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REPORT No. 112/23
CASE 14.070
REPORT ON FRIENDLY SETTLEMENT

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COLOMBIA

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FRIENDLY SETTLEMENT
JOSÉ OMAR TORRES BARBOSA
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I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On June 1, 2009, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition submitted by Nelson de Jesús Santamaría, alleging the international responsibility of the Republic of Colombia (hereinafter “Colombia” or “the State”) for the violation of the human rights specified in Articles 4 (right to life), 17 (rights of the family), and 21 (right to property) consistent with Article 1.1. of the American Convention on Human Rights (hereinafter the “CADH,” “Convention,” or “American Convention”) due to the failure to investigate the murder of Mr. José Omar Torres Barbosa, which took place in the year 2003 and was allegedly perpetrated by the guerilla group Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP). Subsequently, on September 27, 2016, in response to the death of the original petitioner in 2015, representation of the victim’s family members was assumed by Luz Marina Barahona (hereinafter “the petitioner”).

2. On September 6, 2020, the Commission issued Admissibility Report No. 230/20, in which it declared the petition to be admissible and asserted its jurisdiction to hear the complaint filed by the petitioner regarding the alleged violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 17 (rights of the family), 21 (right to property), 22 (freedom of movement and residence), 25 (right to judicial protection), and 26 (economic, social, and cultural rights) of the American Convention on Human Rights consistent with Article 1.1 of the same instrument.

3. On October 5, 2020, the petitioner expressed interest in initiating a friendly settlement process and on June 28, 2021, the State indicated its willingness to move forward in the negotiation process.

4. On August 25, 2021, the Commission formally notified the parties of the start of the process, and, on December 20, 2021, the parties signed a memorandum of understanding on the search for a friendly settlement in which they agreed on a negotiation schedule which materialized with the signing of a friendly settlement agreement (FSA) on July 19, 2022. Subsequently, on October 31, 2022, the parties jointly submitted a report on progress made in completing the FSA and sought its approval.

5. This friendly settlement report, in accordance with the provisions of Article 49 of the Convention and Article 40.5 of the IACHR Rules of Procedure, presents a summary of the facts alleged by the petitioner and transcribes the friendly settlement agreement signed on July 19, 2022, by the petitioner and representatives of the Colombian State. In addition, 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

6. The petitioner denounces the Colombian State’s responsibility for the failure to investigate the murder of Mr. José Omar Torres Barbosa (hereinafter the “alleged victim”), which took place in the year 2003 and was allegedly perpetrated by members of the guerilla group the Revolutionary Armed Forces of Colombia – the People’s Army (FARC-EP). The petitioner asserts that to date the Colombian State has not punished those responsible, nor has it compensated the family of the alleged victim. The petitioner reports that following the murder of Mr. Torres Barbosa, the same guerilla group stole the livestock and title to the ranch

¹ Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion and decision regarding this case, in accordance with Article 17.2.a) of the IACHR Rules of Procedure.

property in which the family resided, forcing the family to move to another department within the country, which led to a breakup of the household and the family.

7. The petitioner states that the family of Mr. Torres Barbosa lived in the Darien area, in the jurisdiction of the municipality of Puerto Rico, and that on March 25, 2003, three militants of the guerilla group went to the ranch owned by the alleged victim and upon finding him in the paddocks they shot him several times, killing him immediately. The episode occurred in the presence of the victim's wife and children.

8. The petitioner states that Mr. Torres Barbosa's body was recovered by the residents themselves, since the armed group did not allow any authority, including the State's protective forces, to enter. After the murder of the alleged victim, the armed group stole a total of 80 cattle from the ranch where the alleged victim lived with his family, and all documentation on the work that Mr. Torres Barbosa had done as the president of the Communal Action Board, contracts and documents regarding the ranch that belonged to the family, as well as furnishings and articles used by the family.

