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**REPORT No. 221/23  
CASE 14.003**

REPORT ON FRIENDLY SETTLEMENT

MARIA REGINA OCAMPO LOAIZA AND OTHERS  
COLOMBIA

Approved electronically by the Commission on October 22, 2023.

**Cite as:** IACtHR, Report No. 221/23, Case 14.003. Friendly Settlement. María Regina Ocampo Loaiza and others. Colombia. October 22, 2023.



**REPORT No. 221/23**  
**CASE 14.003**  
FRIENDLY SETTLEMENT  
MARÍA REGINA OCAMPO LOAIZA Y OTROS  
COLOMBIA<sup>1</sup>  
OCTOBER 22, 2023

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

1. On November 7, 2008, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACRH") received a petition presented by Mr. Oscar Darío Villegas Posada (hereinafter the "petitioner" or the "petitioning party"), alleging the international responsibility of the Republic of Colombia (hereinafter "State" or "Colombian State" or "Colombia"), for the violation of the human rights contemplated in Articles 4 (life), 5 (humane treatment), 8 (fair trial), 24 (equality before the law) and 25 (judicial protection), in relation to Article 1 (obligation to respect) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention") for the lack of reparation for María Regina Ocampo Loaiza and other relatives of Martín Emilio and Héctor Gabriel Zapata Álvarez (hereinafter "the Zapata Álvarez brothers"), who were allegedly kidnapped from the Municipal Jail of Granada, where they were deprived of their liberty, by a group operating outside the law; and subsequently found dead in the Municipality of Cocorná. The petitioner argued that the Colombian State failed to take effective and sufficient measures to prevent and to protect the Zapata Álvarez brothers. Likewise, the petitioner alleged discriminatory treatment in the direct reparation action, since no compensation for damages was awarded to the relatives of the Zapata Álvarez brothers, while an alternative ruling ordered the payment of monetary compensation to the relatives of the other inmates who were kidnapped with them and killed on the outskirts of the Municipality of Granada. The alleged victims are the Zapata Álvarez brothers, María Regina Ocampo Loaiza and their relatives.

2. On June 1, 2020, the Commission issued Admissibility Report No. 133/20, in which it declared the petition admissible as well as its competence to hear the claim presented by the petitioners regarding the alleged violation of the rights contained in Articles 4 (life), 5 (humane treatment), 8 (fair trial), 24 (equality before the law) and 25 (judicial protection) of the American Convention.

3. On December 20, 2021, the parties signed a memorandum of understanding for the search for a friendly settlement in the present case, together with a work schedule to progress in the negotiations. In the following months, the parties held bilateral meetings in order to analyze the reparation measures to be included in the friendly settlement agreement (hereinafter "FSA"), which materialized with the subscription of said instrument on March 2, 2023, in the city of Bogotá D.C. Subsequently, on June 21, 2023, the parties presented a joint report on the progress in the implementation of the FSA and requested the IACRH to homologate it.

4. 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 by the petitioners and a transcript of the friendly settlement agreement signed between the petitioners and the representatives of the Colombian State on March 2, 2023. Likewise, the agreement signed between the parties and its publication in the Annual Report of the IACRH to the General Assembly of the Organization of American States is approved.

**II. THE FACTS ALLEGED**

5. According to the petitioner's allegation, on December 5<sup>th</sup>, 1993, the Zapata Álvarez brothers were arrested for the alleged theft of cattle in a farm of the Antioquia region and transferred to the Municipal Prison of Granada. On December 8<sup>th</sup> that same year at 1:10 a.m. approximately ten armed men entered the Municipal Prison, intimidated the two guards on shift that were looking after the prisoners, and took six

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

inmates, including the Zapata Álvarez brothers. These people are said to be found dead hours later in the District of Cocorná with clear signs of gunshot wounds.

6. The petitioner stated that, the relatives of the Zapata Álvarez brothers filed a direct remedy suit before the Contentious Administrative Court of Antioquia against the Nation- Ministry of Justice, Ministry of Defense, National Police, and National Penitentiary and Incarceration Institute-INPEC. A ruling dated April 28<sup>th</sup>, 2000, the Eighth Decision Room of the Administrative Court of Antioquia regarded the aforementioned institutions as liable and sentenced such institutions to repair moral and material damages caused to the relatives of the Zapata Álvarez brothers. On September 8<sup>th</sup>, 2000, the relatives filed an appeal petition for failure to acknowledge pecuniary damages upon the other siblings of the deceased. However, as soon as the appeal was filed, they requested a withdrawal, which was accepted by the court on November 1<sup>st</sup>, 2000, which caused the case to be archived and affirmed the monetary sanction to be paid to the persons acknowledged as victims with the sentence issued on April 28<sup>th</sup>, 2000.

