provided under Article 4(c) of Lay 472 of 1998 were in fact infringed by Fundación Instituto de Inmunología de Colombia (Fidic); the Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) and the Ministry of Environment and Sustainable Development, as explained in the whereas portion.

**Third:** In light of the above, the following decisions are hereby adopted:

1. The Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) **is hereby ordered to revoke within five (5) days from service of this ruling** Resolutions 028 of May 13, 2010 *“Whereby a Permit for Study of Biological Diversity is granted to Fundación Instituto de Inmunología de Colombia - Fidic, for the project “Capture and study for scientific investigation purposes in biological diversity of primates in the basin of the Amazonas River in the Colombian trapezoid-shaped Amazon area”* and Resolution No. 0632 of June 29, 2010 whereby the remedy of appeal lodged against Resolution No. 0028 of May 13, 2010 to Fundación Instituto de Inmunología de Colombia (Fidic) according to the provisions herein.
2. The Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) **is hereby ordered** that in the event no decisions have been issued, the same may be issued fully complying with the due process as applicable in connection with the internal disciplinary investigations ordered on occasion of the expiration of the terms for the administrative inquiry conducted against Fundación Instituto de Inmunología de Colombia under the File No. 108 of 2005.
3. General Prosecutor’s Office **is hereby requested** to examine within the scope of the faculties thereof whether there are any grounds to lodge an action against the officers that conducted the investigation of Fundación Instituto de Inmunología de Colombia (Fidic) docketed under CFA 1074-08 and closed by means of Resolution 1252 of July 1,

2009 issued by the Director of Environmental Licenses, Permits and Procedures of the former Ministry of Environment, Housing and Territorial Development.

4. In the same regard request the General Prosecutor's Office to examine where there are any grounds to start a disciplinary action against the public servants that have failed to regulate to date the minimum charges to be collected by Regional Autonomous Corporations in regard to taxes, fees, duties and fines for the use and harvesting of renewable natural resources provided under Article 31(1) of Law 99 of 1993.

5. **Abstain** from requesting any investigation of a criminal nature for the hunting of the specie *Aotus nancymae* by the Fidic, insofar as there is a copy of the dismissing Resolution issued by the General Attorney Office 03 of Leticia (Amazonas) issued on June 16, 2010 in favor of Mr. Manuel Eikin Patarroyo Murillo, who is the General Director of Fidic regarding the crimes of illegal harvesting of renewable natural resources and illegal experimentation on plant or animal species, the plaintiffs being hereby advised that they are fully entitled to lodge directly the criminal complaint in the event they hold there is in fact a crime to be investigated.

6. The Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) and the Ministry of Environment and Sustainable Development **are hereby warned** that in the event a permit is issued again to Fundación Instituto de Inmunología de Colombia (Fidic) related to the one that was ordered to be revoked, the same must be issued in full compliance with the legal provisions, namely with technical support as to the number and specific specie of fauna to be captured, the conditions of transportation, confinement and repopulation thereof, as well as the implementation of an animal breeding site of the specimens subject matter of the study. Likewise, the effects on the public health of the community dwelling in the geographical area authorized for the release to their natural surroundings of the species inoculated for obtaining a vaccine against malaria and splenectomized, all the above while observing the protocols duly approved for such purposes.

And in case a new permit is issued the aforesaid entities are to perform duly and effectively the control and surveillance functions thereof in order to ensure proper fulfillment of the obligations imposed on the permit receiver.

7. The Ministry of Environment and Sustainable Development **is hereby granted** a term of 3 months to issue the regulations intended to establish the minimum charges provided under Article 31 of Law 99 of 1993 according to the provisions under Decree 1608 of 1978.

8. The Delegated Prosecutor Office for environmental and agricultural matters **is hereby requested** to enforce the prevention and intervention duties thereof in the event a new permit is granted to the Fundación Instituto de Inmunología de Colombia that this action refers to.

9. The Verification Committee established under Article 34 of Law 472 of 1998 **is hereby formed**, which committee shall be composed of the Judge hearing the case, the plaintiffs of the popular action, a delegate from the Prosecutor Office Delegated for Environmental and Agricultural Matters, a delegate from the Corporation for the Sustainable Development of Southern Amazonia (Corpoamazonía) a delegate from the Ministry of Environment and Sustainable Development, a delegate from the Instituto Amazónico de Investigaciones Científicas (Sinchi) and a delegate from Instituto de Investigación de Recursos Biológicos Alexander von Humboldt that shall monitor compliance of the orders issued herein.

**Fourth:** The economic incentive claimed by the plaintiffs **is hereby DENIED**, as explained in the recitals section above.

**Fifth:** A copy of this ruling **is caused to be submitted** to the Ombudsman for the purposes provided under Article 80 of Law 472 of 1998.

**Sixth:** No court costs are established in this instance.

BE IT SERVED AND ENFORCED

*Illegible Signature*

CLAUDIA ELIZABETH LOZZI MORENO  
Judge

*Illegible Signature*

FELIPE ALIRIO SOLARTE MAYA  
Judge

*Illegible Signature*

DIANA LUCÍA PUENTES TOBÓN  
Judge

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ADMINISTRATIVE COURT OF CUNDINAMARCA  
SECTION ONE SECRETARY  
SERVICE TO THE JUDICIAL PROSECUTOR  
Bogotá D.C., June 28, 2012 I do hereby acknowledge  
personal service of the above ruling.

The Judicial Prosecutor *Illegible Signature*  
The Secretary, \_\_\_\_\_

ADMINISTRATIVE COURT OF CUNDINAMARCA  
SECTION ONE SECRETARY  
SERVICE TO THE JUDICIAL PROSECUTOR

Case File No. 2011-227 Plaintiff Angelica Maldonado and Gabriel Vanegas  
Bogotá D.C., June 25, 2012 As Authorized by the Secretary of the Section personal service  
is hereby made to Gabriel Vanegas Torres Citizenship Card 79 155 936  
Issued in Usaquen and Professional Attorney Card No. 74.887 of the Superior Council for  
the Judiciary of the ruling dated May 3/12.  
The Served Party *Illegible Signature*  
The Secretary *Illegible Signature*

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END OF TRANSLATION

Bogotá D.C., July 5, 2012

This translation was prepared by Diego Vargas, sworn Spanish-English translator.

*Diego F. Vargas*  
**DIEGO F. VARGAS Z.**  
TRADUCTOR E INTERPRETE OFICIAL  
ESPAÑOL - INGLÉS - INGLÉS - ESPAÑOL  
RES. 0001 DE ENERO 4 DE 1999  
MINISTERIO DE JUSTICIA