

OEA/Ser.L/V/II  
Doc. 291  
30 November 2023  
Original: Spanish

**REPORT No. 271/23**

**CASE 13.971**

REPORT ON FRIENDLY SETTLEMENT

MERARDO IVAN VAHOS ARCILA AND FAMILY  
COLOMBIA

Approved electronically by the Commission on November 30, 2023.

**Cite as:** IACHR, Report No. 271/23, Case 13.971. Friendly Settlement. Merardo Iván Vahos Arcila and family. Colombia. November 30, 2023.

**REPORT No. 271/23**  
**CASE 13.971**  
FRIENDLY SETTLEMENT  
MERARDO IVÁN VAHOS ARCILA AND FAMILY  
COLOMBIA<sup>1</sup>  
NOVEMBER 30, 2023

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

1. On December 8, 2009, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition lodged by Oscar Darío Villegas Posada, (hereinafter "the petitioner" 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 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 19 (rights of the child) and 25 (right to judicial protection), in relation to Article 2 of the American Convention on Human Rights (hereinafter "Convention", "American Convention" or "ACHR") and Articles I (right to life, liberty and personal security), XI (right to preservation of health and to well-being) and XVIII (right to a fair trial) of the American Declaration of the Rights and Duties of Man and Article 14 (due process) of the International Covenant on Civil and Political Rights, for the extrajudicial execution of Mr. Merardo Iván Vahos Arcila (hereinafter "the alleged victim") on August 9, 2000, and the lack of a thorough investigation to clarify the motives surrounding his death.

2. On April 24, 2020, the Commission issued Admissibility Report 99/20, in which it declared the petition admissible and declared its competence to hear the claim presented by the petitioner regarding the alleged violation of the rights contained in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to fair trial), and 25 (right to judicial protection) in accordance with Articles 1(1) and 2 of the American Convention.

3. On March 28, 2023, the parties signed a memorandum of understanding for the pursuit of a friendly settlement in which they agreed on a negotiation schedule that materialized with the signing of a friendly settlement agreement (hereinafter "FSA" or "agreement") on May 18, 2023, in the city of Bogotá, D.C. Subsequently, on June 21, 2023, the parties submitted a joint report on the progress in the implementation of the FSA and requested the IACHR to approve it.

4. In this friendly settlement report, in accordance with the provisions of Article 49 of the Convention and Article 40(5) of the Rules of Procedure of the Commission, a summary of the facts alleged in the petition is provided and the friendly settlement agreement, signed on May 18, 2023, by the petitioning party and representatives of the Colombian State, is transcribed. 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 petitioner claimed that on August 9, 2000, the alleged victim was on his way to work as a sugar cane cutter in the settlement (Vereda) of Bengala of the municipality of Yolombó, in the Department of Antioquia, when he came across uniformed men belonging to the special forces Rural Gauila group of Antioquia,<sup>2</sup> which was moving through the area in an operation to rescue a civilian, who had been kidnapped by the guerrilla forces. He contended that the agents shot the alleged victim dead for no reason and abandoned his body on the road. He asserted that the disproportionate action caused the death of the alleged victim, who at

---

<sup>1</sup> In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion or decision on this case.

<sup>2</sup> It is noted that the Gauila Group was made up of agents of the Administrative Department of Security (hereinafter "DAS"), Police and National Army.

no time acted illegally in front of the agents, but was simply walking through the scene of the events unaware. He noted that the alleged victim's family members learned about the incidents in the afternoon, and the removal of the body was performed by the Prosecutor of the Municipality of Cisneros, who on August 10, 2000, forwarded the background information to the Clauseal Prosecutor's Office of Yolombó.

6. The petitioner claimed that the State did not conduct a thorough or diligent investigation to elucidate the motives surrounding his death, but on the contrary, the defendants consistently sought to conceal any sort of information on this score.

7. As for the disciplinary jurisdiction, he claimed that the alleged victim's wife filed a disciplinary complaint with the Regional Office of Oversight (*Procuraduría Regional*) of Antioquia on September 5, 2000, which did not take any investigatory steps, and did not issue an order to open the preliminary investigation until February 22, 2002, though as of the present date no further information is available.

8. The petitioner claimed that a motion for direct reparation was filed with the administrative claims court on July 10, 2001, in order to compensate the family members of the alleged victim, and the motion was granted by the Tenth Decision Chamber of the Administrative Claims Court of Antioquia, in a judgment of July 24, 2007, recognizing administrative responsibility of the Ministry of Defense of the Nation, the Army and the National Police and the DAS, for the damages caused to the alleged victim and his family. In this judgment, the trial court judge noted that the abandoned body of the alleged victim presented "dirt under the fingernails, which suggests he was a person engaged in field labor, as is reinforced by the statements given in the proceeding and the Mayor and Clauseal Prosecutor attest."

