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**REPORT No. 208/23**

**CASE 12.908**

REPORT ON FRIENDLY SETTLEMENT

JORGE ADOLFO FREYTTER ROMERO AND OTHERS  
COLOMBIA

Approved electronically by the Commission on October 22, 2023.

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**REPORT No. 208/23**  
**CASE 12.908**  
FRIENDLY SETTLEMENT  
JORGE ADOLFO FREYTTTER ROMERO AND OTHERS  
COLOMBIA<sup>1</sup>  
OCTOBER 22, 2023

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

1. On January 30, 2004, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition filed by Jorge Enrique Freyッター Florián, son of the alleged victim, (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 the human rights enshrined in Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 13 (freedom of thought and expression), 17 (rights of the family), 22 (movement and residence), and 25 (judicial protection), in relation to Article 1 (obligation to respect) of the American Convention on Human Rights, (hereinafter “Convention”, “American Convention” or “ACHR”) and of Articles I. b) and III of the Inter-American Convention on Forced Disappearance of Persons and Articles 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, for the illegal detention, disappearance, torture and extrajudicial execution of Jorge Adolfo Freyッター Romero (hereinafter “the alleged victim”) between August 28 and 29, 2001, in the city of Barranquilla, as well as for the lack of judicial clarification of the facts. Likewise, the petitioner alleged violations of the right to personal integrity and the right to freedom of movement and residence to the detriment of his family members. Subsequently, the José Alvear Restrepo Lawyers' Collective (hereinafter “CAJAR”) became a co-petitioner in this case.

2. On July 11, 2013, the Commission issued its Report on Admissibility 38/13, in which it declared the petition admissible and its competence to hear the claim presented by the petitioner regarding the alleged violation of the rights contained in Articles 3 (recognition of juridical personality), 4 (right to life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 13 (freedom of thought and expression), 16 (freedom of association), 22 (right of movement and residence) and 25 (judicial protection) in accordance with Articles 1.1 and 2 of the American Convention; Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, and Article I.b) of the Inter-American Convention on Forced Disappearance of Persons.

3. On February 3, 2017, the State indicated its willingness to advance with a friendly settlement proceeding and on March 7, 2018, the parties signed a memorandum of understanding for the search of a friendly settlement. On August 16, 2018, the Commission formally notified the parties of the start of the friendly settlement proceeding.

4. The Commission facilitated working meetings for the negotiation of a friendly settlement agreement on May 8, 2019, March 7, 2020, July 30, 2020, August 19, 2020, August 26, 2020 and March 23, 2023. On August 28, 2020, in the city of Bogotá D.C., the parties entered into an friendly settlement agreement (hereinafter “FSA” or “agreement”). Subsequently, the content of the FSA was partially modified by means of the Addendum No. 1 executed by the parties on July 28, 2022.

5. On October 13, 2022 and March 22, 2023, respectively, the State and the petitioner requested the approval of said agreement.

6. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40(5) of the Commission's Rules of Procedure, contains a summary of the facts alleged in the petition and a transcription of the friendly settlement agreement signed between the petitioning party and representatives of the Colombian State on August 28, 2020. Likewise, the agreement signed between the parties is approved

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<sup>1</sup> Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion and decision of this case, pursuant to Article 17.2.a) of the IACHR Rules of Procedure.

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

7. The petitioner alleged that Jorge Freytter was a professor at the Universidad del Atlántico, which is located in the city of Barranquilla, for approximately 20 years; during this time, he is said to have been actively involved in different trade union-related activities. In this regard, the petitioners indicated that while he was no longer teaching at the time the events referred to in this complaint occurred, Mr. Freytter had reportedly remained on as an “active member” of several organizations such as the Asociación de Profesores Universitarios [Association of University Professors] (ASPU), the Cooperativa de trabajadores, profesores y jubilados de la Universidad del Atlántico [Universidad del Atlántico Workers, Professors, and Retirees Cooperative] (COOTRAUDEA), and the Asociación de Jubilados de la Universidad del Atlántico [Universidad del Atlántico Retirees Association] (ASOJUA). The petitioners point out that in July 2001, a number of protests were reportedly held because the Universidad del Atlántico had failed to make back payments for pensions; they add that, at that time, the alleged victim was responsible for management activities on behalf of the ASOJUA.

8. The petitioners noted that the facts referred to in this petition would fall under the category of persecution of student leaders, trade union members, and professors at the Universidad del Atlántico by the Autodefensas Unidas de Colombia [United Self-defense Units of Colombia] (AUC – Northern Block) in the department of Atlántico; at the time these events occurred (2001), this group was reportedly conspiring with members of law enforcement who belonged to the National Police’s Grupo de Acción Unificada por la Libertad Personal [Unified Action Group for Personal Freedom] (GAULA) and the National Army in Barranquilla. They alleged that the disappearance and extrajudicial execution of the alleged victim was committed in retaliation for his activities as a union leader.

9. The petitioners alleged that at noon on August 28, 2001, just as Jorge Freytter was arriving at his place of residence, located in the city of Barranquilla, he was taken by a group of “heavily armed” men who are said to have violently shoved him into a vehicle headed in an unknown direction. They allege that after he was abducted, Jorge Freytter was taken to an “airless warehouse” where he was reportedly kept handcuffed and was subjected to torture until he ultimately died of suffocation caused by a “bag” that had been used to cover his head.

10. Based on the information provided by the petitioners, the alleged extrajudicial execution is understood to have been committed by a state agent, and that such an occurrence was reportedly consistent with the way illegal armed groups acted in coordination with members of law enforcement in the department of Atlántico; this *modus operandi* was governed by an “agreement under [which] in operations in which [state law enforcement agents] were involved [,] people had to be executed.” The petitioners allege that—as a former member of the AUC implicated in this case reportedly testified—the site where the alleged victim is said to have been grabbed before his death was a place used for this type of operations where “people [were] held [...] while information was extracted from them.”

11. The petitioners noted that on the day he disappeared, the alleged victim’s family members notified the authorities of what had happened. They stated that they [the family] filed a report with the GAULA in the department of Atlántico; based on this report, GAULA officers went to their home to question them about what had happened. As the family members said, the authorities reportedly launched a search operation in the sector and were in constant contact with some members of the alleged victim’s family. The petitioners alleged that government law enforcement agents were aware of the alleged victim’s whereabouts, but despite that, his family was not given timely information about his location. They stated that Jorge Freytter was found dead in the early morning hours of August 29, 2001; he had been shot and showed signs of torture and was found in a “gutter” at kilometer 12 on the road between Ciénaga and Barranquilla, *corregimiento* [town] of Palermo, department of Magdalena.<sup>2</sup>

<sup>2</sup> The petitioners add that prior to these events occurred, on July 26, 2001, the alleged victim was reportedly “approached” by officers of the SIJIN [Seccional de Policía Judicial e Investigación] [Local Branch of the Judicial and Investigative Police] and taken to the  
[continues ...]

12. In terms of the investigation of the facts, the petitioners stated that a standard criminal investigation was launched on August 29, 2001. They claimed that family members of the alleged victim became a civil party within these criminal proceedings and gave several statements to the competent authorities in order to help with the investigation of the facts. The petitioners argued that, in its initial stage—for approximately five years after it was first opened—the investigation allegedly remained in a preliminary phase with no relevant actions having been taken in an effort to solve the case. The petitioners pointed out that, despite the existence of signs of ties between what is said to have happened and the alleged victim’s position as a trade union leader, in addition to the foregoing, lines of investigation were ruled out from the outset that took into special consideration the alleged victim’s involvement in activities tied to the Universidad del Atlántico and his position as a union activist.

