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REPORT No. 34/19
CASE 11.990 A
FRIENDLY SETTLEMENT REPORT

OSCAR ORLANDO BUENO BONNET ET AL.
COLOMBIA

Approved electronically by the Commission on March 29, 2019

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FRIENDLY SETTLEMENT
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I. SUMMARY AND RELEVANT PROCEEDINGS RELATED TO THE FRIENDLY SETTLEMENT PROCESS

1. On March 9, 1998, the Inter-American Commission of Human rights (hereinafter “the Commission” or “the IACHR”) received a petition presented by *Humanidad Vigente*, the Legal Corporation, and the José Alvear Restrepo Attorneys' Collective (hereinafter “the petitioners”), which alleged the international responsibility of the Republic of Colombia (hereinafter “the State” or “the Colombian State”) for the extrajudicial execution of Oscar Orlando Bueno Bonnet, Jefferson González Oquendo, and Jean Carlo Cavarique -the latter being a minor- (hereinafter “the alleged victims”) by agents of the Colombian State, on January 10, 1997, in the Department of Arauca, and for failure to investigate and punish the parties responsible.

2. The petitioners argued that the State is responsible for the violation of Articles 4 (right to life), 5 (humane treatment), 8 (right to a fair trial), 13 (freedom of thought and expression), 19 (rights of the child), and 25 (right to judicial protection) of the American Convention on Human Rights (hereinafter “the American Convention”), all in accordance with general obligation to respect and guarantee rights, as set forth in Article 1(1) of that instrument.

3. On October 23, 2010, the IACHR issued Admissibility Report No. 124/10. In its report, the IACHR concluded that it was competent to consider the alleged violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 13 (freedom of thought and expression), 19 (rights of the child), and 25 (right to judicial protection) of the American Convention on Human Rights, in accordance with Article 1.1 of that instrument.

4. In January 2013, the parties began the search for a friendly settlement, which led to conclusion of a friendly settlement agreement (hereinafter “FSA” or “agreement”) on May 6, 2015, in the context of a working meeting, held by the parties and attended by the Commission, during a working visit to Colombia by Commission member José Jesús Orozco, IACHR Rapporteur for Colombia. In that agreement, the State acknowledged its international responsibility for the violation of the rights enshrined in Articles 4 (right to life) to the detriment of young Oscar Orlando Bueno Bonnet, Jhon Jairo Cavarique, and Jefferson González Oquendo, and of Articles 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection) to the detriment of the victims and their family members.

5. The parties signed two addenda to the FSA, on March 3 and December 11, 2017. Also, on February 12, 2019, in the context of a working meeting at the 171 Period of Sessions, in the city of Sucre, Bolivia, facilitated by Commission member Francisco Jose Eguiguren, IACHR Rapporteur for Colombia, the parties signed a definitive FSA incorporating the aforementioned amendments and jointly requested approval of the FSA.

6. In the context of that working meeting, the parties informed the Commission that they had lost contact with the relatives of Jhon Jairo Cavarique; for that reason, since it was impossible to verify his consent to reach a friendly settlement agreement, they had proceeded to separate his petition from this case and exclude him from the friendly settlement agreement. The parties also indicated, with respect to Jefferson González Oquendo, that a filiation process would be conducted to trace the paternal family line to a possible beneficiary of the FSA, for which reason the measures in his favor were agreed on a contingency basis. Lastly, the parties agreed that the petitioners would remit an Annex to the Approval Report listing the beneficiaries of

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commission member Luis Ernesto Vargas, a Colombian national, did not participate in the discussion of and decisions on this case.

the friendly settlement agreement to facilitate its implementation, which was received on February 28th, 2019 and transmitted to the State. On March 21, 2019, the State indicated its acceptance of the content of the Annex.

