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CASE 11.990 B
REPORT ON FRIENDLY SETTLEMENT

JOHN JAIRO CABARIQUE
COLOMBIA

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REPORT No. 271/25**CASE 11.990 B**

FRIENDLY SETTLEMENT

JHON JAIRO CABARIQUE

COLOMBIA¹

DECEMBER 10, 2025

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On March 9, 1998, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IAC^{HR}") received a petition submitted by Humanidad Vigente and the Corporación Colectivo de Abogados "José Alvear Restrepo" (hereinafter "the petitioners" or "the petitioning party") alleging the international responsibility of the Republic of Colombia (hereinafter "State" or "Colombian State" or "Colombia"), for the violation of human rights under Articles 4 (life), 5 (human treatment), 8 (judicial guarantees), 13 (freedom of thought and expression), 19 (rights of the child), and 25 (judicial protection) in relation to Article 1.1 (obligation to respect rights) of the American Convention on Human Rights, (hereinafter "the Convention" or "the American Convention") for the alleged extrajudicial executions of Oscar Blando Bueno Bonnet, Jefferson González Oquendo, and Jhon Jairo Cabarique -who was a child at the time of the events-(hereinafter "alleged victims") allegedly perpetrated by State agents on January 10, 1997 in Saravena, department of Arauca, as well as for the lack of diligence of the judicial authorities in the investigation and punishment of those responsible for the events.

2. On October 23, 2010, the Commission issued Admissibility Report No. 124/10, in which it declared the petition admissible and declared its competence to hear the claim filed by the petitioning party regarding the alleged violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), 8 (judicial guarantees), 13 (freedom of thought and expression), 19 (rights of the child), and 25 (judicial protection), of the American Convention on Human Rights in conjunction with Article 1.1 of the same instrument, to the detriment of the victims and their families.

3. In January 2013, the friendly settlement procedure was initiated in case 11.990, which initially included Oscar Blando Bueno Bonnet, Jefferson González Oquendo and Jhon Jairo Cabarique as alleged victims. On May 6, 2015, the parties signed a friendly settlement agreement (hereinafter "FSA" or "agreement")² and requested its approval.

4. On March 15, 2019, the petitioning party indicated that contact had been lost with the relatives of Jhon Jairo Cabarique and requested his exclusion as a beneficiary of the agreement, along with the dismissal of the parts of the petition referring to that alleged victim. Consequently, the original petition was divided into two cases: *Case 11.990 A Oscar Orlando Bueno Bonnet and Jefferson González*³ and *Case 11.990 B Jhon Jairo Cabarique*. On May 2, 2019, the Commission closed *Case 11.990 B* in accordance with the provisions of Article 48 (1) (b) of the American Convention on Human Rights and Article 42 of the IAC^{HR} Rules of Procedure, and notified the parties on May 9, 2019.

5. On January 20, 2020, the organization Humanidad Vigente stated that it had regained contact with the family of Jhon Jairo Cabarique and requested that Case 11.990 B be reopened. On August 7, 2020, the Commission decided to reopen the case, in accordance with Article 42.3 of the IAC^{HR} Rules of Procedure, which was communicated to the parties on October 27, 2020.

¹Pursuant to Article 17(2)(a) of the Rules of Procedure of the IAC^{HR}, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion or decision on this case.

² The FSA was jointly amended by the parties on March 3 and December 11, 2017, and on February 12, 2019. This original FSA included all the alleged victims mentioned in the original petition.

³ On this, see IAC^{HR}, Report No. 34/19. Case 11.990 A, Friendly Settlement, Oscar Orlando Bueno Bonnet and Others, Colombia, March 29, 2019.

6. On July 21, 2021, the parties signed a memorandum of understanding to seek a friendly settlement, together with a timeline to move forward in the negotiations. In the following months, the parties held bilateral meetings with the purpose of analyzing the reparation measures to be included in the agreement, which resulted in the signing of said instrument on May 23, 2024, in the city of Bogotá. Subsequently, on February 13, 2025, the parties presented a joint report on the progress made with implementation of the FSA and requested the IACHR its approval.

7. Pursuant to Articles 49 of the Convention and 40(5) of the Rules of Procedure of the Commission, this friendly settlement report includes a summary of the facts alleged by the petitioning party and transcribes the friendly settlement agreement signed on May 23, 2024 by the petitioning party and the Colombian State. Likewise, the Commission hereby approves the agreement signed by the parties and decides to publish this report in its Annual Report to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

8. The petitioners alleged that on January 10, 1997, at approximately 8:30 pm, Oscar Orlando Bueno Bonet, Jean Carlo Cavarique, and Jefferson González Oquendo were traveling through the city of Saravena, Arauca Department, on two motorcycles. They maintain that when they were in front of the "Copetran" Hotel, the alleged victims were intercepted by a National Army patrol attached to the Reveis Pizarro Battalion and that the soldiers began to shoot at the alleged victims, who got off their motorcycles and started to run.

