

TECHNICAL INFORMATION SHEET
CASE 13.728 AMIRA GUZMÁN DE ALONSO AND FAMILY
REPORT ON FRIENDLY SETTLEMENT N° [21/20](#)
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim(s): Amira Guzmán de Alonso

Petitioner(s): Leonardo Fidel Guerra-Acero Ospina

State: Colombia

Beginning of the negotiations date: July 25, 2019

FSA signature date: November 5, 2014

Friendly Settlement Agreement Report No. [21/20](#), published on April 13, 2020

Estimated length of the negotiation phase: 9 months

Related Rapporteurship (s): Rapporteurship on the Rights of Women

Topics: Right to life/ Judicial guarantees/ Investigation and due diligence/ Judicial protection/ Terrorism and human rights/ Gender-based violence

Facts: On December 21, 2007, the IACHR received a petition in which the petitioner alleged that Mrs. Amira Guzmán had been murdered in an area besieged by guerrilla groups and that, at the time, was a hub of violence. The petitioner indicated that Mrs. Guzmán sold household supplies and cattle to segments of the population living in the Municipality of Florencia in the Department of Caquetá, so that her usual form of transport was a motorized canoe on the Orteguzza River, between Puerto Remolinos and Puerto Arango. The petitioner told how, on October 4, 1988, while she was working, three unknown men dragged her out of her boat and kidnapped her. Three days later her body had been found near the Orteguzza River. According to the petitioner, the alleged victim had stones tied to her body to prevent it from floating and it proved very difficult to identify her because they had tossed acid on her face, head, feet, and hands, so that her family was only able to recognize her by her clothes and bodily features. The petitioner pointed out that the autopsy showed that the absence of muscles and skin tissue was due to the application of an acid and that the probable cause of death had been strangling. According to the petitioners, on January 10 and October 4, 2006, when they were old enough to do so, the alleged victim's children filed to petitions before the Office of the Attorney General (FGN), requesting information and a copy of the file. The petitioning party argued that as of the date on which the petition was filed with the IACHR no investigation had been conducted into what happened and those responsible had not been punished.

Rights declared admissible: The IACHR declared the petition admissible in Admissibility Report No. 180/18, in which it concluded that it was competent to examine the alleged violation of the rights embodied in Articles 4 (right to life), 5 (right to personal integrity), 8 (judicial guarantees), 24 (equality before the law), and 25 (judicial protection) of the American Convention on Human Rights in conjunction with Article 1.1 thereof. The Commission also declared the petition admissible in respect of the alleged violation of Article 7 of the Convention of Belém do Pará and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

II. PROCEDURAL ACTIVITY

1. On November 5, 2014, the parties signed a friendly settlement agreement.
2. On April 13, 2020, the Commission approved the agreement signed by the parties, by means of Report No. 21/20.

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

Agreement clause	Status of compliance
<p>FIRST: ACKNOWLEDGMENT OF RESPONSIBILITY</p> <p>The Colombian State acknowledges international responsibility for the violation of Article 8 (right to judicial guarantees) and Article 25 (right to judicial protection) of the American Convention on Human Rights to the detriment of family members of the victim, for lack of diligence in investigating deeds that occurred on October 4, 1988, in which Mrs. Amira Guzmán de Alonso died.</p>	<p>Declarative clause</p>
<p>SECOND: DISCONTINUANCE OF THE DIRECT REPARATION SUIT</p> <p>In view of the signing of the present friendly settlement agreement by the Colombian State and the representatives of the victims, the petitioners commit to discontinue Direct Reparation Suit No. 18001233100020110040901 being processed on first appeal by the Council of State, Section Three. They also expressly waive filing any other domestic lawsuit on account of the same facts and for the same claims.</p>	<p>Declarative clause</p>
<p>THIRD: MEASURES OF SATISFACTION</p>	
<p>A) Holding a ceremony of acknowledgment of responsibility and public apology in the municipality of Puerto Rico Caquetá, conducted by a senior National Government official. The ceremony in which the State acknowledges its responsibility shall include active participation by family members and representatives of the victims. In that ceremony, the State shall acknowledge its responsibility in the terms agreed to in this Agreement. The Office of the Presidential Adviser on Human Rights and International Affairs shall be responsible for implementing this measure.</p>	<p>Total¹</p>
<p>B) Drawing up of a commemorative plaque Drawing up a plaque commemorating the life and legacy of Mrs. Amira Guzmán de Alonso, as a working woman promoting trade on the region's rivers. The words on the plaque and its location shall be agreed upon with the victims and their representatives.</p>	<p>Total²</p>
<p>C) Publication of the facts The Colombian State commits to posting the report issued by the Inter-American Commission on Human Rights pursuant to Article 49 of the American Convention that approves the final friendly settlement agreement on the web pages of the Offices of the Presidential Adviser for Human Rights and International Affairs and the National Legal Defense Agency of the State.</p>	<p>Total³</p>

¹ IACHR, Report No. 21/20, Case 13.728. Friendly Settlement. Amira Guzmán de Alonso Colombia. April 13, 2016 Available at <http://www.oas.org/en/iachr/decisions/2020/COSA13728EN.pdf>

² IACHR, Report No. 21/20, Case 13.728. Friendly Settlement. Amira Guzmán de Alonso Colombia. April 13, 2020. Available at <http://www.oas.org/en/iachr/decisions/2020/COSA13728EN.pdf>

³ IACHR, *Annual Report 2021*, Chapter II, Section F. Negotiation and implementation of friendly settlement agreements. Available at <https://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<p>FOURTH: FINANCIAL COMPENSATION The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on Human Rights, its purpose being to provide reparation for such material and immaterial injuries as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation. To that end, recourse shall be had to the criteria and amounts recognized in current Council of State case law.</p>	Total⁴
<p>FIFTH: APPROVAL AND FOLLOW-UP The parties request the Inter-American Commission on Human Rights to approve and follow up on this agreement. This agreement was endorsed by the State entities committed to the implementation of the reparation measures.</p>	Declarative clause

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 2022 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State performed the public act of acknowledgment of responsibility, during which there was a march with people holding lighted candles to the banks of the Guayas River, where, marking the end of the ceremony, the Guzmán family deposited a floral wreath as a symbol of liberation, pardon, and reconciliation for the grievous circumstances in which Mrs. Amira Guzmán died.
- The State unveiled and delivered the commemorative plaque, which was installed in Parque de los Caucheros, in the municipality of Puerto Rico, Caquetá to enable all the inhabitants to extol the memory of Amira Guzmán as a working woman and pioneer of trade along the Guayas, Caguán, and Orteguzza rivers.
- The State paid the pecuniary reparation of 1,389,101,083.14 Colombian pesos to the beneficiaries of the agreement.

B. Structural outcomes of the case

- The State published the Article 49 Report on the web page of the President's Counsel for Human Rights and International Affairs and the National Legal Defense Agency of the State.

⁴ See IACHR, 2022 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: [4-IA2022_Cap_2_EN.pdf\(oas.org\)](#)