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**REPORT No. 285/22**  
**CASE 14.093**  
FRIENDLY SETTLEMENT REPORT

ERNESTO RAMÍREZ BERRIOS  
COLOMBIA

Approved electronically by the Commission on November 8, 2022.

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**REPORT NO. 285/22**  
**CASE 14.093**  
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**ERNESTO RAMÍREZ BERRIOS**  
**COLOMBIA<sup>1</sup>**  
**NOVEMBER 8, 2022**

**I. SUMMARY AND REVELANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS**

1. On February 18, 2010, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition submitted by Luz Marina Barahona Barreto and Nelson de Jesús Ríos Santamaría (hereinafter “the petitioners”) alleging international responsibility of the Republic of Colombia (hereinafter “Colombia” or “the State”) for the violation of the human rights indicated in Articles 4 (right to life), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights (hereinafter “the Convention” or “American Convention”), to the detriment of Ernesto Ramírez Berrios (hereinafter the “alleged victim”) due to the failure to investigate the murder of the alleged victim, who acted as former mayor of the municipality of Puerto Rico, Meta, as well as for the alleged forced displacement of the family of the alleged victim due to the events and the subsequent failure to punish those responsible.

2. On September 21, 2020, the Commission issued Admissibility Report No. 252/20, wherein it declared the admissibility of the petition and its jurisdiction to hear the complaint submitted by the petitioners with regard to the alleged violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 21 (right to property), 22 (freedom of movement and residence), 23 (right to participate in government), 25 (judicial protection), and 26 (economic, social, and cultural rights) of the American Convention, as they relate to Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) of the same document; to the detriment of Ernesto Ramírez Berrios.

3. On June 1, 2021, the parties signed a memorandum of understanding for the search for a friendly settlement in the present case, together with a work schedule to advance in the negotiations. In subsequent months, the parties held bilateral meetings to analyze the reparation measures to be included in the friendly settlement agreement (hereinafter the “FSA”), which materialized with its signing on March 1, 2022, in the city of Bogotá. Subsequently, on May 18, 2022, the parties submitted a joint report on the progress made on implementation of the FSA and requested its approval to the IACHR.

4. This friendly settlement report, as established in Article 49 of the Convention and in Article 40.5 of the Commission’s Rules of Procedure, contains a summary of the facts alleged by the petitioners and transcribes the friendly settlement agreement signed between the petitioners and the representatives of the Colombian State on March 1, 2022. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

**II. THE FACTS ALLEGED**

5. The petitioners alleged that, on June 18, 2001, Mr. Ernesto Ramírez Berrios who was elected mayor of the Municipality of Puerto Rico, Meta, for the 1998-2000 term, was approached by two individuals on a motorcycle, presumably members of the FARC, who shot him repeatedly, causing wounds that subsequently resulted in his death on July 13, 2001, at a clinic in Villavicencio. The events occurred while Mr. Ramírez Berrios was headed to his home in Villavicencio, along with another individual, and without his police escort. The petitioners added that in the area where the events occurred there was a high presence and criminal activity by the extinct Revolutionary Armed Forces of Colombia - FARC, who had previously ordered the civilian population of the municipality to refrain from participating in elections, holding public office, or collaborating

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<sup>1</sup> Commissioner Carlos Bernal Pulido, a Colombian citizen, did not participate in the discussion and decision of this case, in accordance with Article 17.2.a) of the IACHR’s Rules of Procedure.

with state authorities, under threat of death. Nonetheless, Mr. Ramírez had presented himself as a candidate for mayor in the municipal elections and had been elected to the position.

6. The petitioners indicated that, during the period of administration that lasted between January 1, 1998, and December 31, 2000, Mr. Ramírez, among other things, had promoted the increased presence of police forces in the municipality, in view of the subjection of its inhabitants to the violence of the FARC and drug trafficking, and given the historical absence of the State in this region. Once his term as mayor concluded, in view of the persistent risk to his life, the security scheme provided to Mr. Ramírez consisting of a bodyguard, for which the National Police was responsible, was maintained; a protective measure that was withdrawn on the same day of the attack that cost him his life. As a result of what happened and the consequent risk to their safety, Mr. Ramírez' relatives were forced to move from Puerto Rico and Villavicencio to other parts of the country.