9. The petitioner asserts that Mr. Torres Barbosa was known in the region for his political and social activity, in that he had been a councilman of the Municipality of Puerto Rico and at the time of his murder he held the position of president of the Communal Action Board of the village. The petitioner asserts that Front 43 of the guerilla group controlled the area completely, to the point that it was controlling the movement of the region's inhabitants who needed a permit issued by the Commander of the guerilla group in order to leave. Moreover, when the inhabitants of the municipality needed to sell their cattle or any agricultural product, they had to pay a tax to the criminal group and inhabitants who were landowners were forced to grow coca and to pay a weight-based tax on the amount of cocaine base produced in the area. Similarly, the petitioner asserts that this situation was known by the Army's Fourth Division headquartered in Villavicencio, as well as by the civilian authorities, senior military officials, and the central government. For the petitioner, the fact that the State had knowledge of the extortion that was victimizing the inhabitants, the coca crops on the inhabitants' plots, and the restriction on their movements demonstrates the acquiescence that existed among criminal groups and the forces of the State, in addition to being evidence of how impossible it was for the alleged victim's family to appeal to the State for protection.

10. The petitioner maintains that the alleged victim did not make an express complaint against the guerilla group, in that at the time of the events the law operating in the region was one of silence and fear and the family of the alleged victim did not want to suffer any type of reprisal from the members of the guerilla group. Based on this, and due to the events, that occurred, the family of Mr. Torres Barbosa decided to abandon the municipality and to move to the city of Villavicencio.

III. FRIENDLY SETTLEMENT

11. On July 19, 2022, the parties signed a friendly settlement agreement, which establishes as follows:

FRIENDLY SETTLEMENT AGREEMENT Case No. 14.070 – JOSÉ OMAR TORRES BARBOSA

On July 19, 2022 the following parties met in the city of Bogota: on one side, Giovanni Andrés Vega Barbosa, Acting Director of the International Legal Defense Directorate (E) of the National Agency for Legal Defense of the State, who is duly authorized to act in the name of and representing the Colombian State, hereinafter called the "State" or the "Colombian State" and on the other side, Luz Marina Barahona Barreto, who is acting in her capacity as the representative of the victims, hereinafter called "the petitioner," for the purpose of signing this Friendly Settlement Agreement in the context of Case No. 14.070 José Omar Torres Barbosa, in progress before the Inter-American Commission on Human Rights.

PART ONE: CONCEPTS

For the purpose of this Agreement, the terms below shall be understood as follows:

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

Moral damage: Harmful effects of the facts in the case that are not economic in nature or related to property, which are manifested in the pain, affliction, sadness, anguish, and anxiety of the victims.

Material damage: Presumes loss of or damage to the victims' income, expenses incurred due to the events and consequences of a pecuniary nature that have a causal nexus with the facts in the case.²

Non-pecuniary damages: Includes both suffering and afflictions caused to the victims, impairment of values very meaningful to people, as well as alterations of a non-pecuniary nature in the conditions of existence of the victim or his family.³

State or Colombian State: In accordance with international public law, it shall be understood that Colombia is a signatory of the American Convention on Human Rights, hereinafter the "American Convention" or "ACHR."

Satisfaction measures: Non – pecuniary measures the purpose of which is to secure the victim's recovery from the damage that has been caused to them. Some examples of measures of this type are public knowledge of the truth and acts of atonement.

Parties: State of Colombia, the victim's representative and family members.

Acknowledgment of responsibility: Acceptance of the facts and human rights violations attributed to the State and that violate its obligations under international human rights law.

Comprehensive reparation: All those measures that target and symbolically restore to the victim their condition as it existed prior to the commission of the harm.

Integral reparation: All those measures that objectively and symbolically restore the victim to the state prior to the commission of the damage.

Petitioner: Luz Marina Barahona Barreto.

Friendly Settlement: Alternative dispute resolution mechanism, used for the peaceful and consensus-based arrangements before the Inter-American Commission.

Victims: Family members of Mr. José Omar Torres Barbosa.

PART TWO: BACKGROUND BEFORE THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS

1. On March 25, 2003, the murder of Mr. José Omar Torres was perpetrated in the village of El Darién in the Municipality of Puerto Rico, Meta, allegedly by members of the FARC-EP. After the murder of Mr. José Omar Torres, his nuclear family was displaced from the place where the events occurred and settled in Villavicencio, Meta.⁴

² I/A Court H.R. Case of the Serrano Cruz Brothers v. El Salvador, (Merits, Reparations, and Costs). Judgment of March 1, 2005. Series C No. 120, para. 150.