9. The petitioning party also stated that Jefferson González was pursued by another soldier along three streets to the yard of a house, where he was shot and killed. Similarly, as for Jhon Carlo Cabarique, who was then 17 years old, they alleged that he was put against a wall and riddled with bullets by another one of the soldiers.

10. The petitioners maintained that on January 14, 1997, Military Criminal Court 124 opened an investigation and that on April 21, 1997, the father and the wife of Oscar Bueno lodged a complaint regarding the murder of the alleged victims by members of the National Armed Forces. In addition, they indicated that on May 20, 1997, the Prosecutor's Office of Department 40 [*Fiscalía Seccional 40*] for the Judges of Saravena Circuit opened a preliminary investigation. On the other hand, they mentioned that the Prosecutor's Office sent the case file to Military Criminal Court of First Instance 124 (hereinafter "Military Criminal Court"), which issued a writ of prohibition on July 24, 1997, on the grounds that "the soldiers involved acted in legitimate self-defense in combat circumstances".

11. According to the petitioner's account, on May 13, 1998, the Military Criminal Court revoked the writ of prohibition and formally opened an investigation against Corporal Carlos Medina, Lieutenant Diego Martínez, and Private Reimond Piñerez for the alleged crime of murder during combat. The petitioners claimed that on July 13, 1998, the Public Ministry [Public Prosecutors' Office, *Ministerio Público*] requested the Military Criminal Court to invoke conflict of jurisdiction with the ordinary criminal courts, due to the serious inconsistencies that occurred during the investigation into the alleged acts.

12. In the petition, it was denounced that, on October 2, 1998, the Military Criminal Court denied the request of the Public Ministry (Public Prosecutors' Office), and referred the case file to the Military Superior Court, which upheld the decision of the Military Criminal Court on April 6, 1999 and that on June 23, 2000, the Military Criminal Court closed the preliminary investigative stage, without issuing a warrant to detain [*medida de aseguramiento*] against the three members of the National Army.

13. However, they referred that on May 28, 1999, the Office of the State Attorney for Human Rights [*Procuraduría Delegada para Derechos Humanos*] opened a disciplinary investigation against the members of the National Army patrol attached to the Reveis Pizarro Battalion. They claimed that despite the fact that a list of charges was issued on February 16, 2000, the investigation conducted by the State Attorney for Human Rights was closed on March 15, 2002, due to the statute of limitations. In this regard, the petitioners declared that there was no opportunity for the relatives of the alleged victims to testify or participate in the disciplinary

proceeding, since they were not allowed to access to the file of the disciplinary investigative proceedings, even when they were requested.

14. Moreover, the petitioners stated that on December 18, 1998, the family members of Oscar Bueno and Jefferson González filed complaints with the Adjudicatory Administrative Tribunal of Arauca against the Nation—Ministry of Defense. They indicated that on September 9, 1999, that Tribunal found the Nation—Ministry of Defense to be administratively responsible for the deaths of Oscar Bueno and Jefferson González, at the hands of members of the National Army.

15. The petitioners held that the decision by the Prosecutor's Office to refer the investigation to a military criminal court was done in disregard for the fact that military acts that constitute human rights violations cannot be considered as acts of service. On this point, they argued that the acts were extrajudicial executions, since the alleged victims, who were unarmed and absolutely defenseless, were attacked, pursued, and murdered by members of the National Army.

III. FRIENDLY SETTLEMENT

16. On May 23, 2024, in Bogotá, the parties signed a friendly settlement agreement, which reads as follows:

FRIENDLY SETTLEMENT AGREEMENT CASE 11.990 B Jhon Jairo Cabarique

On May 23, 2024 in the city of Bogotá, a meeting was held between, on the one hand, Jhon Jairo Camargo Motta, Director (E) of International Legal Defense of the National Agency of Legal Defense of the State, acting in the name and on behalf of the Colombian State, hereinafter referred to as "the Colombian State" and, on the other, Rafael Barrios Mendivil, attorney at law, and Jomary Ortegón Osorio and María Alejandra Escobar Cortázar, attorneys at law, representing the Colectivo de Abogados y Abogadas "José Alvear Restrepo" Lawyers Association (CAJAR), and attorney Olga Lilia Silva and attorney Daniel Ricardo Franco Arredondo, representing the Organization Humanidad Vigente Corporación Jurídica (HVCJ), hereinafter referred to as "the petitioning party". The parties have decided to enter into this Friendly Settlement Agreement with regard to Case 11.990 B Jhon Jairo Cabarique, pending before the Inter-American Commission on Human Rights.

PART ONE: DEFINITIONS

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

Moral damages: Harmful effects of the facts of the case not economic or property-related in nature that result in the pain, affliction, sadness, distress, and anxiety of the victims.

Non-material damage: Includes both the suffering and affliction caused to the victims, the impairment of values of great importance to the persons concerned, as well as alterations, of a non-pecuniary nature, in the living conditions of the victim or his family.

State or Colombian State: In accordance with Public International Law, the State is understood to be the entity that has agreed to abide by the American Convention on Human Rights, hereinafter the "American Convention" or "ACHR."