7. In this friendly settlement report, as provided in Article 49 of the Convention and Article 40.5 of the Rules of Procedure of the Commission, a summary is given of the allegations made by the petitioners and the text is given of the friendly settlement agreement, signed on May 6, 2016,² by the petitioners and representatives of the Colombian State. It also approves the agreement signed by the parties and sets forth the decision to publish this report in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

8. The petitioners alleged that Oscar Bueno Bonnet was wounded by gunshot, after which he continued to run for approximately 200 meters, until one of the agents reached him and shot him numerous times with a rifle, killing him. Later, Jefferson González was chased by one of the soldiers along three streets to the garden of a residence, where he too was executed extrajudicially. Finally, the petitioners indicated that Jean Carlo Cavarique, age 17, was cornered against a wall and riddled with bullets by another soldier.

9. As for the criminal investigation, the petitioners alleged that on January 14, 1997, the 124th Military Criminal Court had begun an investigation. On April 21, 1997, the father and wife of Oscar Bueno lodged a complaint in ordinary court, pertaining to the murder of the alleged victims by members of the National Army. On May 20, 1997, the 40th Sectional Prosecutor Delegate to the judges of the Saravena Circuit Court had initiated a preliminary investigation. However, the petitioners indicated that the Prosecutor had sent the case to the 124th Military Criminal Investigating Magistrate (hereinafter “Military Criminal Court”), which had issued a writ of prohibition on July 24, 1997, reasoning that “the servicemen involved acted in self-defense in a combat situation.”

10. The petitioners stated that on May 13, 1998, the Military Criminal Court had revoked the writ of prohibition and opened a formal investigation of Sergeant Carlos Medina, Lieutenant Diego Martínez, and soldier Reimond Piñerez concerning the alleged crime of murder during combat. Later, on July 13, 1998, the Public Prosecutor had asked the Military Criminal Court to invoke a conflict of jurisdictions with the ordinary criminal court, in light of serious inconsistencies in the investigation of the events described.

11. The petitioners stated that on October 2, 1998, the Military Criminal Court had rejected the request of the Public Prosecutor and sent the case to the Supreme Military Tribunal, which had confirmed the decision taken by the Military Criminal Court on April 6, 1999. On June 23, 2000, the Military Criminal Court had closed the pre-trial proceedings, declining to issue an order to detain the three members of the National Army.

12. As for the disciplinary investigation, the petitioners stated that the Delegate Prosecutor for Human Rights had begun a disciplinary investigation, on May 28, 1999, of the members of the National Army patrol attached to the Reveis Pizarro Battalion. However, that investigation was shelved under the statute of limitations on March 15, 2002.

13. Finally, as for the contentious administrative procedure, the petitioners stated that on December 18, 1998, the relatives of Oscar Bueno and Jefferson González had presented claims to the Contentious Administrative Tribunal of Arauca against the Nation, specifically the Ministry of Defense. According to the petitioners, on September 9, 1999, the Contentious Administrative Tribunal had declared the Nation, specifically the Ministry of Defense, administratively responsible for the death of Oscar Bueno and Jefferson González at the hands of members of the National Army.

III. FRIENDLY SETTLEMENT

² Amended by the parties on March 3 and December 11, 2017, and February 12, 2019.

14. On May 6, 2015, in the city of Bogotá, Colombia, the State, represented by Juanita Maria Lopez Patron, and the petitioners, represented by the José Alvear Restrepo Attorneys' Collective, represented by Jomary Ortegon Osorio and Rafael Barrios Mendivil, and the legal corporation *Humanidad Vigente*, represented by Olga Lilia Silva, signed a Friendly Settlement Agreement. That FSA was amended jointly by the parties on March 3 and December 11, 2017, and on February 12, 2019, the definitive agreed text provides as follows:

DEFINITIVE FRIENDLY SETTLEMENT AGREEMENT³
CASE 11.990 A
OSCAR ORLANDO BUENO BONNET AND OTHER

BACKGROUND

1. In the context of the Fourth National Seminar on the Friendly Settlement Mechanism, held in the city of Bogotá, the Friendly Settlement Agreement was signed on May 6, 2015.
2. Given the difficulties in executing some of the satisfaction measures agreed upon in the friendly settlement agreement, the parties decided to sign two addenda to the Friendly Settlement Agreement, on March 3 and December 11, 2017.
3. The agreed satisfaction measures include the following:
 - a) An act of public apology in the municipality of Saravena, Department of Arauca, headed by a high government official, with the participation of public officials and the region's nongovernmental human rights organizations. The act of acknowledgement of responsibility will be carried with active participation by family members of the victims. It will acknowledge the State's responsibility under the terms established in this Agreement. This measure will be fulfilled within one year from the signature of this Agreement and will be entrusted to the Presidential Council for Human Rights.
 - b) Production of a mobile mural, as a measure to prevent the recurrence of events like those involved in this case. The mural will be produced by agreement with the family members of the victims and their representatives. The State will assume all design and production costs. Implementation of the reparations measure will be entrusted to the Presidential Council for Human Rights. The mural will be delivered to the Mayor of Saravena, who will be responsible for preserving and maintaining it.
4. These satisfaction measures have been fulfilled by the Colombian State.
5. In order to incorporate certain modifications into the Friendly Settlement Agreement and the signed addenda and to join into a single document the definitive text of the Friendly Settlement Agreement, the parties have decided to sign this new document, which will be governed by the following clauses:

³ Numbering of clauses outside the original text of the agreement.

ONE: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility for the violation of the rights enshrined in Articles 4 (right to life), to the detriment of the Oscar Orlando Bueno Bonnet, Jhon Jairo Cavarique, and Jefferson González Oquendo, and of Articles 5 (right to humane treatment), 8, and 25, to the detriment of the victims and their family members because of the events that occurred on January 10, 1997, in which members of the Armed Forces shot young Oscar Orlando Bueno Bonnet, Jhon Jairo Cavarique, and Jefferson González Oquendo, in Saravena (Arauca), as they rode two motorcycles through the center of that municipality. Upon hearing the shots, Oscar Orlando Bueno Bonnet chose to flee the area and proceeded for approximately 200 meters, then encountered a member of the Armed Forces, who shot him fatally. For their part, upon passing the checkpoint and hearing the shots, young Jhon Jairo Cavarique and Jefferson González Oquendo got off the motorcycle and raised their arms in the air to show they were unarmed and not resisting in any way. They immediately began to run, pursued by some Armed Forces members posted at the checkpoint. Young Jhon Jairo Cavarique was pursued as far as Carrera 16 A at Calle 30, where the homicide took place. Jefferson González Oquendo was pursued along three streets. When the young man apparently sought refuge in the front yard of a residence, he was found by one of the members of the Armed Forces, who shot him fatally.

SECOND: MATTERS OF JUSTICE

The parties recognize the progress made in matters of justice in this case. However, the State undertakes to continue pursuing its obligation to investigate, prosecute, and punish the parties responsible for the events.

THIRD: SATISFACTION MEASURES

The State undertakes to implement the following satisfaction measures:

1. Publication of the facts: The Colombian State undertakes to publish the ACHR Article 49 report issued by the IACHR, which approves the definitive Friendly Settlement Agreement, on the websites of the Presidential Council for Human Rights and the National Legal Defense Agency of Colombia.
2. Scholarships and stipends:
 - a) Scholarship and stipend for Kevin Andrey Bueno Solano, son of Oscar Orlando Bueno Bonnet: The State shall grant financial support in the amount of \$70,000,000 (70 million Colombian pesos) to Kevin Andrey Bueno Solano to cover his tuition for an undergraduate higher education program at a Colombian institution of higher learning recognized by the National Ministry of Education and shall cover his living expenses.

The tuition amount will be disbursed by ICETEX in each academic term to the institution to which the beneficiary is admitted; the assistance for living expenses will be disbursed directly to the beneficiary, into the bank account he reports to ICETEX; the amount of this assistance may be divided among the academic terms, anticipating the necessary availability to cover tuition payments. The disbursements will be made until the total amount of financial assistance has been exhausted. The beneficiary must follow in a timely and diligent manner such instructions as are given him to ensure proper administration and execution of these resources.