7. The petitionary informed that on September 11<sup>th</sup>, 2001, the Administrative Court admitted the condemnatory sentence as a consultation before the State Council, since the amount of the monetary indemnity surpassed the minimum. The aforementioned was based on Law 446 from 1998 which states that whenever the payment of a monetary indemnity surpasses 300 minimum wages, it is to be consulted with the superior even without appeal. The petitionary indicated that on November 22<sup>nd</sup>, 2001, a reposition petition was filed and on November 27<sup>th</sup> 2001 as well as an appeal versus the decision of the Administrative Court. Also, an action for protection was filed, but the Administrative Court declared it non-applicable on June 21<sup>st</sup>, 2002; on the decision of reposition petition, it maintained the criteria in that it needed to be consulted before the State Council due to the amount of the indemnity.

8. The petitioner claimed that, on November 15<sup>th</sup>, 2002, another reposition motion was filed before the State Council against the order which admitted the consultation degree, which was also dismissed due to the amount of the indemnity. On May 30<sup>th</sup>, 2003, the State Council was requested to amend the current proceeding which permitted the disclosure of the case, but it was also rejected on September 11<sup>th</sup>, 2003. Finally, on May 9<sup>th</sup>, 2012, the State Council ruled against the plaintiffs of the direct remedy process; ordered the revocation of the sentence of April 28<sup>th</sup>, 2000, by the Administrative Court of Antioquia; and declared acquittal of the entities sentenced to pay the indemnity assessed previously on first instance.

9. The petitioner stated that, the State Council determined that the suit lacked legitimization, since the obligations to guard and care of the detained pertained municipal prison authorities and not the National Police, whose function was to look after the safety and protection of inhabitants within the national territory; it also established of the National Police had been diligent in informing the Director of the Municipal Prison regarding the irregularities which took place in that facility. Finally, the State Council clarified that the creation, direction, organization, administration, and surveillance of departmental and municipal prisons were dependent on the respective Departments and Municipalities; and that the Municipality had not been included in the direct remedial suit instated.

10. The petitionary informed that Mrs. Arnovia del Socorro Cardona Escobar, relative of Isidro León Ramírez Ciro, another detained who was kidnapped and murdered under the same circumstances as the Zapata Álvarez brothers, also filed a direct remedy suit. Such case was studied by the State Council, which ruled diametrically different upon admitting to relatives of Mr. Ramírez Ciro the payment of the monetary indemnity. The petitionary considered that such measures represent a violation to the rights of the due process and to equality before the law, since the first instance sentence was already enforceable; and that, finally, the permissive attitude from the State's officials originated the breach of the rights to life and personal integrity of the detained people.

### III. FRIENDLY SETTLEMENT

11. On March 2, 2023, in the city of Bogotá D.C., the parties signed a friendly settlement agreement, the text of which provides as follows:

**FRIENDLY SETTLEMENT AGREEMENT  
CASE 14.003 MARÍA REGINA OCAMPO LOAIZA AND OTHERS**

On March 2 in the city of Bogotá D.C., on the one hand, Mauricio Alejandro Moncayo Valencia, Director of International Legal Defense (E) of the National Agency for the Legal Defense of the State, acting on behalf of the Colombian State, hereinafter "the Colombian State", and on the other hand, the firm Villegas Abogados Asociados, represented in this act by Sandra Villegas Arévalo, acting as representative of the victims, collectively referred to as "the parties", met and decided to sign this Friendly Settlement Agreement in the scope of Case 14.003 María Regina Ocampo Loaiza and Others, in progress before the Inter-American Commission on Human Rights.