The Petitioning Party: Colectivo de Abogados y Abogadas "José Alvear Restrepo" (CAJAR) and Humanidad Vigente Corporación Jurídica (HVCJ).

Satisfaction measures: Non-pecuniary measures that are intended to ensure the recovery of the victims from the harm caused to them. Measures of this kind include public knowledge of the truth and acts of reparation.

Parties: State of Colombia, family members of Jhon Jairo Cabarique, and the petitioning party.

Acknowledgement of responsibility: Acceptance of the actions and omissions attributed to the State that violate one or more of its obligations under international human rights law.

Comprehensive reparation: All measures aimed to restore the dignity and rights of the victims and their families affected by human rights violations, through actions of cessation, satisfaction, rehabilitation, restitution, compensation, and non-repetition.

Friendly Settlement: Alternative dispute resolution mechanism used for peaceful and consensual settlement before the Inter-American Commission on Human Rights, through the individual petition system.

Victims: Jhon Jairo Cabarique and members of his family.

PART TWO: BACKGROUND IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM.

1. On May 6, 2015, the Colombian State signed a Friendly Settlement Agreement⁴, in connection with Case 11.990 Oscar Orlando Bueno Bonnet et. al., regarding the events that occurred on January 10, 1997, in which members of the security forces repeatedly shot and killed the youths Oscar Orlando Bueno Bonnet, Jhon Jairo Cabarique, and Jefferson González Oquendo, in Saravena (Arauca).

2. The State acknowledged its international responsibility for the violation of the rights enshrined in Articles 4 (right to life) to the detriment of youths Oscar Orlando Bueno Bonnet, Jhon Jairo Cabarique, and Jefferson Oquendo, as well as Articles 5 (right to humane treatment), 8 (judicial guarantees), and 25 (judicial protection) to the detriment of the victims and their families.

3. In 2019, the Inter-American Commission on Human Rights divided Case No. 11.990 Oscar Orlando Bueno Bonnet et al. into Case No. 11.990 A Oscar Orlando Bueno Bonnet et al. and Case No. 11.990 B Jhon Jairo Cabarique.

4. In Report No. 34/19 of March 29, 2019, the Inter-American Commission on Human Rights approved the friendly settlement agreement reached in Case 11.990 A Oscar Orlando Bueno Bonnet et al.

5. On July 21, 2021, the parties decided to enter into a memorandum of understanding for the search for a friendly settlement agreement in Case 11.990 B Jhon Jairo Cabarique.

PART THREE: PROGRESS ON MATTERS OF JUSTICE

1. Through Resolution SDSJ No. 2674 of May 31, 2021, the Chamber for the Definition of Legal Situations (SDSJ) (*Sala de Definición de Situaciones Jurídicas*) of the Special Jurisdiction for Peace accepted the submission to said authority, due to prevailing jurisdiction, of Messrs. (SLV) (R) Álvaro Agustín Córdoba Guerra and Professional Soldier (SLP) (R) Leonardo Prieto Cáceres to be tried exclusively for the events of January 10, 1997, in which Oscar Orlando Bueno Bonet (sic), Jefferson González Oquendo, and Jhon Jairo Cabarique were victims in the municipality of Saravena (Arauca). These events led to criminal proceedings under file number 2014-00003 of the Criminal Court of the Saravena Circuit (Arauca),⁵ to which Leonardo Prieto Cáceres, Alvaro Agustín Córdoba Guerra, Wilson Diaz Duran, Raymon Piñeres, Luis Felipe Villamizar Anaya, and Carlos Eduardo Medina Leguizamón were linked by means of the indictment resolution issued by 72nd Human Rights Unit of the Office of the Prosecutor on September 3, 2013.⁶

2. Resolution SDSJ No. 2674 of May 31, 2021, required the respondents SLV (R) Álvaro Agustín Córdoba Guerra and SLP (R) Leonardo Prieto Cáceres to submit a clear, concrete, and scheduled preliminary plan for the fulfillment of their commitments assumed to clarify the truth, provide non-pecuniary reparation to the victims, and establish guarantees for non-repetition.⁷

3. The facts on which the submission of the two defendants was accepted are the subject of a pending friendly settlement agreement, approved by Report No. 34/19 issued by the Inter-American

⁴Friendly Settlement Agreement of May 6, 2015; Addendum dated March 3, 2017; Addendum dated December 1, 2017; Final Friendly Settlement Agreement.

⁵ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, Resolution SDSJ No. 531 of February 14, 2023.

⁶ Colectivo de Abogados y Abogadas José Alvear Restrepo, Humanidad Vigente Corporación Jurídica, e-mail dated July 25, 2023.

⁷Ibid.