- b) Scholarship and stipend for Gabriela Esmeralda Bueno Galvis, daughter of Oscar Orlando Bueno Bonnet: The State shall grant financial support in the amount of \$70,000,000 (70 million Colombian pesos) to Gabriela Esmeralda Bueno Galvis to cover her tuition for an

undergraduate higher education program (technical, technological, or professional) at a Colombian institution of higher learning recognized by the National Ministry of Education and shall cover her living expenses.

The tuition amount will be disbursed by ICETEX in each academic term to the institution to which the beneficiary is admitted; the assistance for living expenses will be disbursed directly to the beneficiary, into the bank account she reports to ICETEX; the amount of this assistance may be divided among the academic terms, anticipating the necessary availability to cover tuition payments. The disbursements will be made until the total amount of financial assistance has been exhausted.

By way of exception, and solely for this case, should she decide to pursue a postgraduate higher education program, and as long as the resource has not been exhausted, ICETEX may issue the disbursements under the same terms as in the case of undergraduate higher education. The beneficiary must follow in a timely and diligent manner such instructions as are given her to ensure proper administration and execution of these resources.

c) Scholarship and stipend for Jefferson Villamizar: The State shall grant financial support in the amount of \$50,000,000 (50 million Colombian pesos) to Jefferson Villamizar to fund his technical or technological education and cover his living expenses. The amount of this support will be increased to \$70,000,000 (70 million Colombian pesos) should the beneficiary choose a professional study program. The beneficiary must carry out the necessary procedures for admission to the educational institution and successfully complete each academic term.

The tuition amount will be disbursed by ICETEX in each academic term to the institution to which the beneficiary is admitted; the assistance for living expenses will be disbursed directly to the beneficiary, into the bank account he reports to ICETEX; the value of this assistance may be divided among the academic terms, anticipating the necessary availability to cover tuition payments. The disbursements will be made until the total amount of financial assistance has been exhausted. The beneficiary must follow in a timely and diligent manner such instructions as are given him to ensure proper administration and execution of these resources.

This scholarship will be granted to Jefferson Villamizar as long as a judicial ruling confirms him as the son of Mr. Jefferson González Oquendo.

FOUR: GUARANTEES OF NON-REPETITION

The Presidential Council for Human Rights, through the Technical Secretariat of the Intersectoral Commission for Prevention of the Recruitment of, Use of, and Sexual Violence against Children, will guide the implementation of the protective prevention plan in the Department of Arauca and the municipality of Saravena, in order to increase the capacity of territorial authorities and national agencies to respond to imminent, individual threats to the rights of children and protect them from any means of recruitment, use, sexual violence, and stigmatization. This protective prevention plan is to be used as a guide for action by local authorities, national agencies, society, the community, and the family, and may also be employed in various interagency coordination scenarios.

In addition, the Technical Secretariat of the Intersectoral Commission, by agreement with the territorial agencies, may define target groups among this population for work on a map of rights that will provide inputs to the municipality and the Department in the formulation of government policies to guarantee their rights, taking into account their views and their active participation, thereby emphasizing their status as right-holders. This work may involve participation by victims' representatives—*Humanidad Vigente*—because of their work in this area to benefit children and young people.

To implement the guarantee of non-repetition established in the Friendly Settlement Agreement, the Presidential Council for Human Rights, through the Technical Secretariat of the Intersectoral Commission for Prevention of the Recruitment of, Use of, and Sexual Violence against Children, and in order to achieve the formulation and adoption of plans to prevent recruitment and use of children in the municipality of Saravena, will conduct the following activities:

- a) Mapping of rights with children, by way of four workshops, each lasting four to five hours, with four different groups of 25 children and young people of the municipality, to assess perceptions about the implementation and exercise of rights.
- b) Workshop to share the findings of the mapping exercise with children and institutions.
- c) Workshop to devise a prevention plan for the three phases of recruitment, together with local institutions and authorities.
- d) Participatory workshop with children to identify inputs for incorporation into the new public policy instrument.
- e) Training of Armed Forces in the differentiated approach to children.