9. The petitioner asserted that the National Army and the DAS filed appeals against the trial court judgment with the Council of State, for which leave was granted to appeal but no ruling has been issued on the appeal since the filing of the instant petition. Therefore, he contended there has been unwarranted delay and, consequently, a lack of reparation.

### III. FRIENDLY SETTLEMENT

10. On May 18, 2023, in the city of Bogotá D.C., the parties entered into a friendly settlement agreement, the text of which establishes the following:

#### FRIENDLY SOLUTION AGREEMENT CASE 13.971 MERARDO IVÁN VAHOS ARCILA AND FAMILY

On May 18 in the city of Bogotá D.C., within the framework of the "Friendly Settlement Solutions in Colombia: A step closer to the victims", met on the one hand, Martha Lucía Zamora Ávila, General Director of the National Agency for the Legal Defense of the State, who acts on behalf and in representation of the Colombian State, hereinafter "the Colombian State", and on the other hand, the firm Villegas Abogados Asociados, represented in this act by Sandra Villegas Arévalo, who acts as representative of the victims, together referred to as "the parties", who have decided to enter into this Friendly Settlement Agreement in the framework of Case 13.971 Merardo Iván Vahos Arcila and Family, ongoing before the Inter-American Commission on Human Rights.

#### FIRST PART: CONCEPTS

For the purposes of this Agreement, the following definitions shall apply:

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

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

**Material damage:** Refers to the detriment or violation of the economic rights of the victims and their next of kin as a result of the damage suffered by them. It is made up of the income lost and the expenses incurred and proven as a result of the harmful event.<sup>3</sup>

**Non-pecuniary damage:** Includes both the suffering and affliction caused to the victims, the impairment of very significant values for the persons, as well as the alterations, of a non-pecuniary nature, in the living conditions of the victim or his family.<sup>4</sup>

**State or Colombian state:** In accordance with International Public Law, it shall be understood that the signatory subject of the American Convention on Human Rights, hereinafter the "American Convention" or "ACHR" is the Colombian State.

**Satisfaction measures:** Non-pecuniary measures that aim to ensure the victims' recovery from the harm caused to them. Some examples of this type of measures may be: public acknowledgment of the truth and medical and psychosocial care.<sup>5</sup>

**Parties:** State of Colombia, relatives of the victim, as well as the victims' representatives.

**Acknowledgment of responsibility:** Acceptance of the facts and omissions attributed to the State and that violate one or various obligations under international human rights law.

**Comprehensive reparation:** All measures that objectively and symbolically restore, as far as possible, the victim to the state prior to the commission of the harm.

**Representative of the victims:** Villegas Abogados Asociados law firm, represented in this act by Sandra Villegas Arévalo.

**Friendly settlement:** Alternative dispute resolution mechanism used for peaceful and consensual settlement before the IACHR.

**Victims:** The family members of Mr. Merardo Iván Vahos Arcila that would be developed in the third part.

## SECOND PART: BACKGROUND

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

1. On December 8, 2009, the Inter-American Commission on Human Rights received a petition presented by Dr. Oscar Darío Villegas Posada, for the homicide of Mr. Merardo Iván Vahos Arcila. The events occurred on August 9, 2000 in the Bengala Village of the municipality of Yolombó, in the Department of Antioquia.
2. Regarding the background of the case, the representatives stated that the homicide was allegedly perpetrated by members of the "Gaula Rural de Antioquia" group, who were moving through the area carrying out a rescue operation for a civilian who had been kidnapped by the guerrillas.<sup>6</sup>

---

<sup>3</sup> I/A Court H.R., Case of Serrano Cruz Sisters v. El Salvador. Merits, Reparations and Costs. Judgment of March 1, 2005. Series C No. 120, par. 150

<sup>4</sup> 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, par. 125

<sup>5</sup> Some examples of this type of measure are: public knowledge of the truth and acts of atonement.

<sup>6</sup> Admissibility report N. 99/20, par. 3.