Commission, in relation to Case No. 11.990 A Oscar Orlando Bueno Bonnet et al.⁸

4. By means of Resolution No. 1819 of May 26, 2022, the Chamber for the Definition of Legal Situations granted an extension to the Investigation and Prosecution Unit (UIA), in order to fully comply with the task ordered in Resolution No. 2674 of May 31, 2021 regarding the identification and contacting of all indirect victims in case 2014-00003 of the Criminal Court of the Saravena Circuit (Arauca) and Resolution No. 3735 of October 6, 2022 stressed its compliance.⁹

5. In response to SDSJ Resolution No. 2674 of May 31, 2021, SLP (R) Leonardo Prieto Cáceres, in letter dated June 23, 2021, submitted his proposal for a clear, concrete and scheduled commitment (CCCP) with the Chamber for Definition of Legal Situations. Likewise, SLV (R) Álvaro Agustín Córdoba Guerra submitted his CCCP proposal, in a letter dated July 16, 2021,¹⁰ as well as the completed F1 form.¹¹

6. By Resolution No. 2749 of June 4, 2021, the SDSJ accredited Mrs. Gabriela Esmeralda Bueno as an indirect victim, in relation to her connection and family relationship with Mr. Oscar Orlando Bueno Bonnet, a victim identified in the proceedings filed in case No. 2014-00003 of the Criminal Court of the Saravena Circuit (Arauca).¹²

7. After preliminary verification of the proposals submitted by the parties, it was observed that they were prepared in accordance with the request and provided information on the pillars of truth, reparation, and non-repetition, which allows for the initiation of a dialogue process with the victims and the Office of the Public Prosecutor.¹³

8. On November 24, 2022, through official letter No. 3931, the Criminal Court of the Saravena Circuit - Arauca requested the Special Jurisdiction for Peace to return file 817363104001201400003, summary 3964, in order to continue the trial in the ordinary courts (*jurisdicción ordinaria*) of the defendants Luis Felipe Villamizar Anaya, Wilson Díaz Durán, and Raimond Piñeres. On November 3, 2023, the Criminal Court of the Saravena Circuit - Arauca informed the victims' representatives that the file had not yet been returned by the Special Jurisdiction for Peace to continue with the corresponding proceeding.

9. Through Resolution No. 491 of February 12, 2023, the SDSJ accredited Mrs. Eucaris Oquendo Hernández as an indirect victim, in her capacity as mother, due to her connection and family relationship with Mr. Jefferson Darío González Oquendo; and Mr. Kevin Andrey Bueno Solano as an indirect victim, in his capacity as son, due to his connection and family relationship with Mr. Oscar Orlando Bueno Bonet (sic).¹⁴

10. The SDSJ, through Resolution No. 531 of February 14, 2023, gave a preliminary account of the review, which, based on the proposed contributions of the participants at this stage, is sufficient to initiate dialogue for the purposes of restorative, retributive, and prospective justice. Therefore, through the Judicial Secretariat of the Chamber, it ordered the transfer of the CCCP proposal documents to the Office of the Public Prosecutors for a ruling within fifteen (15) business days following receipt of this resolution.¹⁵

11. Similarly, through Resolution No. 531 of February 14, 2023, the SDSJ ordered notification of the victims accredited in Resolution No. 2749 of June 4, 2021: Mrs. Gabriela Esmeralda Bueno and her legal representative, attorney Olga Lilia Silva López; and in Resolution No. 491 of February 13, 2023 (sic), of Mr. Kevin Andrey Bueno Solano and Mrs. Eucaris Oquendo Hernández.¹⁶

12. On October 23, 2023, the victims, through their legal representatives, Humanidad Vigente, submitted before the Chamber for the Definition of Legal Situations their views regarding the CCCPs presented by Álvaro Agustín Córdoba Guerra and Leonardo Prieto Cáceres, in response to Resolutions No. 3207 of September 25, 2023, and 531 of February 2023. They highlighted that, in both cases, the standards of

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹ Ibid; Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, official letter of February 14, 2023.

¹² Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, official letter of February 14, 2023.

¹³ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, Resolution SDSJ No. 531 of February 14, 2023.

¹⁴ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, official letter of February 14, 2023.

¹⁵ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, Resolution SDSJ No. 531 of February 14, 2023.

¹⁶ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, Resolution SDSJ No. 531 of February 14, 2023.

contributions to the truth do not exceed those already achieved by the ordinary justice system; that both proposals for reparation bear no relation to the victims' expectations for truth and justice within the framework of transitional justice; and that, in terms of guarantees of non-repetition, the proposals are disconnected and have no impact on the context in which the events occurred in such a way as to reverse the structures of violence that preceded and facilitated them.

13. While the case remains within the Chamber for the Definition of Legal Situations, the dialogue and restorative efforts will continue in order to obtain concrete contributions that guarantee the rights of the victims, and these will be evaluated.¹⁷

14. With regards to the defendants Luis Felipe Villamizar Anaya, Wilson Díaz Durán, and Raimond Piñeres, since July 31, 2018, there has been no progress in the investigation, trial, and punishment in the criminal proceedings against them in the ordinary jurisdiction of the Criminal Court of the Circuit of Saravena - Arauca, with provisional headquarters in Arauca - Arauca.¹⁸

PART FOUR: BENEFICIARIES

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

Name	Relationship to the direct victim
Jhon Jairo Cabarique	Direct victim
Kevin Alfonso Álvarez Cabarique	Brother
Rosalba Cabarique Fuentes	Mother
Jaquelin Bravo Cabarique	Sister

By signing this Friendly Settlement Agreement, the petitioners declare that the persons listed above are the family members of Jhon Jairo Cabarique, with legal standing and interested in pursuing this proceeding and that they: i) were alive at the time of the occurrence of the facts;¹⁹ and ii) are alive at the signing of this document.