7. The petitioners reported that a criminal investigation was initiated in the Office of the Attorney General of the Nation for the murder of Mr. Ramírez, but that this investigation had not made any progress, and therefore, at time the petition was submitted to the IACHR, the crime had gone unpunished for several years. The petitioners added that an action for direct reparation had been filed with the Administrative Court of Meta, which was dismissed on December 4, 2007; and that the subsequent appeal filed with the Council of State was dismissed on April 18, 2008, due to the low quantum of the plaintiff's claims. The petitioners also indicated that some of Mr. Ramírez's next of kin had received administrative reparations under the National System for Attention and Comprehensive Reparation of Victims, due to their status as surviving relatives of a homicide victim in the context of the armed conflict; however, said reparations were not sufficient.

8. Finally, it should be noted that, as of the date the petition was submitted, as alleged by the petitioners, those responsible for the acts had not been punished, nor had all the victim's next of kin received full reparations.

### **III. FRIENDLY SETTLEMENT**

9. On March 1, 2022, the parties entered a friendly settlement agreement which provides as follows:

#### **FRIENDLY SETTLEMENT AGREEMENT CASE 14.093- ERNESTO RAMÍREZ BERRÍOS AND FAMILY MEMBERS**

On March 1, 2022, a meeting was held in the city of Bogotá between, on the one hand, Ana Maria Ordóñez Puentes, Director of the Directorate of International Legal Defense of the National Agency of Legal Defense of the State, acting with due authorization on behalf and in representation of the Colombian State, hereinafter the "State" or the "Colombian State," and on the other hand, Luz Marina Barahona Barreto, acting in her capacity as representative of the victims, hereinafter the "petitioners," who have decided to sign this Friendly Settlement Agreement in the framework of Case 14.093 Ernesto Ramírez Berríos and family members, pending before the Inter-American Commission on Human Rights.

#### **FIRST PART: CONCEPTS**

For the purpose of this agreement, the following terms shall be understood as:

**IACHR or Inter-American Commission:** Inter-American Commission on Human Rights

**Moral damage:** Harmful effects of the facts of the case that are not of an economic or monetary nature, which are manifested through pain, affliction, sadness, distress and anxiety of the victims.

**Non-pecuniary damages:** Includes both the suffering and affliction caused to the victims, the diminishment of values that are very meaningful to people, as well as the alterations, of a non-pecuniary nature, in the conditions of the existence of the victim or his family.<sup>2</sup>

**State or Colombian State:** In accordance with international public law, it shall be understood as the signatory of the American Convention on Human Rights, hereinafter the “American Convention” or “ACHR.”

**Measures of satisfaction:** Non-pecuniary measures whose purpose is to seek the recovery of the victims recovery of harm caused to them. Some examples of measures of this kind are: public recognition of the truth and acts of amends.

**Parties:** State of Colombia, family members of the victim, as well as their representatives.

**Acknowledgement of responsibility:** Acceptance of the facts and human rights violations attributed to the State.

**Integral reparation:** All those measures that objectively and symbolically restore the victim to their condition prior to commission of the harm.

**Representatives of the victims:** Luz Marina Barahona Barreto.

**Friendly Settlement:** Alternative dispute resolution mechanism, used for peaceful and consensual settlement before the Inter-American Commission.

**Victims:** The family members of Ernesto Ramírez Berríos.

## SECOND PART: BACKGROUND

### BEFORE THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS

1. On February 18, 2010, the IACHR received a petition denouncing the murder of Ernesto Ramírez Berríos, who was elected municipal mayor of Puerto Rico, Meta, for the period 1998-2000. Once his term in the Municipal Mayor’s Office had concluded, in view of the persistent risk to his life, a protective measure, consisting of an escort provided by the national police, was maintained for Mr. Ramírez.
2. On June 18, 2001, when he was headed to his home in the city of Villavicencio along with another citizen and without his police escort, Mr. Ramírez was approached by two individuals on a motorcycle who shot at him repeatedly, causing wounds that resulted in his death on July 13, 2001, at a clinic in Villavicencio. The petitioners added that on the same day of the attack, the judicial protection for Mr. Ramírez was withdrawn.<sup>3</sup>
3. The representative of the victims stated that the Office of the Attorney General opened a criminal investigation for the murder of Mr. Ramírez, but this investigation has not made any progress.<sup>4</sup>
4. In Report No. 252/20 of September 21, the IACHR considered that the facts of the case could characterize possible violations of the rights to life (Article 4), to humane treatment (Article 5), a fair trial (Article 8), property (Article 21), freedom of movement and residence (Article 22), to participate in government (Article 23), judicial protection (Article 25), and

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<sup>2</sup> I-A Court HR, Case of Caesar v. Trinidad and Tobago, (Merits, Reparations, and Costs). Judgment of March 11, 2005, Series C No. 123, paragraph 125.

