

TECHNICAL INFORMATION SHEET
PETITION 401-05 JORGE ANTONIO BARBOSA TARAZONA and OTHERS
FRIENDLY SETTLEMENT REPORT No. [83/08](#)
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim (s): Jorge Antonio Barbosa Tarazona and others

Petitioner (s): Nelson Javier De Lavallo Restrepo

State: Colombia

Beginning of the negotiation date: June 8, 2006

FSA signature date: September 22, 2006

Friendly Settlement Agreement Report: [83/08](#), published on October 30, 2008

Estimated length of the negotiation phase: 2 years and 3 months

Related Rapporteurship (s): N/A

Topics: Forced disappearance / Equality before the law/ Personal liberty / Obligation to respect rights / Judicial protection

Facts: On October 30, 2008, through Report No. 83/08, the Commission approved and recognized partial compliance with a friendly settlement agreement signed on September 22, 2006, in connection with petition 401-05 Jorge Antonio Barbosa Tarazona. In short, the petition alleged the responsibility of State agents for the disappearance of Jorge Antonio Barbosa Tarazona on October 13, 1992, in the department of Magdalena and the unwarranted delay by judicial authorities to investigate, try, and punish the alleged persons responsible.

Rights alleged: The petitioning party alleged that the Republic of Colombia was responsible for violating the rights enshrined in Articles 4 (right to life), 5 (right to personal integrity), 7 (right to personal liberty), 24 (equality before the law), and 25 (judicial protection) of the American Convention on Human Rights, in connection with the violation of the obligations enshrined in Article 1.1 (obligation to respect rights) and the rights protected under Articles I, II, and III of the American Convention on the Forced Disappearance of Persons, to the detriment of Jorge Antonio Barbosa Tarazona and his next-of-kin.

II. PROCEDURAL ACTIVITY

1. On September 22, 2006, the parties signed a friendly settlement agreement.
2. On October 30, 2008, the IACHR published Report No. 83/08, approving the friendly settlement agreement

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT

Clause of the Agreement	Status of Implementation
1. ON THE MATTER OF REPARATIONS.	
<p>a) Pecuniary Reparations:</p> <p>1.1.1 Once this friendly settlement agreement is approved by the Inter-American Commission on Human Rights, the State agrees to submit to the Council of State a conciliation proposal of up to one hundred percent (100%) of the sentence handed down by the Contentious Administrative Court of Santa Marta, for moral damages suffered by the relatives of Jorge Antonio Barbosa Tarazona; at the same time, the State will recognize the material damages caused by the death of Jorge Antonio Barbosa Tarazona based on the current legal minimum salary.</p> <p>1.1.2 The State agrees to enforce Law 288 of 1996, for the purpose of providing reparation to the mother, wife and daughter for the following damages: non-material damages caused to Jorge Antonio Barbosa Tarazona, for the suffering endured from the time of his detention until the time he was legally declared dead in absentia and for any expenses incurred by the aforementioned relatives in the search for his remains as long as they provide records of the expenses.</p>	Total¹
<p>b) Non-pecuniary reparations or measures of satisfaction:</p> <p>1.2.1 At the time of the signing of the Friendly Settlement Agreement scheduled for September 22, 2006, in the city of Barranquilla, with the victim's family in attendance, the State, represented by officials of the Ministry of National Defense and of the Army, will apologize for the incidents that led to the death of Jorge Antonio Barbosa Tarazona; likewise, a plaque in memory of Jorge Antonio Barbosa Tarazona and a letter of sympathy signed by an official of the Ministry of National Defense will be presented to the family.</p> <p>1.2.2 The State agrees to monitor the medical and psychological health of the mother, the wife and the daughter of Jorge Antonio Barbosa Tarazona, and will provide them whatever treatment is deemed necessary.</p> <p>1.2.3 The State agrees to include this case in the education program of the Army under "lessons learned."</p>	Total²
<p>2. ON MATTERS OF JUSTICE:</p> <p>Within the framework of responsibility for due diligence in carrying out investigations, the State will strengthen and advance efforts and special actions to identify the individuals responsible for the disappearance and later death of Jorge Antonio Barbosa Tarazona. At the same time, it will use all its technical and scientific tools and knowledge in the effort to locate the victim's remains. When the remains are found and identified, the State will turn them over to the family as soon as possible in order that he may be honored according to their beliefs.</p>	Total³

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2023 Annual Report.

¹ Report No. 83/08, Petition 401-05, Jorge Antonio Barbosa Tarazona, Colombia, October 30, 2009. Available at: <https://cidh.oas.org/annualrep/2008eng/Colombia401.05eng.htm>

² Report No. 83/08, Petition 401-05, Jorge Antonio Barbosa Tarazona, Colombia, October 30, 2009. Available at: <https://cidh.oas.org/annualrep/2008eng/Colombia401.05eng.htm>

³ See IACHR, 2023 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State made the payment for the monetary reparation measures by a cash payment of 377,781,470.99 million Colombian pesos as compensation to the next-of-kin of the victim by means of Resolution No. 0062 of January 9, 2007, issued by the Ministry of National Defense.
- The State conducted a ceremony on September 22, 2006, attended by members of the military high command, at which the Deputy Minister of Defense recognized, on behalf of the State of Colombia, its responsibility for the disappearance of Jorge Antonio Barbosa Tarazona, extended apologies to his next-of-kin, and delivered a memorial plaque and formal letter.
- The State undertook an examination of the health status of the next-of-kin, insofar as the Ministry of Social Welfare initiated the psychological assessment of the mother, spouse, and daughter of Jorge Antonio Barbosa.
- The Second Criminal Court of the Ciénaga Circuit issued a guilty verdict against Private Jhon Jairo Fonseca Cerpa.
- 2008-03-14: The Specialized Circuit Criminal Court issued a conviction against Víctor Mauricio Oñate Daza.
- 2010-01-14: The Specialized Circuit Criminal Court issued a guilty verdict against Corporal Wilson González Echavarría.
- 2011-11-29: The Second Criminal Court of the Ciénaga Circuit issued a conviction against Private Milton Rivera Leguía and Private Enot Guerrero Payares.
- 2012-02-06: The Second Criminal Court of the Ciénaga Circuit issued a conviction against Private Juan Adolfo Pertuz Vargas.
- 2012-03-30: The Specialized Circuit Criminal Court of Santa Marta issued a conviction against Captain Carlos Alberto Martínez Gabriel.
- 2010-06-24: The Specialized Circuit Criminal Court issued a conviction against Sergeant Jhon Jairo Arenas Bobadilla and Private Alberto Serpa Acosta.
- The Supreme Court of Justice, in a revision sentence, annulled the orders by which Colonel Mario Martín Mantilla Ruiz, Sergeant Danilo Camacho Avila, Major Ulises Cano Pérez and Captain Carlos Alberto Martínez Gabriel were acquitted.

B. Structural outcomes of the case

- As for the memory recovery measures, the Office of Education and Doctrine of the National Army included the case of Jorge Antonio Barbosa Tarazona in the Army's teaching practices using the "Lessons Learned" methodology, which was disseminated inside the institution, in training schools (Army Cadet Academy and the Military School for Non-Commissioned Army Officers) and training centers.