³ I/A Court H.R. Case of Caesar v. Trinidad and Tobago, (Merits, Reparations, and Costs). Judgment of March 11, 2005. Series C No. 123, para. 125.

⁴ Initial petition, June 1, 2009, p. 6.

2. Based on the facts in the case, the Third Sectional Prosecutor's Office of Villavicencio is moving forward with an investigation.
3. In this regard, on March 28, 2003, the Third Sectional Prosecutor's Office of Villavicencio ordered that a ballistics study be performed, that the victim be fully identified, and sent a working mission to the National Police Intelligence Section (SIJIN) to determine how the events occurred and who was allegedly responsible.⁵
4. On December 11, 2003, the Third Sectional Prosecutor's Office of Villavicencio issued an order to desist due to expiration of the terms and in view of the inability to identify those responsible for the murder of Mr. José Omar Torres.⁶
5. On June 1, 2009, the Inter-American Commission on Human Rights received a petition submitted by Dr. Luz Marina Barahona denouncing the murder of Mr. José Omar Torres.
6. On July 10, 2014, the Third Sectional Prosecutor's Office of Villavicencio ordered the preliminary reopening of the investigation into the murder of Mr. José Omar Torres, for which reason the order to desist was revoked on September 1, 2014.⁷
7. The investigation is currently in the preliminary stage of examining the evidence to clarify the facts and identify the perpetrators or participants in the crime.⁸
8. On December 20, 2021, a Memorandum of Understanding was signed between the Colombian State and the petitioners regarding the search for a friendly settlement.
9. In the subsequent months, joint meetings were held between the parties for the purpose of analyzing the reparation measures to be included in the Friendly Settlement Agreement that is signed on this date.

PART THREE: BENEFICIARIES

The Colombian States recognizes the following persons as the victims in this agreement:

Name	Identity document	Relationship
Eunice Cubides De Torres	[...]	Wife
Yudy Maryory Torres Cubides	[...]	Daughter
Franklin Ges Torres Cubides	[...]	Son
Danny Darles Torres Cubides (R.I.P.) ⁹	[...]	Son

The victims recognized in this friendly settlement agreement shall benefit provided they demonstrate their blood or kinship ties to Mr. José Omar Torres.

⁵ Office of the Attorney General, Executive Report. Code FGN•MP02-F-24

⁶ Ibid.

⁷ Ibid.

⁸ Office of the Attorney General. Official communiqué of January 21, 2022. Document No. 20221700003611.

⁹ In which case, the amounts to be recognized for purposes of economic compensation within the framework of Law 288 of 1996 shall be recognized for those injured according to the order of inheritance presented for the purpose.

In addition, the victims who shall benefit from this friendly settlement agreement shall be those who were alive at the time of the victimizing event.¹⁰

PART FOUR: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State recognizes its international responsibility for violating the rights recognized in Articles 8 (right to a fair trial) and 25 (judicial protection) of the American Convention in relation to Article 1.1. of the same instrument (obligation to respect rights), to the detriment of the family members of Mr. José Omar Torres Barbosa, due to the lack of diligence in investigating the events that occurred, which led to the failure to identify, prosecute, and punish the perpetrators of the murder.

PART FIVE: SATISFACTION MEASURES

The parties establish that, within the framework of this agreement, the following satisfaction measures shall be implemented:

i. Act of Acknowledgment of Responsibility:

The Colombian State shall virtually carry out a Public Act of Acknowledgment of Responsibility, with the participation of the family members of Mr. José Omar Torres and the petitioner. The ceremony shall be conducted in accordance with the acknowledgment of responsibility indicated in this agreement.

The National Agency for Legal Defense of the State will be in charge of this measure.

ii. Workshops with the Ministry of Housing, City, and Territory:

Through the Ministry of Housing, City, and Territory, the Colombian State shall promote three (3) workshops with the beneficiaries of the friendly settlement agreement, should they want them, for the purpose of presenting the institutional offer established by the Colombian State for access to housing programs, including the requirements and how to access this offer.