<sup>3</sup> Initial petition, February 18, 2010, p. 3.

<sup>4</sup> Petitioners’ brief, observations regarding the State’s response, transmitted to the State on March 5, 2020, p. 6.

economic, social, and cultural rights (Article 26) of the American Convention, in relation to Articles 1.1. and 2 of said instrument.

5. The representatives of the victims expressed to the State their intention to initiate a process of seeking a friendly settlement, for which reason, after a meeting held on April 27, 2021, the parties decided to sign a Memorandum of Understanding to initiate the process of seeking a friendly settlement in this case.

6. On May 31, 2021, the Memorandum of Understanding for the Search for an Amicable Solution was signed.

7. In the following months, joint meetings were held between the parties to analyze the reparation measures to be included in the Friendly Settlement Agreement signed on this date.

**AT THE DOMESTIC LEVEL.**

8. For the attack and subsequent death of Mr. Ernesto Ramírez Berrios, a criminal investigation was conducted under case No. 50.038. Initially, the investigation ended with the inhibitory resolution of June 20, 2003.<sup>5</sup> Subsequently, the Sectional Directorate of Meta held a Legal Technical Committee meeting in which it was decided that the Prosecutor’s Office would undertake proceedings and order a series of studies to determine whether it was feasible to revoke the inhibitory resolution issued.<sup>6</sup>

9. Finally, on April 30, 2021, the Prosecutor’s Office issued an inhibitory resolution due to the impossibility of identifying and individualizing the perpetrators of the act, who apparently were members of 43<sup>rd</sup> Front of the FARC, under the command of García Molina, alias "Jhon 40," stating that there was not sufficient evidence to link the alleged perpetrators. That ruling became final on May 25, 2021.<sup>7</sup>

**THIRD PART: BENEFICIAIRES**

The Colombian State recognizes the following as victims in this agreement:

Name	Citizenship Card	Relationship
María Victoria Ramírez Berrio	[...]	Sister of Ernesto Ramírez Berrios
José Luis Ramírez Berrio	[...]	Brother of Ernesto Ramírez Berrios
Angélica Ramírez Berríos	[...]	Sister of Ernesto Ramírez Berrios
Yohani Ernesto Ramírez Berrio	[...]	Brother of Ernesto Ramírez Berrios
Mauricio Ramírez Berrio (R.I.P.) <sup>8</sup>	[...]	Brother of Ernesto Ramírez Berrios
Felipe Ramírez Berrio	[...]	Brother of Ernesto Ramírez Berrios
Rolando Ramírez Berrio	[...]	Brother of Ernesto Ramírez Berrios

<sup>5</sup> Office of the Attorney General of the Nation, official document 20161700026801 of April 25, 2016.

<sup>6</sup> Office of the Attorney General of the Nation, official document 20171700082491 of November 3, 2017.

<sup>7</sup> Office of the Attorney General of the Nation, official document 20221700005811 of January 31, 2022.

<sup>8</sup> In which case, the amounts to be recognized by virtue of the economic compensation within the framework of Law 288 of 1996 will be recognized to the beneficiaries in accordance with the succession presented for such purpose.

Luz Facunda Ramírez Berríos	[...]	Sister of Ernesto Ramírez Berrios
Miguel Ángel Ramírez Berríos	[...]	Brother of Ernesto Ramírez Berrios
Consuelo Ramírez Berríos	[...]	Sister of Ernesto Ramírez Berrios
Gloria Ramírez Berríos	[...]	Sister of Ernesto Ramírez Berrios
Betsabe Berríos de Ramírez (R.I.P.) <sup>9</sup>	[...]	Mother of Ernesto Ramírez Berrios
Ernesto Ramírez Valdés	[...]	Father of Ernesto Ramírez Berrios

The victims recognized in this Friendly Settlement Agreement shall benefit provided they certify their kinship ties to Mr. Ernesto Ramírez Berrios.