In the implementation of these measures, it is important to specify that:

- a) Before the rights mapping activity with children, a preparatory meeting or workshop will be held with representatives of the victims and/or young people of the area. The activity will be planned out and an agreement will be reached about how to publicize the findings.
- b) The outcome of the mapping and other workshops will provide input for identifying the dynamics of risk and options for dealing with obstacles to the exercise of rights, and may be included in the formulation of the plans to prevent recruitment in the municipality.
- c) The exercise will be conducted in the context of the case and of the friendly settlement reached, and will stem from a rights perspective, understood as prevention measures included among the measures or guarantees of non-repetition, and from the perspective of meaningful reparations that will repair the social fabric.

This measure will be implemented within one year from the signature of this agreement.

FIVE: MONETARY REPARATIONS

The State undertakes to implement Act 288 of 1996, once this Friendly Settlement Agreement has been approved through issuance of the ACHR Article 49 report, for the purpose of remedying such material or non-material damage as may be proven to have been caused to the family members of the victims listed in the attachment, as long as their legitimacy has been verified and they have not been indemnified under Contentious Administrative Jurisdiction. The Ministry of Defense will be the agency charged with implementing Act 288 of 1996.

SIX: APPROVAL AND FOLLOW-UP

The parties request the Inter-American Commission on Human Rights to approve this Agreement and its follow-up.

This agreement was approved by the state entities charged with executing the reparation measures.

ANNEX

List of relatives of the victims recognized by the parties in relation to Case 11.990 A Oscar Orlando Bueno Bonnet y Jefferson Darío González Oquendo⁴.

FAMILY OF OSCAR ORLANDO BUENO BONNET	
NAME	RELATION TO THE VICTIM
Carlos Eugenio Bueno Bonnet	Brother
Alberto Vicente Bueno Bonnet	Brother (deceased)
Luis Ernesto Bueno Bonnet	Brother
Luis Ernesto Bueno Villamizar	Father (deceased)
Alba Rosa Bonnet Duran	Mother
Kevin Andrey Bueno Solano	Son
Gabriela Bueno Galvis	Daughter
Maria Teresa Villamizar Angarita	Grandmother (Foster mother of Kevin Bueno)
Yajaira Solano Villamizar	Partner — Biological mother of Kevin Bueno (disappeared)
Rita Noris Bueno Bonet	Sister
Yuly Suleyma Bueno Acevedo	Sister
Elizabeth Bueno Acevedo	Sister
María Esther Bueno Navarro	Sister
María Luz Bueno Navarro	Sister
Ofelia María Bueno Navarro	Sister
FAMILY OF JEFFERSON DARIO GONZÁLEZ OQUENDO	
NAME	RELATION TO THE VICTIM
Jeferson Jairydyver Villamizar	Son ⁵
Ramiro Antonio González	Father (deceased)
Eucaris Oquendo	Mother
Maritze Alejandra Martínez	Partner
Riordan Bayardo Carvajal Oquendo	Half brother
Mairinis Villamizar	Mother – Jefferson Villamizar

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

15. The IACHR reiterates that, in accordance with Articles 48.1.f and 49 of the American Convention, this proceeding is aimed at “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” Agreement by the State to carry out this procedure expresses the State's good-faith intent to comply with the purposes and aims of the Convention under the principle *pacta*

⁴ In its response of March 21, 2019, the State accepted that the persons who hold the status of brothers, fathers, mothers and children, are considered relatives of the victims of the case. In relation to the people who are related as permanent companion and grandmother of Kevin Bueno, the State will consider them relatives of victims of the case, as long as they accredit that quality in accordance with the rules that exist internally. In relation to the relatives of Jefferson Gonzalez Oquendo, the State will recognize Jefferson Jairydyver Villamizar as a victim, provided that he proves his status as the son of Mr. Gonzalez Oquendo.

⁵ Según lo indicado por las partes, el proceso de filiación se encuentra en curso.

sunt servanda, according to which States must comply in good faith with obligations assumed in treaties⁶. The Commission also wishes to reiterate that the friendly settlement process envisioned in the Convention allows for termination of individual cases in a non-contentious manner, and has proven, in cases pertaining to various countries, to offer an important means of settlement that can be used by both parties.