Thus, following the signing of the Friendly Settlement Agreement, the parties agree that no new beneficiaries will be included.

PART FIVE: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges international responsibility for the violation of the rights enshrined in Articles 4 (right to life) to the detriment of Jhon Jairo Cabarique, as well as Articles 5 (right to humane treatment), 8 (judicial guarantees), and 25 (judicial protection) to the detriment of the victim and his family for the events that occurred on January 10, 1997, in which members of the security forces shot young Jhon Jairo Cabarique in Saravena (Arauca), while he was riding a motorcycle through the town center. When he passed the checkpoint and heard gunshots, young Jhon Cairo Cabarique got off his motorcycle and raised his arms to show that he was unarmed and defenseless. He then began to run, pursued by members of the security forces stationed at the checkpoint. They followed young Jhon Jairo Cabarique to the junction of Carrera 16 A with Calle 30, where the homicide took place.

PART SIX: MEASURES OF SATISFACTION

The Colombian State undertakes to implement the following satisfaction measures:

I. Acknowledgment of responsibility and request for forgiveness

The Colombian State will hold a Public Act of Acknowledgement of Responsibility, which will be coordinated with the family members of Mr. Jhon Jairo Cabarique and their representatives. The ceremony shall be consistent with the acknowledgment of responsibility set forth in the present Agreement and will be chaired by a senior Government official.

¹⁷ Special Jurisdiction for Peace, Chamber for the Definition of Legal Situations, official letter of February 14, 2023.

¹⁸ Court file: 817363104001201400003 Summary No.: 3964.

¹⁹This is in accordance with the jurisprudence of the Inter-American Court of Human Rights. See, I/A Court H.R. Case of the Afro-descendant communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. (Preliminary Objections, Merits, Reparations, and Costs). Judgment of November 20, 2013. Series C No. 270, par. 425.

The National Agency for the Legal Defense of the State shall be responsible for coordinating performance of this measure of satisfaction.

II. Commemorative plaque

The State shall deliver to the family members of Jhon Jairo Cabarique and their representatives a commemorative plaque to be installed on the commemorative mural prepared in advance within the framework of the Friendly Settlement Agreement signed in case 11.990 A Oscar Orlando Bueno Bonnet et al., which will bear the following text:

In memory of:
Oscar Orlando Bueno Bonnet
Jefferson González Oquendo
Jhon Jairo Cabarique

Killed by members of the security forces attached to the Cavalry Group "G.R.". Gabriel Revéiz Pizarro", on January 10, 1997, in front of the Copetrán Hotel in the municipality of Saravena - Arauca.

This mural was created in compliance with the Friendly Settlement Agreements in Cases 11.990 A and 11.990 B before the Inter-American Commission on Human Rights, as a guarantee of non-repetition and to preserve the historical memory of the victims.

"Historical memory is the antidote to amnesia of justice."

Saravena- Arauca,

Case 11.990 A -2015
Case 11.990 B - 2024²⁰"

PART SEVEN: JUSTICE MEASURE

The State will continue to implement all necessary actions to comply with the obligation to investigate, prosecute, and punish those responsible for the facts.

In the event that the Special Jurisdiction for Peace (JEP) dismisses the participants whose submission was previously accepted, and for the rest of the military personnel involved in the criminal proceedings over whom the JEP does not exercise its jurisdiction, the Office of the Attorney General will study the feasibility of creating the figure of a special agency in the ordinary jurisdiction.²¹

Likewise, the Office of the Attorney General of the Nation shall exercise its functions as a special intervenor in the matter related to the transitional benefits of the defendants Leonardo Prieto Cáceres and Álvaro Agustín Córdoba Guerra, especially with the aim of ensuring that the competent Chambers and Sections of the Special Jurisdiction for Peace rigorously enforce the established terms and conditions (*régimen de condicionalidad*) and the satisfaction of the rights of the victims, in accordance with their constitutional and legal powers and the guidelines established by jurisprudence.²²

PART EIGHT: HEALTH MEASURE

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

Adequate, timely, and priority treatment will be guaranteed to those persons who require it, upon expression of their will, and for as long as necessary. The psychological treatment and psychosocial care

²⁰ Text agreed to by the parties at the meeting of November 10, 2022; Ministry of National Defense, Official Letter No. RS20221209129842 of December 9, 2022. Meeting on October 5, 2023

²¹ Office of the Office of the Attorney General, e-mail November 9, 2023.

²² Office of the Office of the Attorney General of the Nation, e-mail dated November 9, 2023.

provided must take into account the particular circumstances and needs of each person, so that family and individual treatment is provided, as agreed with each person and after an individual assessment.

Within the framework of comprehensive health care, the beneficiaries of the measures will be guaranteed timely and quality access to the necessary medicines and treatments (including physical and mental health care), in accordance with the provisions governing the SGSS, while also receiving priority and specialized care based on their status as victims.