**FIRST: CONCEPTS**

The following definitions shall apply for the purposes of this Agreement:

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

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

**Material damage:** It includes the loss or detriment of the victim's income, the expenses incurred as a result of the facts and the consequences of a pecuniary nature that have a causal link with the facts of the case.<sup>2</sup>

**Immaterial damage:** It includes both the suffering and affliction caused to the victims, the impairment of values that are very significant for individuals, as well as the non-pecuniary alterations in the living conditions of the victim or his or her family.<sup>3</sup>

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

**Satisfaction measures:** Non-pecuniary measures aimed at recovering the victims from the damage caused to them.<sup>4</sup>

**Parties:** State of Colombia, relatives of Mr. Martín Emilio Zapata Álvarez and Héctor Gabriel Xapata Álvarez, as well as their representatives.

**Acknowledgment of responsibility:** Acceptance for actions and omissions attributed (sic) to the State which violate one or more of its obligations under international human rights law.

**Integral reparation:** All those measures that objectively and symbolically restore the victim to the state prior to the commission of the damage.

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

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<sup>2</sup> IHR Court, Case of the Serrano Cruz Sisters vs. El Salvador, (Merits, Reparations and Costs). Judgment of March 1, 2005, Series C No. 120, para. 150.

<sup>3</sup> IHR Court, Case of Caesar vs. Trinidad and Tobago, (Merits, Reparations and Costs). Judgment of March 11, 2005. Series C No. 123, para. 125.

<sup>4</sup> Some examples of this type of measures are: public knowledge of the truth and acts of atonement.

**Friendly Settlement:** Alternative dispute resolution mechanism, used for peaceful and consensual settlement before the Inter-American Commission.

**Victims:** The relatives of Messrs. Martín Emilio Zapata Álvarez and Héctor Gabriel Zapata Alvarez specified in the third part of this report.

## SECOND: BACKGROUND

1. On November 7, 2008, the Inter-American Commission on Human Rights received the international complaint against the Colombian State for the lack of integral reparation to Mrs. María Regina Ocampo Loaiza and her family, for the violation of the rights of Mr. Martín Emilio Zapata Álvarez and Mr. Héctor Gabriel Zapata Álvarez.

2. The facts of the case occurred in the Municipal Jail of Granada - Antioquia, where Mr. Martín Emilio Zapata Álvarez and Mr. Héctor Gabriel Zapata Álvarez were deprived of their liberty, who were taken from the prison on December 5, 1993, allegedly by a group outside the law.<sup>5</sup>

3. On December 8, 1993, in the neighborhood of "El Choco" in the municipality of Cocorná Antioquia, two bodies were removed and later identified as Martín Emilio Zapata Álvarez and Héctor Gabriel Zapata Álvarez.<sup>6</sup>

4. Due to the aforementioned facts, the Attorney General's Office initiated an informal criminal investigation.<sup>7</sup> At present, the process is in charge of Prosecutor's Office 73, attached to the Directorate of Support to the Investigation and Analysis against Organized Crime and the Delegate for Citizen Security. On June 24, 2022, the investigating entity filed charges for the crime of "homicide of a protected person", "simple kidnapping and illegal detention" and "deprivation of due process" for two postulates of the National Liberation Army (ELN).<sup>8</sup>

5. For the same facts, the Antioquia Sectional Prosecutor's Office 160 is conducting an investigation for the retention of other persons who were abducted together with Mr. Martín Emilio Zapata Álvarez and Mr. Héctor Gabriel Zapata Álvarez on December 5, 1993.<sup>9</sup> This investigation is active at the investigation stage, aimed at clarifying the facts and identifying the perpetrators and accomplices of the crime.<sup>10</sup>

6. By means of Report No. 133/20 of June 1, 2020, the Inter-American Commission on Human Rights declared the admissibility of the petition with respect to the rights to life, humane treatment, fair trial, equality before the law and judicial protection, recognized in Articles 4, 5, 8, 24 and 25 of the American Convention on Human Rights in accordance with Article 1 thereof.

7. On December 20, 2021, the Colombian State and the representative of the victims signed a memorandum of understanding for the search for a friendly settlement, in which a work schedule was established in order to build this friendly settlement agreement.

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<sup>5</sup> Admissibility Report 133/20, para.1.

<sup>6</sup> Prosecutor's Office Executive Report. Code FGN-20-F-24. Forwarded with official letter from the Attorney General's Office File No.2018700049291 of June 22, 2018.

<sup>7</sup> Admissibility Report 133/20, para. 15.