13. The petitioners stated that later, the involvement in this case of members of the Northern Block of the AUC and officers of the National Police and of the Army assigned to the GAULA in Barranquilla was reportedly established. They pointed out that the criminal court of Barranquilla convicted a former member of the AUC (Carlos Arturo Cuartas, a.k.a. “Montería”) and two state officials in June 2010, though they noted that the conviction is not set in stone because an appeal was filed and has been under examination by Barranquilla’s higher court since August 9, 2010. The petitioners added that two other law enforcement agents were reportedly implicated in the case via a decision handed down by the Office of the Attorney General of the Nation on May 28, 2008. That notwithstanding, the petitioners reiterated their claim that in this case, the criminal proceeding underway in the regular courts is not an effective avenue for investigating the facts and determining the attendant criminal liability.

14. The petitioners alleged that because of how long the investigation has reportedly remained in its preliminary phase, it has been difficult to identify, in a timely manner, other individuals involved, some of whom are said to have died or been extradited from Colombia, making it impossible to establish different levels of responsibility vis-à-vis their involvement in the circumstances giving rise to this petition. They argue, for example, that even though the involvement of the Northern Block of the AUC in this case has reportedly been proven, paramilitary leader Rodrigo Tovar Pupo, a.k.a. “Jorge 40,” was extradited to the United States in 2008, without having been included in the investigation.

15. The petitioners also claimed that in the framework of the local criminal case, the crimes of torture and forced disappearance of which Mr. Jorge Freytter was allegedly victim were neither duly investigated nor punished. They held that this was not an avenue of investigation pursued “autonomously” by the Office of the Prosecutor and that, despite having the evidence necessary to prove that these crimes had been committed, they were not included in the aforementioned conviction handed down by the criminal court of Barranquilla. The petitioners thus claimed that these facts have not been addressed in the terms required by the American Convention or by the inter-American instruments having to do with preventing and punishing torture and forced disappearance;<sup>3</sup> this, they believe, would constitute a factor of “structural impunity” in this case.

16. The petitioners further maintained that following Mr. Jorge Freytter’s death, members of his family were victims of acts of harassment and persecution because of actions they took in pursuit of justice. Specifically, they alleged that because of threats received, two of Mr. Freytter’s sons, Jorge Freytter Franco and Jorge Freytter Florián, were forced to move, initially within Colombia, and ultimately to request asylum and move abroad as a way to save their lives and protect their personal safety. The petitioners claimed that these circumstances were not duly investigated and that the State was derelict in its duty to provide them the protection necessary so they could remain and move freely within their own country. They added that the

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SIJIN offices where he is said to have been held for several hours without a court order, and his “criminal record” was reportedly checked. They claim that such facts were not taken into account by the authorities responsible for the investigation opened subsequently into the death of Mr. Freytter. The petitioners allege that even though in the case before the IACHR, the State has denied that this happened (see III(B) below), this fact has reportedly been established in the criminal case in Colombia based on a statement given by Mrs. Mónica Florián, wife of the alleged victim, to the Office of the Attorney General of the Nation.

<sup>3</sup> With respect to the Inter-American Convention on Forced Disappearance of Persons, the petitioners note that the alleged violations refer to the failure, as of April 4, 2005, to investigate and punish what occurred; that is the date on which the State of Colombia ratified this instrument.

disappearance and subsequent death of Jorge Freytter, in addition to the purported unwarranted delay in law enforcement's investigation of the facts, caused the family members of the alleged victim "[to] suffer deep sorrow and anguish."

### III. FRIENDLY SETTLEMENT

17. On August 28, 2020, in the city of Bogotá D.C., the parties entered into a friendly settlement agreement, which provides the following:

#### FRIENDLY SETTLEMENT AGREEMENT

On August 28, 2020, in the city of Bogotá D.C., on the one hand, Ana María Ordoñez Puentes, Director of the International Legal Defense Directorate of the National Agency for the Legal Defense of the State, acting with due authorization on behalf and in representation of the Colombian State, hereinafter referred to as "the State" or "Colombia", and on the other hand, the José Alvear Restrepo Lawyers' Collective represented by attorney Rafael Barrios Mendivil and attorneys Jomary Ortégón Osorio and María Alejandra Escobar Cortázar, hereinafter referred to as "the petitioner", and Mr. Jorge Enrique Freytter-Florián, acting on behalf of the Freytter Romero Family, enter into this friendly settlement agreement in the framework of Case C-12.908 Jorge Adolfo Freytter, in progress before the Inter-American Commission on Human Rights; subject to the following definitions, background and clauses:

#### FIRST PART: DEFINITIONS

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

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

**Material damage:** It refers to the detriment or violation of the rights of economic nature of the victims and their family as a result of the damage suffered by them. It is made up of the income lost and the expenses incurred and that were proven as a result of the harmful event.

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

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

**Satisfaction measures:** Non-pecuniary measures that aim to ensure the recovery of victims from the harm caused to them. Some examples of this type of measures include: public acknowledgment of the truth and medical and psychosocial care.

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

**Acknowledgement of responsibility:** Acceptance of the facts and human rights violations in this case acknowledged by the State.

**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:** José Alvear Restrepo Lawyers' Collective .

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

**Victims:** Jorge Adolfo Freytter Romero, Jorge Freytter Franco, Jorge Freytter Florián, and family.

## SECOND PART: BACKGROUND

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

- On January 30, 2004, the Inter-American Commission on Human Rights received a petition denouncing the illegal detention, forced disappearance, torture and extrajudicial execution of Jorge Adolfo Freytter that took place between August 28 and 29 in the city of Barranquilla, as well as the lack of judicial clarification of the facts. Likewise, violations of the right to personal integrity and the right to movement and residence to the detriment of his family were also alleged.
- On July 11, 2013, by Report 38/13, the Inter-American Commission on Human Rights declared the admissibility of the petition in relation to Articles 3, 4, 5, 7, 8, 13, 16, 22 and 25 in accordance with Articles 1(1) and 2 of the American Convention; Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture; and Article I(b) of the Inter-American Convention on Forced Disappearance of Persons.
- On March 7, 2018, the parties signed a memorandum of understanding to pursue a friendly settlement.

### IN DOMESTIC COURTS

The following judicial decisions have been issued in connection with these events:

- Early judgment (*sentencia anticipada*) of December 31, 2008, against a member of the Autodefensas Unidas de Colombia (AUC) Bloque Norte, as co-perpetrator of the crime of aggravated homicide in heterogeneous concurrence with aggravated extortive kidnapping and aggravated conspiracy to commit a crime. Issued by the Single Criminal Court of the Specialized Circuit of Barranquilla, who sentenced him to 225 months in prison.
- First instance judgment of June 18, 2010, against a professional soldier assigned to the Gaula, and a former agent of the National Police, for the crimes of aggravated homicide, extortive kidnapping and aggravated conspiracy to commit a crime. Issued by the Single Criminal Court of the Specialized Circuit of Barranquilla.
- Second instance judgment of April 1, 2013, whereby the first instance judgment was revoked and, consequently, the defendants was released. Issued by the Criminal Chamber of the Superior Court of the Judicial District of Barranquilla.
- Cassation judgment of April 29, 2015, partially annulling the second instance judgment issued by the Superior Court of the Judicial District of Barranquilla on April 1, 2013, in relation to the acquittal of the agent of the National Police. Issued by the Criminal Cassation Chamber of the Supreme Court of Justice.
- In short, at the time of the signing of this agreement, two persons have been convicted for the facts denounced in this case, namely:

1. Carlos Arturo Romero Cuartas AKA "Montería," a member of the Northern Block of the AUC,

and

2. A police officer - attached to GAULA Barranquilla.

On January 15, 2020, the Special Prosecutor's Office against Human Rights Violations declared the crime of Professor Jorge Adolfo Freytter Romero as a crime against humanity, at the request of the victims' representatives.