3. On August 10, 2000, the National Police of the Municipality of Cisneros conducted the inspection and autopsy of the body of Mr. Merardo Iván Vahos Arcila.<sup>7</sup>
4. On August 16, 2000, the Police Inspector of the Municipality of Cisneros issued a resolution ordering to send the proceedings related to the homicide of Mr. Merardo Iván Vahos Arcila to the Clauseal Prosecutor's Office of Yolombó.
5. On September 4, 2000, the Clauseal Prosecutor's Office of Yolombó ordered the investigation to be sent to the Specialized Prosecutor's Office of Medellín,<sup>8</sup> where it was processed until April 24, 2003, and was subsequently sent to the 23rd Specialized Prosecutor's Office of Medellín.<sup>9</sup> However, on March 12, 2004, the 23rd Prosecutor's Office suspended the investigation and archived the file.<sup>10</sup>
6. On September 20, 2012, the 24th Specialized Prosecutor's Office of Medellín again took cognizance of the investigation corresponding to the homicide of Mr. Merardo Iván Vahos Arcila.<sup>11</sup>
7. On March 28, 2023, the Colombian State and the representative of the victims signed a memorandum of understanding for a friendly settlement, in which a work schedule was established in order to build this friendly settlement agreement.

### THIRD: VICTIMS AND POTENTIAL BENEFICIARIES

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

Relatives of Merardo Iván Vahos Arcila		
Name	ID	Kinship
Luz Adielia Franco Uribe	[...]	Wife
Hernán Dario Vahos Franco	[...]	Son
Robinson Adrián Vahos Franco	[...]	Son
Fabio de Jesús Vahos Arcila (RIP). <sup>12</sup>	[...]	Brother
Leonel De Jesús Vahos Arcila(RIP). <sup>13</sup>	[...]	Brother
Mario Alonso Vahos Arcila	[...]	Brother
Luis Alfonso Vahos Arcila	[...]	Brother
Luz Elena Vahos Arcila	[...]	Sister
Elicira Rosa Vahos Arcila	[...]	Sister

The victims recognized in this Friendly Settlement Agreement shall benefit as long as they can prove their relationship by blood or affinity with Mr. Merardo Iván Vahos Arcila.

Additionally, the victims who will benefit from this Friendly Settlement Agreement will be those who were alive at the time of the events.<sup>14</sup>

<sup>7</sup> Information obtained from Prosecutor's Executive Report No. 51 dated April 18, 2022. Code: FGN-MP02-F-24.

<sup>8</sup> *Ibidem*.

<sup>9</sup> *Ibidem*.

<sup>10</sup> *Ibidem*.

<sup>11</sup> *Ibidem*.

<sup>12</sup> In which case, the amounts to be recognized by virtue of the economic compensation under Law 288 of 1996, will be recognized to the beneficiaries according to the succession presented for that purpose.

<sup>13</sup> In which case, the amounts to be recognized by virtue of the economic compensation under Law 288 of 1996, will be recognized to the beneficiaries according to the succession presented for that purpose.

<sup>14</sup> The foregoing, 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.

#### **FOURTH: ACKNOWLEDGMENT OF RESPONSIBILITY**

The Colombian State acknowledges its international responsibility for violation of 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 respect rights), to the detriment of the next of kin of Mr. Merardo Iván Vahos Arcila.

#### **FIFTH: SATISFACTION MEASURES**

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

##### **I. Act of acknowledgment of responsibility**

The Colombian State will hold an Act of Acknowledgment of Responsibility, which will be presided over by the Director General of the National Agency for the Legal Defense of the State and will include the participation of the Rapporteur for Colombia - Commissioner Joel Hernández García. All aspects related to the event will be agreed with the representative of the victims and the relatives. The act shall be carried out in accordance with the acknowledgment of responsibility indicated in this Agreement.

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

##### **II. Publication of the Art. 49 report**

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

#### **SIXTH PART: JUSTICE MEASURES**

The Office of the Attorney General of the Nation, within the framework of its competencies, will continue to carry out with due diligence the judicial actions that will allow the investigation to move forward and the possible identification and individualization of those responsible for the facts.

Based on these developments, the Attorney General's Office and the petitioners will hold a meeting every six months to report on the progress made in the justice system.

The semi-annual meeting to be held will be convened directly by the Attorney General's Office.<sup>15</sup>

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

The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". This shall be initiated once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the beneficiaries included in the third clause of the

---

<sup>15</sup> Office of the Attorney General of the Nation. Official letter of May 12, 2023. File No. 20231700034251.

present agreement as a consequence of the affectations generated by the facts of the present case.

The National Agency for the Legal Defense of the State shall be the entity in charge of the proceedings under Law 288 of 1996.

For the purposes of the indemnification of damages and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.

#### **EIGHT PART<sup>16</sup>: HOMOLOGATION AND FOLLOW-UP**

The parties request the Inter-American Commission the homologation of this Agreement and its follow-up.