<sup>8</sup> Attorney General's Office. Official Letter No. 20231700011641 of February 20, 2023.

<sup>9</sup> Ibidem.

<sup>10</sup> Attorney General's Office. Official Letter No. 20221700087151 of November 18, 2022.

### THIRD: BENEFICIARIES

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

<b>Family of Martin Emilio Zapata Álvarez</b>		
<b>Name</b>	<b>Document</b>	<b>Kinship</b>
Yudys Faisury Zapata Morales	[...]	Daughter
Rodolfo Zapata Morales	[...]	Son
Dario De Jesús Zapata Alvarez	[...]	Brother
Virginia De Jesús Zapata Alvarez	[...]	Sister
Ana de Jesús Zapata Alvarez	[...]	Sister
Maria Diocelina Zapata Alvarez	[...]	Sister
<b>Family of Martin Emilio Zapata Álvarez (R.I.P.<sup>11</sup>)</b>		
Antonio Jose Zapata Arredondo	[...]	Father
Carmen Julia Alvarez Salazar	[...]	Mother
Maria Lucila Morales Grajales	[...]	Wife
Hernan De Jesús Zapata Alvarez	[...]	Brother

<b>Family of Héctor Gabriel Zapata Álvarez</b>		
<b>Name</b>	<b>Document</b>	<b>Kinship</b>
Maria Regina Ocampo Loaiza	[...]	Permanent Partner
Maria Fabiola Morales Grajales	[...]	Wife
Leidy Yohanna Zapata Ocampo	[...]	Daughter
Héctor Ricardo Zapata Ocampo	[...]	Son
Maria Norelia Zapata Morales	[...]	Daughter
Maria Nora Zapata Morales	[...]	Daughter
Luz Arely Zapata Morales	[...]	Daughter
Dario De Jesús Zapata Alvarez	[...]	Brother
Virginia De Jesus Zapata Alvarez	[...]	Sister
Ana De Jesus Zapata Alvarez	[...]	Sister
Maria Diocelina Zapata Alvarez	[...]	Sister
<b>Family of Héctor Gabriel Zapata Álvarez (R.I.P.<sup>12</sup>)</b>		
Antonio Jose Zapata Arredondo	[...]	Father
Carmen Julia Alvarez Salazar	[...]	Mother
German De Jesús Zapata Morales	[...]	Son
Alexander De Jesús Zapata Morales	[...]	Son
Hernan De Jesús Zapata Alvarez	[...]	Brother

The victims recognized in this Friendly Settlement Agreement will benefit provided that they can prove that they are related by consanguinity or affinity to Mr. Martin Emilio Zapata Álvarez and/or Héctor Gabriel Zapata Álvarez.

In addition, the victims who will benefit from this Friendly Settlement Agreement will be those who were alive at the time of the victimizing event.<sup>13</sup>

<sup>11</sup> In the case of the following persons, the values to be recognized by virtue of the economic compensation under Law 288 of 1996, will be recognized to their successors according to the succession presented for that purpose.

<sup>12</sup> In the case of the following persons, the values to be recognized by virtue of the economic compensation under Law 288 of 1996, will be recognized to their successors according to the succession presented for that purpose.

<sup>13</sup> The foregoing, in accordance with the jurisprudence of the Inter-American Court of Human Rights. Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) vs. Colombia (Preliminary Exceptions, Merits, Reparations and Costs). Judgment of November 20, 2013. Series C No. 270, para. 425.

## FOURTH: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility for the violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention in relation to Article 1.1. thereof (obligation to guarantee), to the detriment of the family members of Martin Emilio Zapata Álvarez and/or Héctor Gabriel Zapata Álvarez.

## FIFTH: SATISFACTION MEASURES

The Colombian State undertakes to conduct the following satisfaction measures:

### I. Act of Acknowledgment of Responsibility

The Colombian State shall hold a public act of acknowledgment of responsibility, in a virtual format, with the participation of the representatives of the victims. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set forth in this Agreement.

This measure shall be in charge of the National Agency for the Legal Defense of the State.

### II. Publication of the Article 49 Report

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

## SIXTH: JUSTICIE MEASURES

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

In development of the foregoing, the Office of the Attorney General of the Nation and the petitioners will hold a meeting every six months to report on the progress made in the matter of justice.