### THIRD: VICTIMS AND POTENTIAL BENEFICIARIES

The Colombian State acknowledges the following individuals as victims:

#### 1.1 Direct victims:

1. Jorge Adolfo Freytter Romero, as a victim of illegal detention, torture and extrajudicial execution.
2. Jorge Freytter Franco [...], as a victim of forced displacement, and,
3. Jorge Enrique Freytter- Florián [...], as a victim of forced displacement.

#### 1.2 Indirect victims:

1. Mónica Florián [...] wife of Jorge Adolfo Freytter Romero.
2. Vanesa Del Carmen Freytter Florián [...], daughter of Jorge Freytter Romero.
3. Mónica Isabel Freytter Florián [...], daughter of Jorge Adolfo Freytter Romero.
4. Sebastián Adolfo Freytter Florián [...], son of Jorge Freytter Romero.
5. Lucenith Aurora Freytter Romero [...], sister of Jorge Freytter Romero
6. Julia Mercedes Freytter Romero [...], sister of Jorge Freytter Romero.
7. José Joaquín Freytter Romero [...], brother of Jorge Freytter Romero.<sup>4</sup>
8. Enilda del Carmen Freytter Romero [...], sister of Jorge Freytter Romero.
9. Norys Tomasa Freytter Romero [...], sister of Jorge Freytter Romero.
10. Marta Nicolasa Freytter Romero [...], sister of Jorge Freytter Romero.
11. Maritza Freyter Romero [...], sister of Jorge Freytter Romero.
12. Sonia Beatriz Freytter Romero [...], sister of Jorge Freytter Romero.
13. Isaías Adolfo Freytter Florián [...], grandson of Jorge Freytter Romero.
14. Lourdes de Jesús Franco Borrego [...], mother of Jorge Freytter Franco.
15. Angélica María Santodomingo Franco [...], sister of Jorge Freytter Franco.
16. Jesika Ariadna Freytter Sarmiento [...], daughter of Jorge Freytter Franco and granddaughter of Jorge Adolfo Freytter Romero.

The victims shall benefit provided that:

1. They prove with respect to the direct victim: (i) the relationship by affinity, i.e., prove that they were the spouse or permanent partner, or, (ii) by consanguinity, prove that they are the son, daughter, brother or sister of the direct victims.
2. They were alive at the time of the victimizing event.<sup>5</sup>
3. They are alive at the time of signing the Friendly Settlement Agreement.

### FOURTH: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State recognizes its international responsibility by action, for the illegal detention, torture, and extrajudicial execution of Jorge Adolfo Freytter, and, consequently for

<sup>4</sup>A person who has a disability in one of his upper limbs, which must be considered at the time of providing the rehabilitation measure.

<sup>5</sup>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, párr. 425.

the violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 13 (freedom of thought and expression) and 16 (freedom of association) of the American Convention on Human Rights, in relation to Article 1.1 of the same instrument, to his detriment and Articles 1 and 8 of the Inter-American Convention to Prevent and Punish Torture, as well as Article 5 (right to humane treatment) of the ACHR, in relation to Article 1.1 of the same international instrument to the detriment of his family, for the events that occurred between August 28 and 29, 2001 in the city of Barranquilla.

Likewise, the State acknowledges partial responsibility by omission, for the violation of the rights recognized in Articles 5 (right to humane treatment), 8 (right to judicial guarantees) and 25 (right to judicial protection) of the ACHR, in relation to Article 1(1) of the same international instrument, to the detriment of the family of Mr. Jorge Adolfo Freytter, due to the lack of due diligence of the judicial authorities to investigate the facts denounced in the present case, in particular, for failing in their obligation to investigate with due diligence the facts of torture, in accordance with the provisions of Article 8 of the Inter-American Convention to Prevent and Punish Torture, in relation to Article 1 of the same instrument.

In turn, the State recognizes responsibility by omission, for the violation of the right enshrined in Article 22 (right of movement and residence) of the ACHR, in relation to Articles 8 and 25 of the same instrument, due to the lack of due diligence in the investigation of the threats received by Jorge Freytter Franco and Jorge Freytter Florián, who had to request asylum and move out of the country as a measure to ensure their life and personal integrity.<sup>6</sup>

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

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

##### ***(i) Act of acknowledgement of responsibility***

The State shall carry out an act of acknowledgement of responsibility and public apology led by a high-ranking State official, with the participation of public authorities, the victims' family and their representatives.

The act shall be carried out in accordance with the acknowledgement of responsibility set forth in this agreement, and shall be agreed upon with the beneficiaries of the measure and their representatives. The Colombian State shall ensure the necessary conditions for the participation of the family in the act.

##### ***(ii) Awarding of educational scholarships***

The Colombian State shall grant educational scholarships to the children of Mr. Jorge Adolfo Freytter Romero, namely: Jorge Freytter Franco, Jorge Enrique Freytter-Florián, Vanessa del Carmen Freytter Florián, Sebastián Adolfo Freytter Florián, and Mónica Isabel Freytter Florián.<sup>7</sup>

In accordance with the constitutionally recognized university autonomy, it will be up to the beneficiaries of the measure to carry out the pertinent procedures to be admitted to the respective institution of higher education.

The beneficiaries must comply with the admission requirements established by the respective Higher Education Institutions (HEI) recognized by the Ministry of National Education, in a

<sup>6</sup> After consulting the information platforms, it was found that in the 21st Prosecutor's Office of the Atlántico Sectional Office, an investigation with file number 94368 was conducted for the crime of threats, in which Mr. Jorge Freytter Franco appears as the victim, for events that occurred on May 7, 2001 in Barranquilla. Said investigation was referred to another authority on June 04, 2001.

<sup>7</sup> Pursuant to request submitted by CAJAR by letter dated April 24, 2018.



professional technical, technological or university program, at the professional or postgraduate level.

In order to implement the measure in Colombia, the scholarship will cover the value of the tuition of the semesters of an academic program of professional technical, technological or university level, for a value of up to eleven (11) SMMLV and a semester living expenses allowance of two (2) SMMLV if the Higher Education Institution is located in the municipality of residence of the beneficiary or four (4) SMMLV if the Higher Education Institution is outside the municipality of residence of the beneficiary.

Those who study abroad must be admitted to a Higher Education Institution recognized by the country of residence in a formal education program at the professional, professional university or postgraduate level. The ceiling for each of the scholarships will be as follows:

Tuition at Higher Education Institutions in undergraduate or graduate programs will be up to one hundred and twenty-eight (128) SMMLV per person in total,<sup>8</sup> and an additional living expense allowance of one (1) SMMLV of the country of residence. In all cases, the financial support will be provided every six months.

It is important to point out that it is the sole responsibility of the beneficiaries of the measure to maintain their student status in the Higher Education Institution of their choice. If the beneficiary loses the student status due to poor academic performance or disciplinary misconduct, the State's measure will be deemed to have been fulfilled.