The implementation of this measure shall not imply the granting of family, cash housing, or housing improvement subsidies to the beneficiaries in that this shall depend on the beneficiaries' desire to access any of the programs included in the institutional offer presented, as well as on their meeting the respective requirements by the deadlines established in each program.

This measure shall be implemented as from the signing of the friendly settlement agreement.¹¹

iii. Economic assistance:

The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant economic assistance to Yudi Maryory Torres Cubides, in order to finance a post-graduate academic program in an institution of higher learning in Colombia recognized by the Ministry of National Education, via in-person, remote, or virtual learning.

The economic assistance shall cover the amount needed to register for the semesters in a post-graduate level academic program, for a per semester amount of up to eleven (11) SMMLV [current monthly legal minimum salary] and a bi-annual support allowance of two (2) SMMLV if the

¹⁰ The foregoing, according to the jurisprudence of the I/A Court H.R. See, I/A Court H.R., Case of the Afro-descendant Communities Displaced from the Cacarcia River Basin (Operation Genesis) v. Colombia (Preliminary Objections, Merits, Reparations, and Costs). Judgment of November 20, 2013. Series C No. 270, para. 425.

¹¹ Ministry of Housing, City, and Territory, Official Communiqué of March 7, 2022. Document No. 2022EE0021072.

institution of higher learning is located in a municipality where the beneficiary resides, or four (4) SMMLV if the institution of higher learning is outside the municipality where the beneficiary resides.

Within the context of university autonomy, the Ministry of National Education shall refrain from arranging or seeking admission or allocation of quotas for academic programs in any institution of higher learning. The beneficiary must attend to the relevant procedures for admission to the institute of higher learning, for ensuring that they remain in the institute of higher learning, and for seeking an adequate academic return.

To access economic assistance, the beneficiary must submit the following through her representatives:

1. Receipt of payment to register in the academic program indicating the semester amount.
2. Photocopy of the identity document.
3. Contact telephone number.
4. Address of residence.

The assistance must begin to be used within no more than five (5) years following the signing of this agreement; otherwise, the State's actions to obtain that assistance shall be considered completed.¹²

PART SIX: HEALTH AND REHABILITATION MEASURES

The Ministry of Health and Social Protection shall implement the health rehabilitation measures that consist of medical, psychological, and psychosocial care through the General Social Security System in Health (SGSSS) of the Program for Psychosocial and Comprehensive Health Care for the Victims (PAPSIVI).

Appropriate, timely, and priority treatment shall be guaranteed for those who need it and have previously indicated they want it, which treatment shall be provided for as long as it is needed. When psychological treatment and psychosocial care are provided, consideration should be given to each person's specific circumstances and needs, so that they are provided with family and individual treatments according to what is agreed with each of them following an individual evaluation.

To ensure access to comprehensive health care, the beneficiaries of measures are guaranteed access to required medications and treatments (including physical and mental health), in accordance with the provisions governing the SGSSS, and shall also have differential care based on their victim status.

To that end, a comprehensive health management channel shall be guaranteed through the different territorial operators of the PAPSIVI, for victims' referrals in the territorial entities and Benefit Plan Administrator Entities and the Ministry of Health and Social Protection, as applicable.

This measure of reparation shall be implemented according to the indicated terms with regard to persons within national territory, as from the signing of this agreement.¹³

¹² Ministry of National Education. Official Communiqué of March 28, 2022. File No. 2022-EE-064742.

¹³ Ministry of Health and Social Protection. Official Communiqué of March 7, 2022. File No. 202216100381531.

PART SEVEN: JUSTICE MEASURES

Within the framework of its powers, the Office of the Attorney General shall continue to promote with due diligence judicial proceedings enabling efforts to promote the investigation and individual determination of those responsible for the events.

To develop the above, the Office of the Attorney General and the petitioners shall hold a meeting every six months to disclose progress made in the area of justice.