The biannual meeting to be held will be convened directly by the Attorney General's Office.<sup>14</sup>

## SEVENTH: COMPENSATION MEASURES

The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations by virtue of the provisions of certain international human rights bodies". This will be initiated once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the affectations generated by the facts of the present case.

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

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<sup>14</sup> Office of the Attorney General of the Nation. Official letter of February 20, 2023. File No. 202317.

The criteria and amounts recognized by the current jurisprudence of the Council of State shall be used for the purposes of the compensation of damages and their verification.

## EIGHTH<sup>15</sup>: HOMOLOGATION AND FOLLOW-UP

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

Having read this Agreement as it was and with the parties aware of its scope and legal content, it is signed on March 2, 2023.

### IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

12. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to “reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention.” The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.<sup>16</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.

13. The Inter-American Commission on Human Rights 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.

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

15. The Inter-American Commission considers that the first (concepts), second (background), third (beneficiaries), and fourth (acknowledgement of responsibility) clauses of the agreement are of a declarative nature, and therefore it is not relevant to supervise their compliance. In this regard, the Commission values the fourth declarative clause, in which the Colombian State acknowledges its international responsibility for the violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention in relation to Article 1.1 thereof (obligation to guarantee), to the detriment of the relatives of Mr. Martin Emilio Zapata Álvarez and/or Héctor Gabriel Zapata Álvarez.

16. With regard to item *(i) act of acknowledgment of responsibility*, of the fifth clause on satisfaction measures, as jointly reported by the parties, it took place on May 17, 2023. As reported in the joint report of June 21, 2023, the parties agreed after the signing of the FSA, that the act would be conducted within the framework of a discussion called *"Friendly Settlements in Colombia: A step closer to the victims"* at the Universidad Externado de Colombia and indicated the existence of permanent and fluent 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 regard, a copy of the invitation extended to the victim and his representatives and guests to attend the event was provided, with the participation of Mrs. Luz Arely Zapata Morales, relative of Héctor Gabriel Zapata Álvarez and Martin Emilio

<sup>15</sup> In the original FSA, this clause was listed as the seventh clause, but the Commission understands that this is a material error and adjusts the numbering according to the corresponding sequence to facilitate its supervision.

<sup>16</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.

Zapata Álvarez, Dr. Juan David Villegas Mora, in his capacity as spokesperson for the victims, as well as the National Agency for the Legal Defense of the State, the Commissioner and Rapporteur for Colombia, Joel Hernández García and the Assistant Secretary for the Petitions and Cases System, Jorge H. Meza.

17. Likewise, the parties reported on the contents of the agenda, which included the presentation of photos and a song in memory of the victims, the intervention of Mrs. Luz Arely Zapata Morales, daughter of Mr. Héctor Gabriel Zapata Álvarez and niece of Mr. Martín Emilio Zapata Álvarez, and the Director of International Legal Defense of ANDJE who, on behalf of the Colombian State, apologized to the victims and their families for what happened, and acknowledged responsibility in the terms established in the Friendly Settlement Agreement signed between the parties.

[...]

For the Colombian State, the duty to protect persons deprived of their liberty is reinforced, since there is a relationship of special subjection to the power of the State. In this sense, the obligation of the State consists of foreseeing and controlling the dangers that the detained person may suffer from the very moment in which the material deprivation of liberty takes place, until the moment in which they are returned to society, as well as the refrain from any conduct which may violate or jeopardize the rights that are not limited by their special situation.

These facts denote a lack of diligence in the investigation of what happened, which is aggravated by the fact that Martín Emilio and Héctor Gabriel Zapata were under the custody of the State in a prison, and for that reason, being in a relationship of special subjection to the State, the administration should be fully responsible for their security and protection.

In view of the foregoing, and, in particular, recognizing the obligations we have as a State, in my capacity as Director of the National Agency for the Legal Defense of the State, I acknowledge international responsibility for the violation of the rights recognized in Articles 4 (right to life), 5 (right to humane treatment), 8 (fair trial), and 25 (judicial protection) of the American Convention on Human Rights in relation to Article 1.1. thereof.

This space today is a symbol of forgiveness and reconciliation. To you, relatives and friends of Martín Emilio and Héctor Gabriel Zapata, on behalf of the Colombian State, we ask for your forgiveness. All our solidarity with your pain.