The use of the educational support must begin to be used within a term no longer than seven (7) years from the signing of this agreement; otherwise the obligation of the State to take action to provide the scholarship will be deemed fulfilled.

This measure will be implemented by the Ministry of Education and the Colombian Institute of Credit and Technical Studies (ICETEX).<sup>9</sup>

**(iii) Commemorative scholarships**

A scholarship of up to \$22,000,000 Colombian pesos will be granted for the purpose of financing an undergraduate program at the Universidad del Atlántico. The beneficiary must complete the relevant procedures to be admitted or be an active student of the Higher Education Institution, ensuring adequate academic performance.

The beneficiary will be chosen jointly by the José Alvear Restrepo Lawyers' Collective - CAJAR, the Freyter Romero Association and the Freyter Romero Foundation.<sup>10</sup>

**(iv) Human rights workshop**

The Colombian State agrees to continue with the human rights and international humanitarian law education programs within the Colombian armed forces. It also commits to include the facts of the instant petition as a topic of study and analysis in extracurricular training events on human rights in the different training schools.<sup>11</sup>

Prior to the process of socialization and analysis of the facts, the Ministry of Defense, together with the National Agency for the Legal Defense of the State, will provide a methodological

<sup>8</sup> This equals \$30,000 USD as of August 26 and \$115,073,700 COP.

<sup>9</sup> Ministry of Education, Communication No. 2020EE961760 of March 18, 2020.

<sup>10</sup> Ministry of Education, Communication No. 2020EE961760 of March 18, 2020.

<sup>11</sup> Ministry of Defense, Official Note No. OF119-38201 MDN-DVPAIDH-GDOI of May 2, 2019.

document that incorporates the presentation of the facts, with respect to which the Freyter family and its representatives may make observations, if pertinent.

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

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

Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for as long as necessary. In providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment, according to what is agreed with each of them and after an individual assessment.

Access to psychosocial care for people who are outside the national territory will be guaranteed through a virtual means, upon their expressing their will and in accordance with the guidelines issued by the Ministry of Health and Social Protection on the matter.

For access to comprehensive health care, the beneficiaries of the measures are guaranteed timely and quality access to the medications and treatments required (including physical and mental health), in accordance with the medical criteria and the provisions governing the General Social Security Health System SGSSS, and they will have priority and differential attention by virtue of their status as victims. These measures will be implemented as of the signing of the friendly settlement agreement.

This reparation measure will be implemented in the terms indicated for persons who are in the national territory.

#### **SEVENTH: JUSTICE MEASURES**

The Attorney General's Office, within the framework of its competencies, will continue to carry out with due diligence the judicial actions that allow the boosting of the investigation and the possible identification of other persons responsible for the facts.

#### **Follow-up.**

Follow-up meetings will be held every six months to report on the progress made in the matters regarding justice, with the participation of the petitioners and officials of the Attorney General's Office.

#### **EIGHTH: PUBLICATION**

The State shall publish the relevant sections of the friendly settlement report once it has been approved by the Commission for a period of one year on the websites of the National Police and the Office of the Presidential Advisor for Human Rights and International Affairs.

#### **NINTH: MONETARY COMPENSATION**

The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations in accordance with the provisions of certain international human rights bodies", once the present friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the relatives

of the victims as a consequence of the harm generated by the facts of the present case. The National Police will be the entity in charge of the processing of Law 288 of 1996.<sup>12</sup>

The grandchildren will be recognized as beneficiaries of this procedure as long as the representatives of the victims prove the damage caused in accordance with the jurisprudence of the Council of State.

#### **TENTH: DIALOGUE**

The Universidad el Atlántico commits to attend and participate in the monthly meetings with the relatives of Mr. Jorge Adolfo Freytter and their representatives, with the purpose of agreeing on a transformative reparation measure that contributes to the construction of the memory and dignification of the life and work of the professor.

The measure being agreed upon should seek to have an effect on the University's academic memory and social impact, preferably from a pedagogical point of view.

By virtue of its functions, the National Agency for the Legal Defense of the State will convene and participate in all sessions.

#### **ELEVENTH: HOMOLOGATION AND FOLLOW-UP**

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

Having read the present agreement and the parties being aware of its scope and legal content, it is signed on August 28, 2020.

#### **ADDENDUM No. 1 FRIENDLY SETTLEMENT AGREEMENT SIGNED ON AUGUST 28, 2020** **CASE No. 12.908 - JORGE ADOLFO FREYTTER**

Between the undersigned, namely, on the one hand, Ana María Ordóñez Puentes, Director of the International Legal Defense Directorate of the National Agency for the Legal Defense of the State, acting with due authorization on behalf and in representation of the Colombian State, hereinafter referred to as "the Colombian State" and on the other hand, the "José Alvear Restrepo" Lawyers Collective (CAJAR) represented by attorney Rafael Barrios Mendivil and attorneys Jomary Ortega Osorio and María Alejandra Escobar Cortésar, hereinafter referred to as "the Petitioner", and Mr. Jorge Enrique Freytter-Florián, acting on behalf of the Freytter Romero Family, collectively "the Parties", enter into this Addendum No. 1 to the Friendly Settlement Agreement, signed by the Parties on August 28, 2020 in the framework of Case No. 12.908, Jorge Adolfo Freytter, ongoing before the Inter-American Commission on Human Rights, which shall be governed by the agreements indicated below, subject to the following:

#### **BACKGROUND**

**First.** On August 28, 2020, the Parties entered into a Friendly Settlement Agreement in Case No. 12.908, Jorge Adolfo Freytter.

**Second.** During the execution of the Agreement, the Parties identified the need to modify the Third Clause "Victims and Potential Beneficiaries" of said document, in order to modify its title

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<sup>12</sup> Ministry of Defense, Official Note No. OF119-38201 MDN-DVPAIDH-GDOI of May 2, 2019.

and adjust the names and surnames included therein as per the information found in their respective identity documents.

**Third.** Additionally, it became necessary to modify the Tenth Clause “Dialogue” of the Friendly Settlement Agreement,<sup>13</sup> taking into account the alternative measures that the Colombian State will implement in place of those that were planned to be implemented in cooperation with the Universidad del Atlántico. Likewise, with respect to the aforementioned clause, its title shall be modified to be called “Memory and Dignification Measures”.

In light of this, the Parties,

### AGREE

**First.** To modify the Third Clause of the Friendly Settlement Agreement “Victims and Potential Beneficiaries”, which shall read as follows:

### **THIRD: VICTIMS AND BENEFICIARIES**

The State recognizes the following victims:<sup>14</sup>

<b>Direct Victims</b>		
<b>Name</b>	<b>Identification</b>	<b>Victimizing Event</b>
Jorge Adolfo Freyette Romero	[...]	Victim of illegal detention, torture and extrajudicial execution
Jorge Freytter Franco	[...]	Victim of forced displacement
Jorge Enrique Freyette Florián	[...]	Victim of forced displacement

<b>Indirect Victims</b>		
<b>Name</b>	<b>Identification</b>	<b>Relationship to the victims</b>
Mónica Patricia Florián Restrepo	[...]	Permanent partner of Jorge Adolfo Freytter Romero
Vanesa Del Carmen Freyette Florián	[...]	Daughter of Jorge Adolfo Freytter Romero
Mónica Isabel Freyette Florián	[...]	Daughter of Jorge Adolfo Freytter Romero
Sebastián Adolfo Freyette Florián	[...]	Son of Jorge Adolfo Freytter Romero
Lucenith Aurora Freiter Romero	[...]	Sister of Jorge Adolfo Freytter Romero
Julia Mercedes Freytter Romero	[...]	Sister of Jorge Adolfo Freytter Romero

<sup>13</sup> Which stated the following: “Tenth: Dialogue. The Universidad del Atlántico undertakes to attend and participate in the monthly meetings with the relatives of Mr. Jorge Adolfo Freytter and his representatives, with the purpose of agreeing on a transformative reparation measure that contributes to the construction of the memory and dignification of the life and work of the professor. The measure in the process of agreement shall seek to have an effect on the university’s academic memory and social impact, preferably from a pedagogical vision”.