16. The Inter-American Commission has closely followed the development of the friendly settlement achieved in this case and greatly values the efforts made by both parties during negotiation of the agreement to reach this friendly settlement, which is compatible with the purpose and aim of the Convention.

17. The Commission observes that the parties have signed three amendments to the Friendly Settlement Agreement, on March 3 and December 11, 2017, and February 12, 2019, and therefore declares that those amendments are an integral part of the agreement signed by the parties. In the same regard, the Commission declares that annex agreed by the parties is integral part of the friendly settlement agreement.

18. In keeping with the provisions of the Friendly Settlement Agreement, and as a result of the working meeting at the 171st Period of Sessions facilitated by Commission member Francisco José Eguiguren, IACHR Rapporteur for Colombia, the parties have jointly requested that the Commission adopt the report described in Article 49 of the American Convention.

19. The IACHR notes that, in light of information provided by the parties to date and of the request submitted by both parties for approval of the FSA by the Commission, the fulfillment of the commitments established in the Friendly Settlement Agreement is to be commended.

20. The Inter-American Commission values the first operative clause, which acknowledges the international responsibility of the Colombian State for the violation of the rights enshrined in Articles 4 (right to life), to the detriment of young Oscar Orlando Bueno Bonnet, Jhon Jairo Cavarique, and Jefferson González Oquendo, and of Articles 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection), to the detriment of the victims and their family members.

21. As for second clause, on matters of justice, the State reported that, in the context of investigation No. 3964, conducted by Special Prosecutor 72 of the National Directorate for Human Rights and International Humanitarian Law, the summary was found to have merit, and the decision was announced, on September 3, 2013, to indict defendants Wilson Díaz Duran, Luis Felipe Villamizar Anya, Leonardo Prieto, Raymond Piñares, and Alvaro Córdoba, for the crime of aggravated homicide. That decision had been ratified on appeal by the Court of Arauca on November 6, 2013. Later, the matter had been heard under case No. 1014-0003 by the Criminal Circuit Court of Saravena. In a communication dated March 11, 2018, the State reported that no significant progress had been made in the investigation and the case remained at the trial stage, considering that two of the alleged perpetrators had died and only one remained at trial.

22. The petitioners reported that they are actively participating in the criminal proceeding. In that respect, the Commission deems this clause to be in the process of fulfillment and that the State must take measures to move the investigation forward. The Commission therefore deems this item of the agreement to be partially fulfilled. The Commission urges the State to make greater efforts to enable due prosecution of the last living person identified in the investigations as allegedly responsible for the murder of the victims.

23. As for item (a) of the third clause of the agreement, on satisfaction measures, the petitioners reported that on July 18, 2018, the public ceremony to acknowledge responsibility was conducted in the municipality of Saravena, Arauca. This information was confirmed by the parties at the working meeting held on February 12, 2019, in Sucre, Bolivia, and incorporated into the definitive text of the Friendly Settlement Agreement. The Commission accordingly finds and declares that this item of the agreement has been fulfilled in its entirety.

⁶ Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: "**Pacta sunt servanda**: Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

24. As for item (b) of the third clause, pertaining to installation of the commemorative mobile mural, the petitioners indicated that, in conjunction with the public ceremony to acknowledge responsibility, the mural had been delivered officially in the municipality of Saravena, Arauca. This information was confirmed by the parties at the working meeting held on February 12, 2019, in Sucre, Bolivia, and incorporated into the definitive text of the Friendly Settlement Agreement. The Commission accordingly finds and declares that this item of the agreement has been fulfilled in its entirety.