This Agreement having been read and the parties being aware of its scope and legal content, is signed on May 18, 2023.

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

11. 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.<sup>17</sup> 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.

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

13. In accordance with the agreement signed by the parties whereby they requested the Commission to homologate the friendly settlement agreement contemplated in Article 49 of the American Convention, and taking into consideration the parties' request of June 21, 2023 to move forward in this way, it is appropriate, at this time, to assess compliance with the commitments established in this instrument.

14. The Inter-American Commission considers that the first (Concepts), second (Background), third (Victims and potential beneficiaries), and fourth (Acknowledgment of responsibility) clauses of the agreement are of a declarative nature, and therefore it is not appropriate to supervise their compliance. In this regard, the Commission values the fourth declarative clause, in which the Colombian State recognizes its international responsibility for the violation of the rights recognized in Articles 8 (the right to a fair trial) and 25 (the right to judicial protection) of the American Convention on Human Rights, in relation to Article 1.1 of the same instrument to the detriment of the next of kin of Mr. Merardo Iván Vahos Arcila.

15. In relation to item (i) *act of acknowledgment of responsibility*, of the fifth clause on satisfaction measures, as jointly reported by the parties, it was held on May 18, 2023 at 2:00 p.m., within the framework of the *"Friendly Solutions in Colombia: A step closer to the victims"* at the Universidad Externado de Colombia. The parties reported the existence of a permanent and fluid communication between the State and the petitioners, with whom they agreed on each of the details for the fulfillment of the measure, such as the date, time, agenda

<sup>16</sup> In the original FSA this clause was listed as the seventh clause, but the Commission understands that this is a material error and adjusts the numbering according to the corresponding sequence to facilitate its monitoring.

<sup>17</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.*

and logistics required for its development. In this regard, the parties provided a simple copy of the invitations circulated for said event, in which Mr. Hernando Dario Vahos Franco, son of Mr. Merardo Iván Vahos, and his representative, Dr. Juan David Villegas Mora, participated, as well as the National Agency for the Legal Defense of the State and the Commissioner and Rapporteur for Colombia, Joel Hernández García.

16. Likewise, the parties gave an account of the contents of the agenda agreed upon for the event, which included an opening, the national anthem of Colombia, the reproduction of photos and a song in memory of Mr. Merardo Iván Vahos Arcila and words by Mr. Hernando Dario Vahos Franco, son of Mr. Merardo Iván Vahos, as well as by his representative, Mr. Juan David Villegas Mora. The State's intervention was made by the ANDJE's Director of International Legal Defense, who asked for forgiveness from the victims and their families for what happened, and acknowledged the State's responsibility under the terms established in the friendly settlement agreement signed between the parties, stating the following:

[...]

We are gathered here today to acknowledge the responsibility of the State for the lack of clarification of the facts and the punishment of those responsible for the painful events that occurred to Mr. Merardo Iván Vahos, whose life was taken on August 9, 2000, in the Bengala Village of the municipality of Yolombó, department of Antioquia, when he was on his way to his daily work.

Before continuing, I would like to point out that Mr. Merardo Iván Vahos was an excellent person, devoted to his family, a hard-working man who was dedicated to the field, specifically to cutting sugar cane. Today I would like to highlight the work that Mr. Vahos performed, which is carried out by several Colombians, who build a country from the very essence, the field, the land, and nature.

In the present case, the murder of Mr. Vahos has not been clarified, nor have those responsible been punished. Although, the day after the facts, the established inspection was carried out, no results were obtained in the proceedings carried out and on March 12, 2004, the 23rd Specialized Prosecutor's Office of Medellín suspended the investigation and archived the case file.

Subsequently, on September 20, 2012, the 24th Specialized Prosecutor's Office of Medellín took over the investigation for the homicide of Mr. Merardo Iván Vahos Arcila. Currently, the investigation is in the preliminary investigation stage.

Taking into account, and considering the time that has elapsed without having clarified the facts, the Colombian State recognizes its responsibility for the lack of due diligence in the investigation of the events that occurred on August 9, 2000, which resulted in the absence of identification, prosecution and punishment of the perpetrators of the homicide of Mr. Merardo Iván Vahos. The above, moreover, because the Colombian State had the obligation to investigate, prosecute and punish those responsible, which did not happen in the present case, and generated immense pain and indelible sequels in the relatives of Mr. Merardo Iván Vahos.