<sup>14</sup> Whose names and surnames are included as found in their identification documents, according to the information provided by the victims’ representatives.

José Joaquín Freytte Romero <sup>15</sup>	[...]	Brother of Jorge Adolfo Freytter Romero
Enilda del Carmen Freytte Romero	[...]	Sister of Jorge Adolfo Freytter Romero
Norys Tomasa Freiter Romero	[...]	Sister of Jorge Adolfo Freytter Romero
Marta Nicolasa Freytte Romero	[...]	Sister of Jorge Adolfo Freytter Romero
Maritza Cecilia Freyter Romero	[...]	Sister of Jorge Adolfo Freytter Romero
Sonia Beatriz Freitter de Cantillo	[...]	Sister of Jorge Adolfo Freytter Romero
Isaías Adolfo Freytte Florián	[...]	Grandson of Jorge Adolfo Freytter Romero and son of Mónica Isabel Freytter Florián
Lourdes de Jesús Franco Borrego	[...]	Mother of Jorge Freytter Franco
Angélica María Santodomingo Franco	[...]	Sister of Jorge Freytter Franco
Jesika Ariadna Freytter Sarmiento	[...]	Granddaughter of Jorge Adolfo Freytter Romero and daughter of Jorge Freytter Franco.

The victims shall benefit as long as:

1. Prove with respect to the direct victims: (i) the relationship by affinity, i.e., prove that they were the spouse or permanent partner, or, (ii) by consanguinity, prove that they were the son or daughter, brother or sister of the direct victims.
2. Prove, in relation to Mr. Jorge Adolfo Freytter Romero, their condition of grandson or granddaughter, when applicable.
3. In the case of financial compensation, the beneficiaries shall be those who have not been compensated in the framework of the decisions issued by the administrative litigation jurisdiction.
4. Are alive at the time of signing the Friendly Settlement Agreement.

**Second.** To modify the Tenth Clause of the Friendly Settlement Agreement “Dialogue”, which shall read as follows:

**“TENTH: MEASURES OF REMEMBRANCE AND RESTORATION OF DIGNITY**

The State shall implement the following measures of memory and dignity for Mr. Jorge Adolfo Freytter Romero:

1. **Pedagogical initiative of historical memory called “Jorge Freytter Competition”:** Which will seek to make visible and recognize in the district educational institutions of the city of Barranquilla, the harm to the university and student movements (teachers, students and workers), derived from the Colombian internal armed conflict.

The specific objectives of this measure will be:

- Promote the construction of Historical Memory processes in eight (8) district educational institutions, through pedagogical actions that provide methodological

<sup>15</sup> Who died on December 18, 2020, according to the Civil Registry of Deaths No. 10065381.

and conceptual perspectives necessary to develop remembrance initiatives in educational institutions.

- Promote youth participation through pedagogical training and empowerment of this population.
- Transform imaginaries and social practices of violence, through art spaces that contribute to the dignity of the victims, with special emphasis on the case of Mr. Jorge Adolfo Freytter Romero.

This competition will be carried out in three (3) phases, which will be led by the National Center of Historical Memory. The winning educational initiative will be chosen by the relatives of Mr. Jorge Adolfo Freytter and the prize to be awarded will consist in the delivery of an endowment worth \$3,000,000 million COP to the winning district institution.

**2. Instalation of a commemorative monument at the House of Historical Memory of Barranquilla:** The monument shall include an image, a biographical text of Mr. Jorge Adolfo Freytter Romero and an audiofile.

The audio file shall be comprised of the speech made by Mr. Jorge Adolfo Freytter Romero at the Association of Retirees of the Universidad del Atlántico (ASOJUA) and testimonies of two of his children narrating his work in historical memory, denouncement and demand for justice.

The presentation of the memorial will take place on August 29, 2022 at the House of Historical Memory of Barranquilla where a commemorative event will be held.

Likewise, this measure will be accompanied by a media outreach plan led by the National Center of Historical Memory, where the audiovisual and photographic recordings will be taken, as well as a statement of the event.

Additionally, as part of this dissemination, interviews with Jorge Freytter-Florián and Jorge Freytter Franco will be recorded for an episode of the series “País con memoria” (Country with memory), which will be broadcast by the Colombian University Radio Network.

Both the design and the content of the monument and the media outreach plan will be developed in conjunction with the relatives of Mr. Jorge Adolfo Freytter Romero and his representatives.

The National Center of Historical Memory will be in charge of the aforementioned measures.<sup>16</sup> To this end, the National Agency for the Legal Defense of the State shall request the Ministry of Finance and Public Credit to transfer the respective resources for their implementation.

**Third.** The other clauses that were not modified by this Addendum remain the same as they were specified in the Friendly Settlement Agreement signed by the Parties on August 28, 2020.

For the record two copies are signed in the city of Bogotá D.C., on the twenty-eighth (28th) day of July of 2022.

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

18. 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

<sup>16</sup> National Center of Historical Memory. E-mail dated April 28, 2022, in which the proposal for the development of the measures is attached

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.

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

20. The IACHR notes that the parties signed an Addendum to the friendly settlement agreement on July 28, 2022, and therefore the Commission declares, based on the will of the parties, that it is an integral part of the friendly settlement agreement signed, and has the legal effects corresponding to the replacement of the commitment established in the tenth clause of the FSA.

21. Pursuant to the provisions of the eleventh clause of the FSA and in accordance with the submissions of October 13, 2022 and March 22, 2023 of the State and of the petitioner, whereby they requested the approval of said agreement, it is appropriate at this time to assess compliance with the commitments set forth in this instrument.

22. The Inter-American Commission considers that the first (Concepts), second (Background), third (Victims and 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 4 (life), 5 (humane treatment), 7 (personal liberty), 13 (freedom of thought and expression) and 16 (freedom of association) of the American Convention on Human Rights, in conjunction with Article 1. 1 of the same instrument, and Articles 1 and 8 of the Inter-American Convention to Prevent and Punish Torture, as well as Article 5 (human treatment) of the ACHR, in conjunction with Article 1.1 of the same international instrument to the detriment of his family, for the events that occurred between August 28 and 29, 2001 in the city of Barranquilla.

23. Likewise, the Commission values the recognition of the State's partial international responsibility by omission, for the violation of the rights enshrined in Articles 5 (humane treatment), 8 (fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights, in conjunction with Article 1.1 of the same instrument, to the detriment of the family of Mr. Jorge Adolfo Freyter, due to the lack of diligence on the part of the judicial authorities to investigate the facts denounced in the present case, in particular, for failing in their obligation to investigate with due diligence the facts of torture, in accordance with the provisions of Article 8 of the Inter-American Convention to Prevent and Punish Torture, in conjunction with Article 1 of the same instrument. Likewise, the Commission values the recognition of the international responsibility of the Colombian State by omission, for the violation of the right enshrined in Article 22 (movement and residence) of the ACHR, in conjunction to the rights recognized in Articles 8 (fair trial) and 25 (judicial protection) of the same instrument, due to the lack of due diligence in the investigation of the threats received by Jorge Freyter Franco and Jorge Freyter Florián, who had to request asylum and leave the country.