The semi-annual meeting to be held shall be convened directly by the Office of the Attorney General.¹⁴

PART EIGHT: COMPENSATION MEASURES

The State agrees to initiate the procedure established by 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 international human rights organizations.” Said procedure shall begin once this friendly settlement agreement is approved through issuance of the Article 49 report under the American Convention on Human Rights, for the purpose of repairing the damages caused to the family members of Mr. José Omar Torres as the result of impacts produced by the events in this 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 of damages caused and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.

PART NINE: 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 its scope and content, it is signed on July 19, 2022.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

12. 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 respect for the human rights recognized in the Convention.” The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.¹⁵ It also wishes to reiterate that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

13. The Inter-American Commission has followed closely the development of the friendly settlement achieved in this case and appreciates the efforts made by both parties during the negotiation of the agreement to achieve this friendly settlement, which proves to be compatible with the object and purpose of the Convention.

¹⁴ Office of the Attorney General. Official Communiqué of February 17, 2022. File No. 20221700010721.

¹⁵ 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.*

14. In accordance with the agreement signed by the parties whereby they asked 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 October 31, 2022, to move forward in this way, it is appropriate at this time to assess compliance with the commitments established in this instrument.

15. The Inter-American Commission considers that the first (Concepts), second (Background before the Inter-American System), third (Beneficiaries), and fourth (Acknowledgment of Responsibility) clauses of the agreement are declarative in nature and thus do not require to oversee compliance therewith. In this regard, the Commission values declarative clause four, in which the Colombian State recognizes its international responsibility for violation of the rights recognized in Articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention in relation to Article 1.1. of the same instrument (obligation to guarantee), to the detriment of the family members of Mr. José Omar Torres Barbosa, for the lack of diligence in investigating the events that occurred, which resulted in the failure to identify, prosecute, and punish the perpetrators of his murder.

16. Regarding item *(i) act of acknowledgment of responsibility*, of clause five on satisfaction measures, as reported jointly by the parties, this occurred on September 27, 2022, through a virtual platform. As reported in the joint report of October 31, 2022, the parties agreed after the FSA was signed that the act would be carried out privately and indicated the existence of continuous and fluid communication between the State and the petitioners, with whom they agreed on each of the details for fulfilling the measure such as the date, time, agenda, and logistics required for its development. In this regard, the parties provided a simple copy of the invitations issued for this event, in which the victim's family members and representative participated, along with the National Agency for Legal Defense of the State.

17. Likewise, the parties reported on the content of the agenda agreed upon for conducting the private act acknowledging responsibility, which included an opening statement, projection of a video, a song, photographs, and the statement of Maryori Torres, Mr. José Omar Torres Barbosa's daughter, paying homage to his memory. The State's participation was led by the Director of the ANDJE's International Legal Defense, who asked for forgiveness from the victim and his 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:

[...]

We here today deeply regret the events that occurred and the great loss that his death meant.

Those responsible for this terrible incident succeeded in ending the life of Mr. Torres Barbosa, but did not extinguish his legacy; over many years these lamentable events motivated an entire family to seek truth and justice.

Recognizing the particular harm caused by defects in the investigation of the murder of José Omar Torres, this is precisely why today the State asks for your forgiveness, fulfilling one of the measures agreed upon in the friendly settlement agreement, proceeding to carry out this act of acknowledgment of responsibility and public apologies, as part of comprehensive reparation.

As the State we also assume the obligation to continue working on comprehensive reparations for his family, but not without asking for their forgiveness for what happened.

Based on the above, in the name of the State of Colombia and as Director of the National Agency for Legal Defense of the 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, in relation to the general obligation of respect and guarantee established in the same instrument, to the detriment of the family members of Mr. José Omar Torres Barbosa. [...]

18. For his part, Commissioner Joel Hernández, IACHR Rapporteur for Colombia, stated as follows:

[...]

The Commission salutes the Colombian State and appreciates its acknowledgment of international responsibility for the failure to investigate and punish those responsible for the events surrounding the murder of Mr. José Omar Torres Barbosa on March 25, 2003, in the village of Darién in the municipality of Puerto Rico, Meta and his family's forced relocation to the city of Villavicencio, Meta as a result of his death.