It is precisely in recognition of this harm caused to the family of Mr. Merardo Iván Vahos that today the State asks for their forgiveness. Thus, in my capacity as Director General of the National Agency for the Legal Defense of the State, I recognize the international responsibility of the Colombian State for the violation of 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 relatives of Mr. Merardo Iván Vahos Arcila.

[...]



17. For his part, Commissioner Joel Hernández García, IACHR Rapporteur for Colombia, stated the following:

[...]

The video that we have just seen, the words of Hernando Darío make us see, transmit to us, the importance that your father had for you as a family, but also for your community in Yolombo, Antioquia. Undoubtedly it has been 23 difficult years with the absence of a father, the absence of a brother, of a husband and that certainly leaves a dent, it certainly affects our life project and any act carried out later is meaningless because it will never be able to replace the presence of your father. But I want to highlight the moment in which we find ourselves, the fact of having heard an acknowledgement of responsibility made by a high authority of the Colombian State, Dr. Marta Lucia, who has recognized the omission of the State in the investigation of the facts that led to the extrajudicial execution of your father. This fact should serve to begin to close a wound and that you, don Hernando personally, your family can begin a stage of reconciliation and get your lives back on track.

Nothing can replace your father, but I do believe that these solemn acts serve to mark a before and an after, that this be one of peace, of peace with you, with your family, with the State itself.

I want to thank here the role played by the firm Oscar Villegas y Asociados who, together with Juan David and Sandra, lawyers of the family, have accompanied Hernando Darío and his family in this procedure. On behalf of the Commission, we would like to thank them for the trust they have placed in the Inter-American system so that justice can be done in their father's case through this instance.

But I would also like to highlight the willingness of you, the petitioners and the State, to find a solution that dignifies the memory of your father and brings you reparations. You have found in the friendly settlement mechanism the way to find an effective and expeditious reparation and here I would also like to acknowledge the Agency and the team for the speed with which they have accepted to begin this friendly settlement process, the quick signing of the agreement and that today we are in an act of recognition that, in spite of the distance, we can do it in person.

There now follows a stage in which the Commission will carry out the homologation of the agreement so that it can be promptly implemented. It is also up to us to carry out the follow-up, but I am confident that we will achieve full compliance with this agreement in a short period of time.

[...]

18. The act of acknowledgment was registered in the YouTube web page of the National Agency for the Legal Defense of the State.<sup>18</sup> In view of the foregoing, and taking into consideration the elements of information described above, the Commission considers that item (i) of the fifth clause of the friendly settlement agreement, related to the act of acknowledgment of responsibility, has been fully complied with and so declares it.

19. With regard to item (ii) *publication of the Article 49 report*, of the fifth clause (satisfaction measures), as well as sixth clause (justice measures) and seventh clause (compensation measures) of the friendly settlement agreement, the Commission observes that said measures shall be complied with after the publication of this report, and therefore considers that they are pending compliance and so declares it. By virtue

---

<sup>18</sup> See, ANDJE, YouTube, Act of Acknowledgement of Responsibility- Case 13.971. Merardo Iván Vahos Arcila: <https://www.youtube.com/watch?v=rNcc85odvIA>

of the foregoing, the Commission would await updated information from the parties on their execution after the approval of this report.

20. Taking into account the foregoing, the Commission concludes that item (i) *act of acknowledgment of responsibility* of the fifth clause has been fully complied with and so declares it. Likewise, the Commission considers that item (ii) *publication of the Article 49 report*, of the fifth clause, the sixth clause (justice measures) as well as the seventh clause (compensation measures) are pending compliance and so declares. Therefore, the Commission considers that the agreement has a level of partial compliance and so declares. Finally, the Commission considers that the rest of the content of the friendly settlement agreement is of a declarative nature and therefore does not fall under its supervision.

## 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 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.

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 friendly settlement agreement signed by the parties on May 18, 2023.

2. To declare full compliance with 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 that item (ii) (publication of the Article 49 report) of the fifth clause, the sixth clause (justice measures) and the seventh clause (compensation measures) of the friendly settlement agreement are still pending compliance, according to the analysis contained in this report.

4. To continue with the monitoring of the commitments assumed in item (ii) (publication of the Article 49 report) of the fifth clause, the sixth clause (justice measures) and the seventh clause (compensation measures) according to the analysis contained in this report. To this end, remind the parties of their commitment to report periodically to the IACHR on their compliance.

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

Approved by the Inter-American Commission on Human Rights on the 30<sup>th</sup> day of the month of November, 2023. (Signed:) Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, Vice President; Roberta Clarke, Second Vice President; Julissa Mantilla Falcón, Stuardo Ralón Orellana and José Luis Caballero Ochoa, Commissioners.