25. As for items (c) and (d) of the third clause, on stipends to the children of Oscar Orlando (Kevin and Gabriela Bueno) to support their studies, the petitioners reported on November 21, 2018, that these items were being implemented satisfactorily. This information was confirmed by the parties at the working meeting held on February 12, 2019, in the Sucre, Bolivia, and incorporated into the definitive text of the Friendly Settlement Agreement. The Commission accordingly finds and declares that these items of the agreement have been fulfilled in their entirety. The Commission awaits the outcome of the filiation process pertaining to Jefferson Villamizar for purposes of follow-up on execution of the measure in his favor agreed on a contingency basis in item (e) of the third clause.

26. On the other hand, as for the fourth clause, on guarantees of non-repetition, the petitioners reported that, although the mapping workshops with children of Saravena, the petitioners, and the regional organizations were held in July and August 2018, their implementation had been problematic because the State had not provided the working document for dissemination, as pledged in the Friendly Settlement Agreement.

27. In that respect, at the working meeting of February 12, 2019, in Sucre, Bolivia, the parties agreed to a work plan for the State to deliver the working document on the workshops and establishment of a deadline for the petitioners to present their observations, so that the parties may work together in devising the work plan for total fulfillment of this measure. The parties also agreed at this meeting to put together a work calendar that would include completion of the measure within one year. The Commission therefore finds and declares that this measure has been fulfilled in part and urges the parties to continue working jointly to design and execute plans for completing this measure in its entirety.

28. Finally, as for the fifth clause, on monetary reparations, the Commission notes that, under the mechanism established in Act 288 of 1996, that measure must be fulfilled once this approval has been issued, and therefore finds and declares the measure to be pending execution. The Commission awaits updated information from the parties on its execution after publication of this report.

29. Accordingly, the IACHR finds that the first clause of the Friendly Settlement Agreement is declaratory in nature, and that items (a), (b), (c), and (d) of the third clause of the Friendly Settlement Agreement, on satisfaction measures, have been fulfilled in their entirety, and so declares. On the other hand, the Commission finds that the second and fourth clauses of the Friendly Settlement Agreement have been fulfilled in part, and so declares. Finally, the Commission finds the fifth clause, on monetary reparations, to be pending fulfillment.

30. As for item (e) of the third clause, the Commission finds that its execution is contingent upon the results of a filiation process and therefore awaits the outcome of the judicial process instituted to assess whether execution of that measure is warranted.

31. The IACHR therefore declares that the Friendly Settlement Agreement has been executed to a substantial degree and has been partially fulfilled, and therefore will continue to monitor the implementation of the second and fourth clauses of the Friendly Settlement Agreement until they have been executed in full.

V. CONCLUSIONS

1. On the basis of the foregoing considerations, and under the procedure established in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its deep appreciation for the efforts made by the parties and its gratification at the achievement in this case of a friendly settlement based on respect for human rights and compatible with the purpose and aim of the American Convention.

2. By virtue of the considerations and conclusions set forth in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement signed by the parties on May 6, 2015, and its amendments dated March 3 and December 11, 2017, and February 12, 2019.

2. To declare that the amendments jointly agreed by the parties on March 3 and December 11, 2017, and February 12, 2019, are an integral part of the Friendly Settlement Agreement signed on May 6, 2015, as well as its annex.

3. To declare fulfilled in their entirety items (a), (b), (c), and (d) of the third clause of the Friendly Settlement Agreement, on satisfaction measures, in keeping with the analysis contained in this report.

4. To declare partially fulfilled clauses two and four of the Friendly Settlement Agreement, on investigation and guarantees of non-repetition, respectively, in keeping with the analysis contained in this report.

5. To declare pending fulfillment the fifth clause of the Friendly Settlement Agreement, on monetary compensation, in keeping with the analysis contained in this report.

6. To continue to monitor the commitments assumed in the second, fourth, and fifth clauses by the Colombian State; and, for that purpose, to remind the parties of their commitment to inform the IACHR periodically on the fulfillment of these measures.

7. To publish this report and include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on the 29 day of March 2019. (Signed): Esmeralda E. Arosemena Bernal de Troitiño, President; Joel Hernández, First Vice-President; Antonia Urrejola; Second Vice-President; Francisco José Eguiguren, Margarete May Macaulay and Flavia Piovesan, Members of the Commission.