To this end, a comprehensive health management channel will be guaranteed through the various territorial operators of the PAPSIVI, victims' organizations (*referentes*) in the territorial entities, and the Entities Administrating Benefit Plans and Ministry of Health and Social Protection plans.

This reparation measure shall be implemented under the terms indicated for persons residing within the national territory.²³

PART NINE: GUARANTEES OF NON REPETITION

The Presidential Council for Human Rights, through the Technical Secretariat of the Intersectoral Commission for the Prevention of Recruitment, Use and Sexual Violence against Children and Adolescents (CIPRUNNA), shall supervise implementation of the protection and prevention roadmap in the department of Arauca and the municipality of Saravena. The above with the purpose of adopting it as municipal and departmental public policy, to increase the ability of territorial authorities and national level entities to respond to imminent and individualized threats to the rights of children and adolescents, so as to protect them against any form of recruitment, use, sexual violence, and stigmatization. This prevention and protection roadmap should be adopted as municipal and departmental public policy and as a guideline for action by local authorities, national level entities, society, the community, and the family, in addition to being applied in a variety of inter-agency coordination scenarios.

Likewise, the Technical Secretariat of the Intersectoral Commission, in agreement with the territorial entities, may define focus groups of this population as part of a rights mapping effort that will serve as input to the municipality and the department for the formulation of public policies that guarantee their rights, taking into account their opinion and active participation, thus emphasizing their condition as subjects of rights. In performing these tasks, the authorities will be able to count on the participation of the representatives of the victims - Humanidad Vigente - thanks to the work they do in the area to benefit children and young people and on the participation of the territorial organizations Fundación de Derechos Humanos Joel Sierra and Asociación Juvenil y Estudiantil Regional -ASOJER-.

To implement this guarantee of non-repetition established in the Friendly Settlement Agreement and in order to achieve the formulation and adoption of the roadmaps for the prevention of recruitment, use, sexual violence and stigmatization affecting children and young people in the municipality of Saravena, the Presidential Council for Human Rights, through the Technical Secretariat of the Intersectoral Commission for the Prevention of Recruitment, Use, and Sexual Violence against Children and Adolescents will carry out the following activities:

- a) Mapping of rights with children and adolescents, through the realization of 4 workshops, each lasting 4 to 5 hours, with 4 different groups of 25 children, adolescents, and young people of the municipality to gather their perceptions about the realization and exercise of rights.
- b) A workshop to share the results of the mapping activities among children, young people and institutions.
- c) A workshop with local institutions and authorities to build a roadmap for the prevention of recruitment, use, sexual violence, and stigmatization in its three stages.
- d) A participatory workshop with children and adolescents to identify inputs and elements to be integrated into the new public policy instrument.
- e) Training of the security forces in a differential approach to children.

With regard to development of the aforementioned actions, it is important to note that:

- a) Prior to the rights mapping activity with children and adolescents, a meeting or workshop will be held with the representatives of the victims and/or young people in the area to prepare for the

²³ Ministry of Health and Social Protection, Official Letter No. 202316100036551 of January 10, 2023.

activity. The activity will be systematized and an agreement will be reached regarding dissemination of the results.

- b) The outcomes of the mapping and other workshops will serve as input for the identification of risk dynamics and alternatives to address obstacles to the exercise of rights and may be included in the process of construction and formulation of ways to prevent recruitment, use, sexual violence, and stigmatization in the municipality.
- c) The exercise will be carried out in the context of the case and the friendly settlement agreed upon, from a rights-based approach, understood as a preventive action that is part of the measures or guarantees of non-repetition and with a view to providing meaningful reparation and reconstruction of the social fabric.

In order to comply with this measure, the progress made in the Friendly Settlement Agreement in Case 11.990 - A, Oscar Orlando Bueno Bonnet et al.,²⁴ will be taken into account.

PART TEN: FINANCIAL COMPENSATION

The State shall apply Law 288 of 1996, for the purpose of compensating for the immaterial and material damages that may be proven in favor of the victims recognized in part four of this Friendly Settlement Agreement. For these purposes, the criteria and amounts recognized by current national jurisprudence shall be used.

In the event that any victim has been compensated through the contentious-administrative litigation jurisdiction system and/or has benefited from administrative reparation measures, the amounts that have been awarded shall be deducted from the monetary compensation granted in accordance with the procedure provided herein in order to avoid double or excessive compensation.

Likewise, for the purposes of compensation for damages, evidence that is subject to assessment in accordance with Colombian procedural rules shall be considered.

PART ELEVEN: PUBLICATION OF THE ARTICLE 49 REPORT

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

PART TWELVE: CONFIDENTIALITY

The content of this Friendly Settlement Agreement is confidential and may not be published or disseminated for any reason or by any means of communication until it has been approved by the Inter-American Commission on Human Rights through the issuance of the Report referred to in Article 49 of the American Convention on Human Rights.