Additionally, the victims who shall benefit from this Friendly Settlement Agreement shall be those who were alive at the time of the victimizing events.<sup>10</sup>

#### **FOURTH PART: ACKNOWLEDGEMENT OF RESPONSIBILITY**

The Colombian State recognizes its international responsibility, by omission, for the violation of the rights recognized in Articles 8 (right to a fair trial) and 25 (judicial protection) of the American Convention in connection to Article 1.1 (obligation to respect rights) of the same instrument to the detriment of the family members of Mr. Ernesto Ramírez Berrios, for the lack of diligence in the investigation of the events that occurred, which resulted in the failure to identify, prosecute, and punish the perpetrators of his homicide.

#### **FIFTH PART: MEASURES OF SATISFACTION**

The Colombian State agrees to carry out the following measures of satisfaction:

##### **i. Act of Acknowledgment of Responsibility:**

The Colombian State shall carry out a Public Act of Acknowledgment of Responsibility, virtually, with the participation of the family members of Mr. Ernesto Ramírez Berrios and their representatives. The act shall be conducted in accordance with the acknowledgment of responsibility indicated in this agreement.

This measure shall be the responsibility of the National Agency for Legal Defense of the State.

##### **ii. Granting of educational assistance:**

The Colombian State will grant educational assistance in favor of the brother of the victim, Mr. Miguel Ángel Ramírez Berrios.

In respect for the constitutionally recognized autonomy of the university, the beneficiary of the measure will be responsible for carrying out the relevant procedures to be admitted to the respective institution of higher education of his preference.

<sup>9</sup> In which case, the amounts to be recognized by virtue of the economic compensation within the framework of Law 288 of 1996 will be recognized to the beneficiaries in accordance with the succession presented for such purpose.

<sup>10</sup> The foregoing, in accordance with the caselaw of the I/A Court H.R. See I/A Court HR, Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. (Preliminary Objections, Reparations, and Costs). Judgment of November 20, 2013. Series C No. 270, para. 425.

The beneficiary must comply with the admission requirements established by the respective institutions of higher education (IHE) recognized by the Ministry of National Education, in a post-graduate program.

To implement the measure in Colombia, the educational assistance will cover the cost to register for the semesters of a post-graduate level academic program, amounting to a value of up to eleven (11) SMMLV [current monthly legal minimum salary] and a biannual support allowance of two (2) SMMLV if the institution of higher education is located in the beneficiary's city of residence or four (4) SMMLV if the institution of higher education is outside of the beneficiary's city of residence.

It is important to note that it is the sole responsibility of the beneficiary of the measure to maintain their status as a student in the institution of higher education they have chosen. If the beneficiary loses the status of student due to poor academic performance or disciplinary misconduct, the State's measure will be deemed to have been fulfilled.

The use of the educational assistance must begin to be used within a term of no more than five (5) years from the signing of this agreement; otherwise, the State's efforts in its achievement shall be deemed to have been completed. The implementation of this measure will be the responsibility of the Ministry of Education and the Colombian Institute of Credit and Technical Studies (ICETEX).<sup>11</sup>

### **iii. Workshops with the Ministry of Housing, City, and Territory:**

Through the Ministry of Housing, City, and Territory, the Colombian State will promote three (3) workshops with the beneficiaries of the Friendly Settlement Agreement, if so desired, with the purpose of presenting the institutional offer established by the Colombian State for access to housing programs, including the requirements and the form of access to this offer.<sup>12</sup>

The implementation of this measure will not imply the granting of family or housing subsidies in cash to the beneficiaries or housing improvements, since the above, will depend on the willingness of the beneficiaries to access any of the programs included in the institutional offer presented, as well as the fulfillment of the corresponding requirements within the deadlines established in each program.<sup>13</sup>

### **iv. Publication of Article 49 Report:**

The Colombian State shall publish the relevant sections of the friendly settlement report, once it is approved by the Inter-American Commission, on the website of the National Agency for Legal Defense of the State, for a period of six (6) months.

## **SIXTH PART: HEALTH AND REHABILITATION MEASURES**

The Ministry of Health and Social Protection, in exercise of the functions described in Decree Law 4107 of 2011, shall coordinate rehabilitation measures, consisting of medical, psychological, and psychiatric care, through the General System of Social Security in Health and its entities, guaranteeing adequate, timely, and priority treatment and for as long as necessary (according to medical criteria), in accordance with legal provisions on the matter.

<sup>11</sup> Ministry of National Education, official document 2021-EE-369624 of November 10, 2021.