24. With regard to paragraph (i), *act of acknowledgement of responsibility*, of the fifth clause on measures of satisfaction, as jointly reported by the parties, the event was held on September 24, 2020 at 10:00 a.m., by means of a digital platform.<sup>18</sup> 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 and logistics required for its development. In this

<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.*

<sup>18</sup> See YouTube, Channel of the National Agency for the Legal Defense of the Colombian State (ANDJE). Acto f acknowledgment of responsibility in the Jorge Adolfo Freyter Romero and others broadcast live on September 24, 2020. Available electronically at <https://www.youtube.com/watch?v=jun1pKwBuMg>

regard, the parties provided a simple copy of the invitations circulated for this event, in which the relatives of Mr. Jorge Adolfo Freyter Romero and their representatives; Mr. Rafael Larreina Valderrama, former member of the Spanish Congress, a Salvadoran singer-songwriter, composer of the song J. A. Freyter Romero, as well as the National Agency for the Legal Defense of the State and the Commissioner and Rapporteur for Colombia, Antonia Urrejola, participated.

25. Likewise, the parties reported on the contents of the agenda agreed upon for the event, which included an opening statement, the national anthem of Colombia, the playback of a recording of the last speech of Jorge Adolfo Freyter Romero at the Assembly of professors and workers of the Universidad del Atlántico and the words of Jorge Freyter Franco and Jorge Enrique Freyter Florián, sons of Mr. Jorge Adolfo Freyter Romero, as well as of their representatives. Rafael Larreina Valderrama, former member of the Spanish Congress, also spoke. The statement of the State 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:

[...]

On behalf of the Colombian State and as Director General of the National Agency for the Legal Defense of the State, it is for me something very special and a great responsibility to be part of this act, which aims to honor the memory of Professor Jorge Adolfo Freyter, whose life was taken in a violent and senseless act and that, even today, after 19 years, is incomprehensible and painful to us.

The illegal detention, torture and extrajudicial execution of Professor Jorge Adolfo Freyter deeply pains us and we deeply regret that it happened. The authorities are there to protect citizens and guarantee their safety. It is unacceptable, it is inadmissible, that their mission is blurred and delegitimized in favor of the violent.

Professor Freyter was an exemplary man, passionate about the vindication of Human Rights, committed to the honorable work of teaching. His academic work was intense and admirable, and this is the legacy that should always be defended. His life was extinguished, but it is up to all of us to keep his ideas alive.

For this reason, on behalf of the Colombian State, I ask for the most sincere forgiveness to his family, and express my deepest condolences for the damage caused to the life and liberty of the professor and to the well-being of his family.

The Colombian State recognizes its international responsibility for the illegal detention, torture, and extrajudicial execution of Mr. Jorge Adolfo Freyter and consequently for the violation of the rights enshrined in Articles 4 (Right to Life), 5 (Right to humane treatment), 7 (Right to Personal Liberty), 13 (Freedom of Thought and Expression) and 16 (Freedom of Association) of the American Convention on Human Rights, all of them related to Article 1. 1. of the same instrument, and Articles 1 and 8 of the Inter-American Convention to Prevent and Punish Torture; as well as Article 5 (Right to Personal Integrity), to the detriment of his family, for the events that occurred between August 28 and 29, 2001 in the city of Barranquilla.

Likewise, the State recognizes its partial responsibility by omission, for the violation of the rights contained in Articles 5 (Right to Personal Integrity) and 8 (Right to fair trial) of the American Convention on Human Rights, due to the lack of diligence in the investigation of the threats to Jorge Freyter Franco and Jorge Freyter Florián, who had to request asylum and leave the country.

[...]



26. In turn, Commissioner Antonia Urrejola, IACHR Rapporteur for Colombia, stated the following:

[...]

Almost a month after commemorating the nineteenth anniversary of the arbitrary detention, torture and extrajudicial execution of Professor Freytter, this recognition of responsibility by the State is an important measure of reparation and represents a commitment to the satisfaction of the victims in this case. Also, it constitutes an essential step for the dignification of the victim and his relatives, for their pain and the violations suffered.

It is important to highlight the responsiveness and close dialogue between the parties to implement the agreement signed on August 28, 2020. This dialogue is what effectively allows the fulfillment of the reparation measures established in the agreement, and this moment demonstrates the willingness and disposition of the parties to continue advancing along the path of a friendly settlement.

The Commission salutes the Colombian State and appreciates the acknowledgment of responsibility made today at this ceremony, and we hope that these apologies are accepted by the Freytter family and that they have a restorative effect, to begin to heal these wounds, this pain for the disappearance, torture and death of Jorge Freytter, and the obstacles that his relatives have encountered in the search for justice and the material truth of the facts.

[...]

27. The ceremony ended with a song in honor of Professor Freytter. In view of the foregoing, and taking into consideration the elements of information described above, the Commission considers that paragraph (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.

28. With regard to paragraph (ii), *awarding of educational scholarships*, of the fifth clause on measures of satisfaction, on February 22, 2021, the State informed that it submitted the letter addressed to the Université du Québec à Montréal - UQAM providing information on the case, the FSA and the specifications on the scholarship measure and the conditions established therein, with the objective of supporting the application of Mr. Jorge Freytter Franco to the undergraduate program of Social Work at said university, and is awaiting additional information in this regard. On the other hand, on October 13, 2022, the State informed that Mr. Jorge Enrique Freytter Florián applied to the Political Science and Administration program at the National University of Distance Education (UNED) located in Spain, for which purpose it sent the Department of Education of the Basque Government a communication about the scope of the measure included in the FSA. It also reported that, through ICETEX, the amount of \$3,104,985.29 corresponding to the beneficiary's tuition for the period 2022 - 2 was transferred and another transfer for the amount of \$4,434,992 for the beneficiary's support. In addition, the State reported that Vanessa Del Carmen Freytter Florián, Mónica Isabel Freytter Florián and Sebastián Adolfo Freytter Florián are interested in pursuing university studies in the Basque Country, and that it will report on the progress of this matter in due course.<sup>19</sup> Subsequently, on March 22, 2023, the State informed that, by means of a resolution issued on February 13, 2023, the transfer in the amount of \$2,442,901.13 was made in favor of UNED corresponding to the tuition fee for the 2023-I semester, and that, by resolution of February 21, 2023, on March 6, 2023, the transfer for the amount of \$6,623,793 in favor of Mr. Jorge Enrique Freytter Florián corresponding to the amount of the semester's support became final.

<sup>19</sup> i. Vanessa del Carmen Freytter Florian: Máster en Envejecimiento Saludable y Calidad de Vida (Universidad del País Vasco); ii. Mónica Isabel Freytter Florián: Escuela de Hostelería (Universidad del País Vasco) and iii. Sebastián Adolfo Freytter Florián: Grado en Medicina (Universidad de Deusto).