PART THIRTEEN: APPROVAL AND FOLLOW-UP

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

Having been read, and the parties being aware of its scope and legal content, this Agreement is signed on May 23, 2024.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

17. 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*

²⁴ Presidential Advisory Office for Human Rights and International Humanitarian Law, e-mail dated October 4, 2023.

sunt servanda, by which States must comply with the obligations assumed in the treaties in good faith.²⁵ It also wishes to highlight 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.

18. The Inter-American Commission has closely monitored the progress of the friendly settlement reached in the instant case and appreciates the efforts made by both parties during negotiations to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

19. In accordance with clause thirteen of the agreement signed between the parties, whereby they requested the Commission to approve the friendly settlement agreement as contemplated in Article 49 of the American Convention, and by virtue of the joint request by the parties on February 13, 2025 to move forward in this manner it, it is now appropriate to assess compliance with the commitments established in this document.

20. The Inter-American Commission considers that clauses one (Definitions), two (Background in the Inter-American Human Rights System), three (Progress on matter of justice), four (Beneficiaries), five (Acknowledgment of Responsibility), and twelve (Confidentiality) of the Agreement are of a declarative nature, rendering supervision of their compliance unnecessary.

21. The Inter-American Commission appreciates the declaratory clause five, in which the Colombian State acknowledges its international responsibility for the violation of the right to life (Article 4) as well as the right to humane treatment (Article 5), to judicial guarantees (Article 8) and to the right to judicial protection (Article 25) established in the American Convention on Human Rights, to the detriment of the victim and his family for the events that took place in this case.

22. With regard to paragraph I (acknowledgement of responsibility and request for forgiveness) and II (commemorative plaque) of clause six (measures of satisfaction), on January 16, 2023, the State indicated that on November 10, 2022 the representatives of the victims, delegates of the Ministry of National Defense, the National Army, and the National Agency for Legal Defense of the State met to agree on the final text of the commemorative plaque. It also mentioned that after this meeting, the Ministry of National Defense stated, by means of official letter No. RS20221209129842 of December 9, 2022, that the text agreed upon had been approved by the Vice Minister of National Defense, and that a work session would soon be held with the Office of Mayor of Saravena - Arauca to define the material and dimensions of the plaque to be installed on the mobile mural. In light of the above, the Commission notes, and hereby declares, that compliance with paragraphs I (acknowledgment of responsibility and request for forgiveness), and II (commemorative plaque) of clause six of the friendly settlement agreement is still pending.

23. Regarding the clause nine (guarantees of non-repetition), on February 13, 2025 in their joint report, the parties mentioned that on June 12, 2024, a meeting was held in the municipality of Saravena- Arauca with the participation of representatives of the Humanidad Vigente Organization, Regional Youth and Student Association (ASOJER), Joel Sierra Human Rights Foundation, the Intersectoral Commission for the Prevention of Recruitment, Use and Sexual Violence against Children and Adolescents (CIPRUNNA) of the Presidential Council for Human Rights and International Humanitarian Law, and the National Agency for the Legal Defense of the State. During the meeting, an assessment was made of the activities carried out to date, as well as those that are still pending.

24. Likewise, the parties stated that the document "*proposal for inclusion in the comprehensive prevention plan of the Municipality of Saravena and the Department of Arauca of routes or protocols against stigmatization and discrimination of adolescents and young people and against the recruitment, use, utilization and sexual violence of children and adolescents*" was examined and agreed that it would be worked on as an initial version of the diagnosis based on the previously agreed mapping. They also indicated that the input

²⁵ 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.

would be adapted with the background and context for the inclusion of the friendly settlement agreement signed in case No. 11.990 B, Jhon Jairo Cabarique. In addition, the parties indicated that an initial work methodology proposal was put forward, which was subsequently reviewed at an inter-agency meeting held on July 29, 2024. Consequently, they specified that after the meeting, two inputs were generated, one comprising the methodological proposal for the workshop on mapping the rights of children and adolescents and the other including the implementation schedule, which were sent to the representatives of the victims on July 19, 2024, for their review.

25. Additionally, the parties noted that on September 2, 2024, a new virtual meeting was held with the participation of representatives of the Humanidad Vigente Organization, the Regional Youth and Student Association (ASOJER), the Joel Sierra Human Rights Foundation, the Intersectoral Commission for the Prevention of Recruitment, Use and Sexual Violence against Children and Adolescents (CIPRUNNA) of the Presidential Council for Human Rights and International Humanitarian Law, and the National Agency for the Legal Defense of the State. The purpose of the meeting was to review the schedule with the organizations in the territory to identify deadlines and consider possible modifications. Likewise, the revision of the methodological proposal and the modification of the schedule were verified in accordance with the timelines of the organizations in the territory. To that end, on the same date, the Presidential Council for Human Rights sent the documents discussed at the meeting to be studied in their final version by the representatives of the victims and participating organizations in order to obtain their approval, including the proposed dates of the agenda.