<sup>12</sup> Ministry of Housing, City, and Territory, official document 2021EE0127481 of October 29, 2021.

<sup>13</sup> Ibidem.

Additionally, if necessary and based on the criteria of voluntary efforts and prioritization, the Ministry of Health and Social Protection will guarantee the victims the implementation of the rehabilitation measure through psychosocial care, through the entities of comprehensive health care and psychosocial care, within the framework of the Psychosocial Care and Comprehensive Health Program for Victims - PAPSIVI.

Implementation of these measures will begin upon the signing of the friendly settlement agreement.<sup>14</sup>

#### **SEVENTH PART: COMPENSATION MEASURES**

The State agrees to initiate the procedure established by the Law 288 of 1996 “Whereby instruments are established to compensate for harm done to the victims of human rights violations by virtue of the provisions of specific human rights organizations,” once this friendly settlement agreement is approved through the issuance of the Article 49 Report of the American Convention on Human Rights, for the purpose of repairing the damages caused to the family members of the victims as a result of effects generated by the events in the present case.

The National Agency for Legal Defense of the State shall be the entity responsible for undertaking the procedure established by Law 288 of 1996.

For purposes of compensation, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.

#### **EIGHTH PART: APPROVAL AND MONITORING**

The parties request that the Inter-American Commission approve and monitor this agreement.

This agreement having been read and the parties being aware of the scope and legal content thereof, it is signed on March 1, 2022.

#### **IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE**

10. The IACHR reiterates that in accordance with Articles 48.1.f and 49 of the American Convention, the purpose of this procedure is to “reach a friendly settlement of the matter based on the respect for the human rights recognized in the Convention.” The agreement to conduct this procedure expresses the good faith of the State to comply with the purposes and objectives of the Convention by virtue of the *pacta sunt servanda* principle, whereby the States must comply in good faith the obligations assumed in treaties.<sup>15</sup> The Commission also wishes to reiterate that the friendly settlement procedure considered in the Convention allows for the completion of individual cases in a non-contentious manner, and has proven, in cases related to several countries, to offer an important vehicle for settlement, which can be used by both parties.

11. The Inter-American Commission has closely followed the development of the friendly settlement reached in the present case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement that proves to be compatible with the object and purpose of the Convention.

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<sup>14</sup> Ministry of Health and Social Protection. Official document 202216100087771 of January 19, 2022.

<sup>15</sup> 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.*



12. In accordance with the agreement signed by the parties whereby they ask the Commission to approve the friendly settlement agreement as considered in Article 49 of the American Convention, and taking into consideration the parties' request of May 18, 2022, to move forward in this way, it is appropriate at this time to assess the compliance with the commitments established in this instrument.

13. The Inter-American Commission considers that the first (Concepts), second (Background before the Inter-System of Human Rights), third (Beneficiaries), and fourth (Acknowledgment of Responsibility) clauses of the agreement are of a declarative nature, and therefore, it is not appropriate to supervise their fulfillment. In this regard, the Commission values the fourth declarative clause, in which the Colombian State recognizes its international responsibility by omission for the violation of the rights enshrined in Articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights, for the lack of diligence in the investigation of the events that occurred to the detriment of Mr. Ernesto Ramírez Berríos, which resulted in the failure to identify, prosecute, and punish the perpetrators of his murder.

14. Regarding item *(i) act of acknowledgment of responsibility*, of the fifth clause on measures of satisfaction, according to what was reported jointly by the parties, this occurred on April 8, 2022, through a virtual platform in the context of the COVID-19 pandemic, using different IT tools. The parties reported the existence of ongoing and fluid communications between the State and the petitioners, with whom they agreed on each of the details for the fulfillment of the act such as the date, time, agenda, and logistics required for its development. In this regard, the parties provided a simple copy of the invitations circulated for said event, in which the family members of the victim and their representative participated, as did the National Agency for Legal Defense of the State (ANDJE).

15. Likewise, the parties reported on the contents of the agenda for the event, which included an opening statement, the anthem of Colombia, and the anthem of Puerto Rico, Meta, the projection of a video in memory of Mr. Ernesto Ramírez Berríos, words from José Luis Ramírez Berríos and Miguel Ángel Ramírez Berríos, brothers of the victim, as well as their representative, Mrs. Luz Marina Barahona Barreto. The State's presentation was led by the Director of International Legal Defense of the ANDJE, who asked for forgiveness from the victims and their family members for what happened and acknowledged the State's responsibility under the terms established in the friendly settlement agreement signed between the parties, indicating as follows:

[...]