29. In this regard, on March 22, 2023, the petitioner stated that during the second semester of 2023, the State will be provided with all the information necessary for Vanessa del Carmen Freytter Florián, Mónica Isabel Freytter Florián and Sebastián Adolfo Freytter Florián to begin their studies in Spain. The petitioner also expressed their appreciation for the efforts made by the State and hoped that the challenges related to inter-institutional coordination regarding the disbursement of the money would be overcome in the future. Finally, in accordance with the exchange of information that has been taking place between the parties regarding compliance with this measure, the Commission appreciates the openness of the State and the efforts made to achieve inter-institutional coordination that will make it possible to speed up the process of compliance with this measure and to avoid any recurrence of obstacles related to the disbursement of the resources. By virtue of the foregoing, the Commission considers that this item has been partially complied with and so declares it.

30. With regard to paragraph (iii) *commemorative scholarships*, of the fifth clause on measures of satisfaction, the State reported on October 13, 2022 that it received a request from Mr. Jorge Enrique Freytter Florián to open the call for applications, and that, despite not being part of the FSA clause, the National Agency for the Legal Defense of the State posted it on the ANDJE's website and social networks to promote the visibility of the call for applications and application for the scholarship due to the small number of applications received. Likewise, the State pointed out that the purpose of the scholarship is to finance an undergraduate program only at the Universidad del Atlántico and not at other public universities. In this regard, on March 22, 2022, the petitioners informed that they received the call for applications from ANDJE on the website and social networks, and added that CAJAR also publicized the call for applications. On the other hand, the petitioners indicated that they are conducting the interviews of all the persons who have met the established requirements and will inform once they have selected the winner. Therefore, taking into consideration the information provided by the parties, the Commission considers that this item of the FSA is pending compliance and so declares it.

31. With regard to paragraph (iv), *human rights workshop*, of the fifth clause on measures of satisfaction, the State reported on October 13, 2022, that on October 3 and 4, 2022, workshops on human rights were held by the Ministry of National Defense. In this regard, the State indicated that the training was given to members of the Army, Navy, and National Police on the subject of "International Systems for the Protection of Human Rights" and that, in this framework, the case of Mr. Jorge Adolfo Freytter Romero was studied. Finally, it mentioned that a total of 160 members of the security forces were trained. For its part, on March 22, 2023, the petitioner confirmed that it had received information from the State on the holding of the respective human rights workshops and pointed out the importance of consolidating this type of scenario as a guarantee of non-repetition of events such as those in the instant case. Consequently, the Commission considers that this aspect of the ASA has been fully complied with and so declares it.

32. With regard to the sixth clause, on health and rehabilitation measures, the State reported on March 22, 2023, that, as indicated by the Ministry of Health and Social Protection, as part of the mental health and psychosocial care, the scheduled sessions were held with the family members who agreed to receive this care, and that some family members were guaranteed two care plans in accordance with the request that the support not be withdrawn. Likewise, with regard to the care provided to Mr. Jorge Freytter Franco, the State indicated that only one session of recognition, counseling and support was held, since Mr. Freytter Franco decided not to continue with the care. Finally, it indicated that the Ministry of Health and Social Protection attended to the particular requirements of Mrs. Vanessa del Carmen Freytter Florián. In this regard, on March 22, 2023, the petitioner indicated that they sent a letter communicating the suspension of the psychosocial care sessions provided by the PAPSIVI team to Jorge Adolfo Freytter Florián. Additionally, the petitioner transmitted the family's request to extend the number of sessions contemplated in the work plan and reiterated the request regarding updated information on the family's psychosocial care plan and the handling of priority care requests. In addition, the petitioner indicated that some family members who have expressed their willingness to continue with a new cycle of psychosocial care have not yet been contacted and that it would be important to have a direct liaison for victims in the EPS to which Professor Freytter's family members are affiliated and the response that has been provided to them by the General System of Social Security in Health. By virtue of the foregoing, taking into consideration the information provided by the parties, the Commission considers that this item of the FSA has met a substantial partial compliance and so declares it.

33. With regard to the seventh clause on measures of justice, the State indicated on October 13, 2022, that the criminal investigation had been reassigned to the 225th Prosecutor's Office delegated to the Superior Court of the Bogotá Judicial District and that the new Prosecutor was studying the case file to analyze the participation of third parties who had not been investigated to determine their possible involvement in the proceedings. Additionally, it informed about the legal situation of Mr. Germán Antonio Sáez Cuesta<sup>20</sup> and Mr. Flover Argeny Torres Sánchez.<sup>21</sup> On March 22, 2023, the State indicated that the Prosecutor's Office in charge ordered the conduction of several evidence measures and judicial inspections at the request of the representatives of the civil party. In this regard, the State indicated that, finally, in a meeting held between the Prosecutor's Office and the representative of the civil party, a commitment was reached to locate most of the witnesses in order to set the dates for the corresponding proceedings. Likewise, the State reported that it was ordered to establish before the Special Jurisdiction for Peace the state of submission of Mr. Rafael Enrique Mariano Silvera. Finally, the State indicated that the Office of the Prosecutor General of the Nation, through the Special Prosecutor assigned to the Task Force, contacted Mr. Jorge Adolfo Freyter Florián, who was informed of the upcoming proceedings, including the taking of his testimony.

34. On March 22, 2023, the petitioner, in view of the information received from the State, requested (i) to move forward with collecting evidence requested by the representatives of the victims, (ii) to deepen the investigations to clarify the participation of State agents and civilian third parties, taking into account the context of violence against the pensioned professors, students, and union members of the Universidad del Atlántico, and (iii) to explore coordination actions with the SJP. In addition, the petitioner expressed its concern about the intention to change the legal qualification of the crime,<sup>22</sup> the lack of involvement of the victims' representation in the process before the SJP and the absence of information regarding the coordination strategy between the Prosecutor's Office and the SJP to guarantee the rights of the victims. By virtue of the foregoing, the Commission considers that this item is partially complied with and so declares it.

35. On the other hand, with regard to clauses eight (publication) and nine (compensation) of the friendly settlement agreement and by virtue of the request of the parties to move forward with the approval of the agreement prior to its execution, the Commission observes that said measures must be fulfilled after the publication of this report, and therefore considers that they are pending compliance and so declares it. By virtue of the foregoing, the Commission awaits updated information from the parties on their execution subsequent to the approval of this report.

36. With regard to section 1, *pedagogical initiative of historical memory called "Jorge Freyter Competition"* of the tenth clause on measures of memory and dignification, on June 16, 2023, the State reported that, during the months of February, March, April and May 2023, the National Agency for the Legal Defense of the State carried out various actions with the National Center of Historical Memory in order to move forward with the implementation of the measure. In particular, the State shared a calendar that shows that three meetings have been held between the two institutions in which the resources and the status of the budget for its execution were agreed upon. In this regard, it noted that the National Agency is awaiting the presentation of the updated implementation proposal by the National Center of Historical Memory in order to be able to execute the measure between September and October 2023. Therefore, taking into consideration the information available, the Commission considers that this part of the agreement is pending compliance and so declares it. In this regard, the Commission awaits updated information from the parties on the implementation of the historical memory pedagogical initiative and its entry into operation.

<sup>20</sup> Deceased and awaiting decree of cessation of proceedings due to death of the defendant.

<sup>21</sup> Linked as co-perpetrator of the crimes of aggravated extortive kidnapping, aggravated homicide and criminal conspiracy, convicted by the Superior Court of Barranquilla on August 6, 2018 and deprived of liberty since February 11, 2022 for the crimes of aggravated forced disappearance, aggravated homicide and criminal conspiracy in events unrelated to the homicide of professor Jorge Adolfo Freyter.