26. Finally, the schedule of activities planned to achieve total compliance with the measure was presented. In this framework, the parties specified that the mapping of rights with children and adolescents was prepared in 2018, so this point of the clause has already been complied with. Regarding the workshop for the socialization of the results of the mapping, in charge of the Office of the Presidential Council for Human Rights and International Humanitarian Law, it was reported that it was scheduled to take place between April 28 and May 2, 2025. As for the workshop on the construction of prevention roadmaps, organized by the same office with the support of ANDJE, the Humanidad Vigente Corporation, the Joel Sierra Human Rights Foundation and ASOJER, it was indicated that it would be held between May 19 and 23, 2025.

27. On the implementation of a participatory workshop with children and young people to identify inputs and elements to be included in the new public policy instrument, five meetings were scheduled for different population groups: four in educational institutions (two rural and two urban) and one with young people involved in organizational procedures, in order to gather perceptions and proposals to strengthen policies for the protection of rights. Regarding those meetings, the parties had agreed to hold them between the fourth week of February 2025 and the first week of March 2025. In this regard, the Commission notes that the parties had proposed dissemination activities with authorities in February 2025 and a technical roundtable with the UARIV and the Center for Memory for the definition of risk dynamics, focusing on the stigmatization of children and young people between March and April 2025. Internal dissemination of the arrangements for holding comparative workshops was also proposed for the last week of March 2025.

28. In addition, it was reported that the training for law enforcement agencies on a differential approach to children and stigmatization of children, adolescents, and youths, led by the Council in coordination with Ministry of Defense and with the support of the ANDJE, is scheduled for December 4, 2025. In light of the above, the Commission considers, and hereby declares, that subparagraph a) of the third paragraph of clause nine has been met with total compliance and, accordingly, declares that clause nine has been met with partial compliance. In this regard, the Commission urges the parties to continue working together in the design and implementation of ways to achieve total compliance with the measure.

29. With regard to clause seven related to the measure of justice, the Commission takes note of the agreement between the parties and takes this opportunity to recall the State's duty to investigate the facts *ex officio* and diligently in the ordinary jurisdiction and, where applicable, to determine the corresponding criminal responsibilities within a reasonable time, in accordance with international standards. Furthermore, the Commission recalls that this obligation must be assumed by the State as its own legal duty, not as a mere formality preordained to be ineffective, or simply as a step taken by private interests based on the procedural initiative of the victim or his family or on their private offer of evidence.

30. Finally, in relation to clause seven (measures of justice) and clauses eight (health measure), ten (financial compensation) and eleven (publication of the Article 29 Report) of the friendly settlement agreement, and bearing in mind the joint request of the parties to proceed with the approval of the agreement prior to its implementation, the Commission observes that those measures must be complied with after the publication of this report. Therefore, it considers, and hereby declares, that compliance with them is still pending. Therefore, the Commission will await updated information from the parties with respect to their execution subsequent to the approval of this report.

31. In light of the above, the Commission notes, and hereby declares, that total compliance has been achieved with respect to subparagraph a) of the third paragraph of clause nine (mapping) and that partial compliance has been achieved regarding clause nine (guarantees of non-repetition). At the same time, the Commission considers, and hereby declares, that compliance is still pending with respect to paragraphs I (act of acknowledgment of responsibility and request for forgiveness) and II (commemorative plaque) of clause six(measures of satisfaction), as well as clause seven (measures of justice), eight (health measures), ten (financial compensation) and eleven (publication of the Article 49 Report) of the friendly settlement agreement.

32. Finally, the Commission reiterates that the rest of the content of the agreement is declarative and therefore not subject to its supervision. Consequently, the Commission considers that compliance with the agreement has been partial, and it will continue to monitor implementation of the aforementioned clauses until total compliance has been achieved.

V. CONCLUSIONS

33. 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 arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

34. Based on the reasons and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the friendly settlement agreement that the parties signed on May 23, 2024.

2. To declare that total compliance has been achieved with respect to subparagraph a) of the third paragraph of clause nine (mapping) of the friendly settlement agreement, based on the analysis contained in this report.

3. To declare partial compliance has been met with respect to clause nine (guarantees of non-repetition) of the friendly settlement agreement, based on the analysis contained in this report.

4. To declare that compliance is still pending with respect to paragraphs I (act of acknowledgment of responsibility and request for forgiveness) and II (commemorative plaque) of clause six (measures of satisfaction), as well as clauses seven (justice measure), eight (health measures), ten (financial compensation) and eleven (publication of the Report of Article 49) of the friendly settlement agreement, according to the analysis contained in this report.

5. To continue with the supervision of the commitments undertaken in paragraphs I (act of acknowledgement of responsibility and request for forgiveness) and II (commemorative plaque) of clause six, and clauses seven (justice measures), eight (health measures), nine (guarantees of non-repetition), ten (financial compensation), and eleven (publication of the Article 49 Report) of the friendly settlement agreement, until total compliance is reached, based on the analysis contained in this report. To that end, to remind the parties of their commitment to keep the IACHR regularly informed regarding compliance.

6. To publish the present report 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 10th day of the month of December, 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Edgar Stuardo Ralón Orellana, Second Vice President; Gloria Monique de Mees, and Roberta Clarke, Commissioners.