The Colombian State condemns and rejects the events that surrounded the death of Mr. Ernesto Ramírez Berríos as well as the lack of diligence in identifying, prosecuting, and punishing the perpetrators of his murder, which has hindered the right of his family to an effective reparation and to advance in their process of forgiveness.

The Colombian State had the obligation to investigate, prosecute, and punish those responsible for the murder of Mr. Ernesto Ramírez Berríos within a reasonable period of time, but we know that this long search for truth and justice has been equally painful.

Although the authorities initiated a criminal investigation into the murder of Ernesto Ramírez Berríos, it was suspended due to the inability to identify and individualize those responsible for this unfortunate event, resulting ultimately in the possible statutory limitation of criminal action.

Therefore, on behalf of the Colombian State, I acknowledge international responsibility for violation of the rights to a fair trial and judicial protection, enshrined in Articles 8 and 25 of the American Convention on Human Rights, as they relate to the general obligation to respect and guarantee established in the same instrument, to the detriment of the family members of Ernesto Ramírez Berríos.

[...]

16. Taking the above into account, as well as the information provided jointly by the parties, the Commission considers that item (i) of the fifth clause of the friendly settlement agreement, related to the act of acknowledgment of responsibility, is fully implemented and declares it as such.

17. With regard to items (ii) *granting of educational assistance*, (iii) *workshops with the Ministry of Housing, City, and Territory*, and (iv) *publication of the Article 49 report* of the fifth clause (measures of satisfaction), as well as the sixth clause (health and rehabilitation measures) and the seventh clause (compensation measures) of the friendly settlement agreement, and by virtue of the joint request from the parties to proceed with approval of the agreement prior to its execution, the Commission observes that said measures shall be fulfilled after the publication of this report; therefore it considers that they are pending compliance and declares them as such. By virtue of the foregoing, the Commission will await updated information from the parties on their implementation after the approval of this report.

18. Based on what has been described above, the Commission concludes that item (i) *act of acknowledgment of responsibility* of the fifth clause has been fully implemented and declares it as such. In addition, the Commission considers that items (ii) *granting of educational assistance*, (iii) *workshops with the Ministry of Housing, City, and Territory*, and (iv) *publication of the Article 49 report* of the fifth clause (measures of satisfaction), as well as the sixth clause (health and rehabilitation measures) and the seventh clause (compensation measures) of the friendly settlement agreement are pending implementation. In this regard, the Commission feels that the friendly settlement agreement has a partial level of implementation and so declares. Finally, the Commission reiterates that the rest of the agreement's content is declarative in nature and therefore it is not up to the IACHR to supervise its compliance.

## V. CONCLUSIONS

1. Based on the foregoing considerations and by virtue of the procedure provided in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its profound appreciation for the efforts made by the parties and its satisfaction with the achievement of the friendly settlement in this case, based on respect for human rights and compatible with the object and purpose of the American Convention.

2. Based on the considerations and conclusions presented in this report,

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

#### DECIDES:

1. To approve the terms of the agreement signed by the parties on March 1, 2022.
2. To declare total implementation of item (i) (act of acknowledgment of responsibility) of the fifth clause of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare pending implementation of items (ii) *granting of educational assistance*, (iii) *workshops with the Ministry of Housing, City, and Territory*, and (iv) *publication of the Article 49 report*, of the fifth clause (measures of satisfaction), as well as the sixth clause (health and rehabilitation measures) and the seventh clause (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report.
4. To continue with supervision of the commitments assumed in items (ii) *granting of educational assistance*, (iii) *workshops with the Ministry of Housing, City, and Territory*, and (iv) *publication of the Article 49 report*, of the fifth clause (measures of satisfaction), as well as the sixth clause (health and rehabilitation measures) and the seventh clause (compensation measures), according to the analysis contained in this report. To that end, it reminds the parties of their commitment to report periodically to the IACHR regarding fulfillment of these commitments.

5. To make this report public and include it in the Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on November 8, 2022. (Signed): Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice President; Margarete May Macaulay, Second Vice President; Esmeralda E. Arosemena de Troitiño; Joel Hernández Garcia and Roberta Clarke, members of the Commission.