<sup>22</sup> The process has been carried out under the criminal offense of homicide of a protected person and it has been contemplated that it be modified to aggravated homicide, which, according to the petitioner, would ignore the fact that the professor was murdered because of his condition as union member of the ASOJUA association and that, therefore, the change of the crime would ignore the political motivation of his murder.

37. With regard to section 2, *installation of a memorial in the House of Historical Memory of Barranquilla*, of the tenth clause on measures of memory and restoration of dignity, the State informed on October 13, 2023, that on August 29, 2022, a memorial was installed in the House of Historical Memory of Barranquilla, through the coordination of the National Center of Historical Memory, the National Agency for the Legal Defense of the State and the Mayor's Office of Barranquilla. It also added that compliance with the measure was agreed with the family, who agreed on the structure, material and description of the memorial, as well as the date and time for its unveiling. The State also sent a copy of the invitation and mentioned that it had been circulated as requested by the victims, and in coordination with them, the agenda and the logistical arrangements required for the event had been defined. In this regard, the State provided a copy of the agenda that included: (i) a private meeting with the relatives of Jorge Adolfo Freytter Romero, the National Center of Historical Memory and the National Agency for the Legal Defense of the State; (ii) a symbolic act of installation of the memorial and unveiling of monument and commemorative plaque to Mrs. Mónica Florián; (iii) a forum for the media; (iv) a luncheon; (v) a workshop for memory observers (“vigías”), a strategy of ownership and mediatization of the monument (with the objective of generating ownership with the neighboring population and mitigating the deterioration or loss of the monument); and (vi) the closing of the event.

38. In addition, the State shared photographs of the event; link through which the dissemination of the event by different entities<sup>23</sup> and local and national media<sup>24</sup> can be noted and access links to the two radio chapters included in the podcast on Spotify “País con memoria” of the National Center of Historical Memory, in memory of Professor Freytter Romero. In the first one called “*Jorge Freytter Romero: the memory of a crime against humanity*”,<sup>25</sup> an interview was conducted with Jorge Enrique Freytter Florián who spoke about his father's case and the developed initiative for historical memory. In the second, entitled “*Voracious Exile: Jorge Adolfo Freytter Case*”,<sup>26</sup> Jorge Freytter Franco was interviewed and spoke about the victimizing events that occurred, the friendly settlement signed and the situations he and his family have had to face in their exile in Canada. Similarly, the State reported on a dissemination campaign in coordination with the Transport System of the city of Barranquilla -Transmetro-, through which the commemorative phrase #FreytterVive was included on buses in the city and provided photographic record of this activity. The dissemination of the hashtag allowed the citizens of the city to learn about the measure and the individual Jorge Freytter Romero.

39. In addition, on June 16, 2023, the State referred to the petitioner's request presented on December 6, 2022 and March 22, 2023, when they warned of the importance of carrying out maintenance and repair work on the monument, since they had identified dents to the plaque and the damage to one of the lamps. In this regard, it was reported that the National Center of Historical Memory arranged for the replacement on November 26, 2022 of the broken glass of the lamp that lights the monument. In addition, the State indicated that, from the territorial entity, preventive actions have been deployed, within the space, aimed to its cleaning and care, and work to ensure the safety of the monument, given that the environment in which it is located has an automated surveillance and security system. Finally, the State indicated that in March 2023, a visit was made to the facilities of the House of Historical Memory of Barranquilla in order to verify the structure and the repairs made, and shared updated images of the monument showing that it is in good condition. Based on the foregoing, and taking into consideration the elements of information described above, the Commission considers that this end of the friendly settlement agreement has been fully complied with and so declares it.

<sup>23</sup> **Historical Remembrance Center:** Barranquilla inaugura un memorial en honor al profesor Jorge Adolfo Freytter Romero, a 21 años de su homicidio - Centro Nacional de Memoria Histórica ([centrodememoriahistorica.gov.co](http://centrodememoriahistorica.gov.co));

**National Agency for the Legal Defense of the State:** <https://www.youtube.com/watch?v=6WXbVhXVMLA>; <https://twitter.com/maluzamora60/status/1564347178331607042>

**Victims' Unit:** <https://www.unidadvictimas.gov.co/es/snariv/inauguraran-monumento-en-honor-al-profesor-jorge-adolfo-freytter-romero/74065>

<sup>24</sup> **Entre otros Blue Radio:** <https://www.bluradio.com/blu360/caribe/develan-monumento-en-conmemoracion-al-profesor-jorge-freytter-asesinado-en-barranquilla-rg10>

**El Heraldito:** <https://www.elheraldo.co/atlantico/develan-monumento-en-memoria-del-profesor-jorge-freytter-934147>

**El Tiempo:** <https://www.eltiempo.com/colombia/barranquilla/jorge-freytter-monumento-a-docente-asesinado-en-barranquilla-698079>

<sup>25</sup> Available at: [Jorge Freytter Romero: la memoria de un crimen de Lesa Humanidad - País con Memoria | Podcast on Spotify](https://open.spotify.com/show/1564347178331607042)

<sup>26</sup> Available at: [Exilio voraz: Caso Jorge Adolfo Freytter Romero - País con Memoria | Podcast on Spotify](https://open.spotify.com/show/1564347178331607042)

40. Therefore, the Commission concludes that paragraphs (i) act of acknowledgment of responsibility and (iv) human rights workshop of the fifth clause, as well as paragraph 2 of the tenth clause (installation of the monument) have been fully complied with, and so declares it. At the same time, the Commission considers that the sixth clause (health and rehabilitation measures) has met substantial partial compliance and so declares it. On the other hand, the Commission considers that paragraph (ii) of the fifth clause (educational scholarships) and seventh clause (justice measures) have been partially complied with and so declares it. Finally, the Commission considers that paragraph (iii) commemorative scholarships of the fifth clause, the eighth clause (publication), the ninth clause (pecuniary reparation) and paragraph 1 of the tenth clause (Jorge Freyter Competition), are pending compliance and so declares it.

41. Furthermore, 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. Finally, the Commission considers that the agreement has a level of partial compliance and will continue to monitor the implementation of the aforementioned enforcement clauses until they are fully implemented.

## 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 entered into by the parties on August 28, 2020.

2. To declare that the Addendum of the ASA dated July 28, 2022, is an integral part of the friendly settlement agreement.

3. To declare full compliance with paragraphs (i) (*act of acknowledgement of responsibility*) and (iv) (*human rights workshop*) of the fifth clause and paragraph 2 of the tenth clause (installation of monument) of the friendly settlement agreement, according to the analysis contained in this report.

4. To declare partial substantial compliance with clause six (health and rehabilitation measures), according to the analysis contained in this report.

5. To declare partial compliance with paragraph (ii) *awarding of educational scholarships* of clause five and clause seven (justice measures), according to the analysis contained in this report.

6. To declare that clause (iii) *commemorative scholarships* of clause five, clause eight (publication), clause nine (pecuniary reparation) and section 1 of clause ten (Jorge Freyter Competition) are pending compliance, according to the analysis contained in this report.

7. To continue with the supervision of the commitments assumed in paragraph (ii) *granting of educational scholarships* and (iii) *commemorative scholarships* of clause five; clause six (health and rehabilitation measures); clause seven (justice measures); clause eight (publication); clause nine (pecuniary reparation) and numeral 1 of clause ten (Jorge Freyter Competition), according to the analysis contained in this report. To this end, the parties are reminded of their commitment to periodically inform the IACHR of their compliance.

8. 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 22<sup>nd</sup> day of the month of October, 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.