Today, the State's invitation is to seek, together with the family of Mr. and Mrs. Zapata Alvarez, a true space and sign of genuine reconciliation, with the commitment that these painful events will not be repeated. That is why, as a State, we recognize the great loss of Mrs. Luz Arely Zapata Morales, daughter and niece of Mr. Héctor Gabriel Zapata Álvarez and Martín Emilio Zapata Álvarez, and of all their relatives. [...]

Finally, I invite you as a society to understand that after events such as these, our role is to dignify the memory of Messrs. Martín Emilio and Héctor Gabriel Zapata Alvarez pursuing that such painful events are never repeated. This is a commitment that as a State we ratify today and it is a legacy that must remain forever.

[...]

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

[...]

We have heard Dr. Zamora's acknowledgement of international responsibility and I believe that something that must be highlighted is the State's omission in its duty to protect two persons deprived of their liberty, two persons whose life and humane treatment were in the care of the State, because it is precisely when a person enters a penitentiary, regardless of the causes, at that moment the State has the custody of the life and integrity and the State failed, not only in protecting the right to life and humane treatment, but also in the right of the victims to have access to justice, to judicial protection and to a fair trial as provided for in the American Convention on Human Rights.

This is a very important act, it is part of this reparation process and we believe that hearing the truth from you, the truth of the facts, but at the same time hearing the acknowledgement of responsibility and the request for forgiveness has a restorative effect and begins to heal the wounds to start a new stage in your life.

We have also seen how the mechanism you resorted to in the Inter-American Commission has allowed you to have a predominant role in the agreement of the reparation measures, it is therefore an agreement that belongs to you and it is an agreement in which the State has expressed its commitment to honor.

The Commission now complies by accompanying you in the following stages, in the homologation stage and in the supervision stage. We will do so with the same sense of responsibility that motivates us in each of the cases that reach the system and we will also do so with the enthusiasm of finding today, in the Colombian State, a clear willingness to collaborate, to assume its responsibilities and to protect the victims.

[...]

19. The act of acknowledgement was recorded on the YouTube web page of the National Agency for the Legal Defense of the State.<sup>17</sup> Therefore, taking into consideration the elements of information described above, the Commission considers that paragraph I of the fifth clause of the agreement is fully executed and it so declares.

20. On the other hand, in relation to paragraph II of clause five (publication of the Article 49 report), clause six (justice measures) and clause seven (compensation measures) of the friendly settlement agreement and, by virtue of the joint request of the parties to move forward with the homologation of the agreement prior to its execution, the Commission observes that said measures must be complied with after the publication of this report, and therefore considers these measures to be pending compliance and it so declares.

21. In view of the foregoing, the Commission concludes that paragraph I of clause five (act of acknowledgment of responsibility) has been fully complied with and it so declares. On the other hand, the Commission considers that paragraph (II) (publication of the Article 49 report) of clause five (measures of satisfaction) as well as clauses six (measures of justice) and seven (measures of compensation) are pending compliance. In this sense, the Commission considers that the friendly settlement agreement has a level of partial compliance and it so declares.

22. Finally, the Commission considers that the rest of the content of the friendly settlement agreement is of a declarative nature and therefore it does not fall under its supervision.

## V. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case

<sup>17</sup> See, ANDJE, YouTube, Acto de Reconocimiento – María Regina Ocampo: <https://www.youtube.com/watch?v=l9lllqnvQft4>

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 agreement signed by the parties on March 2, 2023.
2. To declare full compliance with paragraph I of clause five (act of acknowledgment of responsibility) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare clause (II) (publication of the Article 49 Report) of the fifth clause (measures of satisfaction) as well as the sixth (measures of justice) and seventh (measures of compensation) clauses of the friendly settlement agreement, according to the analysis contained in this report, to be pending compliance.
4. Continue with the monitoring of numeral (II) (publication of the Article 49 report) of the fifth clause (measures of satisfaction) as well as the sixth (measures of justice) and seventh (measures of compensation) clauses of the friendly settlement agreement until full compliance, according to the analysis contained in this Report. To this end, to remind the parties of their commitment to report periodically to the IACtHR on their compliance.
5. To make this report public and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 22<sup>nd</sup> day of the month of October, 2023. (Signed:) Margarette 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.