On this occasion, we find ourselves confronted with a case in which very painful events occurred, not only due to the murder of Mr. Torres Barbosa, but also his family's forced relocation as an ensuing effect that this tragic event had on their lives. In this regard, the Commission considers it important to emphasize the severity of the consequences for the victims of forced displacement who generally find that they have to flee the misery left behind by the armed conflict and violent situations, which leaves them in a particularly vulnerable situation and separates them from their loved ones and from what they have known as their home. The victims of forced displacement need specialized support to overcome this vulnerability and to recover trust in the institutions of the State, as well as support for rebuilding their lives and a new future.

It is for this reason that the IACHR underscores how important it is for the victims and, in this specific case, for the family of Mr. Torres Barbosa, that the Colombian State acknowledge its international responsibility in this matter. It is no doubt based on this acknowledgment, this acceptance of what happened, that the victims are able to begin to heal from the wounds left by the conflict and that there is the possibility of some expectation of reconciliation. The acknowledgment of responsibility is definitely a highly valuable measure in this agreement, because it contributes to recognition of the truth and to the non-repetition of such events. There can be no reconciliation without the recognition of error and the damage caused and the promise not to repeat what has happened. For this reason, this act is the cornerstone of reparation for the victims and also gives us the valuable opportunity to listen to Maryory, to hear in her own voice what these events and all these years of waiting have meant for her and her loved ones.

The Commission recognizes how difficult it has been for you to confront this situation, with all the consequences it has had in your lives and commends with great admiration the courage and determination with which you have continued your demands for justice and the assertion of your rights.

I hope that the fulfillment of this act of acknowledging responsibility helps to build new bridges between the parties and that this commitment will deliver a message to Colombian society at large that the victims of human rights violations will not be forgotten [...]

19. Taking the above into account as well as the information provided jointly by the parties, the Commission considers that there is full compliance with item (i) of clause five of the friendly settlement agreement with respect to the act of acknowledgment of responsibility and so declares it as such.

20. On the other hand, with regard to items (ii) workshops with the Ministry of Housing, City, and Territory, and (iii) economic assistance in clause five (satisfaction measures) and clauses six (health and rehabilitation measures), seven (justice measures) and eight (compensation measures) of the friendly settlement agreement and pursuant to the parties' joint request to move ahead with approval of the agreement prior to its execution, the Commission notes that such measures will have to be carried out after the publication of this report and it thus deems that they are pending compliance and so declares it as such. Based on the

foregoing, the Commission would anticipate updated information from the parties regarding implementation following approval of this report.

21. Based on what has been described above, the Commission concludes that there has been full compliance with item (i) act of acknowledgment of responsibility and so declares it as such. In addition, the Commission considers that items (ii) workshops with the Ministry of Housing, City, and Territory and (iii) economic assistance in clause five and clauses six (health and rehabilitation measures), seven (justice measures) and eight (compensation measures) are pending compliance. Consequently, the Commission believes that there is a partial level of compliance with the friendly settlement agreement and so declares it as such. Finally, the Commission reiterates that the remaining content of the agreement is declarative in nature and the IACHR does not need to oversee compliance therewith.

V. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been reached in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

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

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement signed by the parties on July 19, 2022.
2. To declare total compliance with item (i) act of acknowledgment of responsibility of clause five of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare pending compliance with regard to items (ii) workshops with the Ministry of Housing, City, and Territory and (iii) economic assistance of clause five; and clauses six (health and rehabilitation measures), seven (justice measures), and eight (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report.
4. To declare that there is partial compliance with the friendly settlement agreement, according to the analysis contained in this report.
5. To continue monitoring compliance with items (ii) workshops with the Ministry of Housing, City, and Territory and (iii) economic assistance of clause five; and clauses six (health and rehabilitation measures), seven (justice measures), and eight (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report. To that end, to remind the parties of their commitment to periodically inform the IACHR regarding their implementation.
6. To make this report public and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 26th day of the month of July 2023. (Signed:) Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, Vice President; Roberta Clarke, Second Vice President; Joel Hernández García, Julissa Mantilla Falcón and Stuardo Ralón Orellana, Commissioners.