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CASE 14.145

REPORT ON FRIENDLY SETTLEMENT

ELEAZAR VARGAS ARDILA AND FAMILY MEMBERS
COLOMBIA

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REPORT No. 210/23
CASE 14.145
FRIENDLY SETTLEMENT
ELEAZAR VARGAS ARDILA AND FAMILY MEMBERS
COLOMBIA¹
OCTOBER 22, 2023

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On March 20, 2009, the Inter-American Commission on Human Rights (hereinafter, "the Inter-American Commission", "the Commission" or "the IACHR") received a petition filed by attorney Fernando Jaimes Jaimes, and on which on July 31, 2017, Olga Edilia Ardila Vargas Vargas, Ruby Mileida Vargas Ardila, Edinson Vargas Ardila (hereinafter, "the petitioners") assumed representation, alleging the international responsibility of the Republic of Colombia (hereinafter, "Colombia" or "the State"), for the violation of the rights set forth in Articles 4 (right to life), 5 (right to humane treatment), 8 (fair trial), 11 (right to privacy), 17 (rights of the family), 21 (right to property), 24 (right to equal protection) and 25 (judicial protection) of the American Convention on Human Rights (hereinafter "Convention" or "American Convention") in relation to its Article 1.1 (obligation to respect rights); arising from the failure to investigate and punish those responsible for the murder of Mr. Eleazar Vargas Ardila (hereinafter "the alleged victim").

2. On October 7, 2020, the Commission issued Admissibility Report No. 267/20, in which it declared the petition admissible and its competence to hear the claim presented by the petitioners regarding the alleged violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), 8 (fair trial), 11 (right to privacy), 17 (rights of the family), 22 (movement and residence), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention in connection with the obligation established in its Article 1 (obligation to respect rights).

3. On March 1, 2021, the petitioners indicated their willingness to begin a friendly settlement process. On May 25, 2021, the State agreed to make use of the friendly settlement mechanism. On June 22, 2021, the Commission notified the parties of the formal initiation of the negotiation process. In response, on July 19, 2019, the petitioner presented its claims for an possible agreement and informed that attorney Edison Vargas Ardila would assume the co-representation in the framework of the case.

4. On November 22, 2021, the parties signed a memorandum of understanding for the search of a friendly settlement in the present case, together with a work schedule to advance 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 signing of said instrument on July 22, 2022, in the city of Bogotá D.C. Subsequently, on January 11, 2023, the parties signed an amendment to the original FSA. Finally, on March 9, 2023, the parties presented a joint report on the progress in the implementation of the FSA and requested the IACHR to approve it.

5. 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 transcription of the friendly settlement agreement signed on July 22, 2022, between the petitioners and the representatives of the Colombian State. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

6. The petitioner alleged that on February 26, 1994, the alleged victim was shot eight times in front of his wife Olga Edilia Ardila Vargas Vargas, his children Ruby Mileida Vargas Ardila and Edinson Vargas

¹ Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion and decision regarding this case, in accordance with Article 17.2.a) of the IACHR Rules of Procedure.

Ardila at the Orillas del Magdalena Restaurant in the municipality of La Gamarra, Department of Cesar. The petitioners held that the murder of the alleged victim was reportedly perpetrated by two persons belonging to paramilitary groups operating in the municipalities of Aguachica, San Martin, and La Gamarra, all in the Department of Cesar, with the alleged acquiescence of the Anti-Extortion and Kidnapping Unit of the Colombian National Army (UNASE) and in coordination with members of the security forces of the police station of the Municipality of La Gamarra. The petitioners held that, clear evidence of the foregoing is the fact that the security forces did not appear immediately at the scene of the events and did not answer the telephones at the police station.

7. On March 8, 1994, the wife of the alleged victim filed a complaint with the Municipal Ombudsman's Office of Gamarra and with the Office of the Attorney General of Aguachica-César, but no judicial decision has been obtained as of the date of filing of the petition. The petitioner alleged anomalies on the part of the police, the UNASE, and the Prosecutor General's Office due to the fact that the record of the removal of the alleged victim's body and the autopsy report are said to have disappeared, despite the fact that a death certificate dated February 28, 1994 was issued. The petitioner also claimed that for fifteen years there was no access to the casefile, despite having requested it on numerous occasions.

8. The petitioner reported that the alleged victim was a merchant, cattle rancher, and the owner of a commercial store for groceries, farms and livestock, as well as work equipment for the start of an export project; he was also the family's main provider. The petitioner stated that after the alleged victim was murdered, the paramilitary groups began to threaten the family, which is why they were forced to move in order to protect their lives, and that they were left economically isolated because their property was abandoned. The petitioner held that the alleged victim's family relocated until 1995 in the municipality of Simití in the department of Bolívar, where Mrs. Olga Vargas Ardilla became the head of the family and had to make great efforts to survive. However, the petitioner indicated that the threats allegedly continued, which meant she had to move again with their children to the municipality of Santa Rosa del Sur in the department of Bolívar. The petitioner stated that under these circumstances the family was devastated, that the alleged victim's children were unable to pursue university studies, and that they had suffered depression as a result of the continuous threats received. The petitioner alleged that, simply because they were relatives of the alleged victim, the victim's mother and siblings were also affected, given that they had been targeted by the same group that was operating illegally in the area. The petitioner alleged that, at the time of the facts, the authorities in the area had no control over public order, so civil society distrusted and feared them because of their failure to act upon events such as the one denounced. The petitioner added that, in the face of threats and persecution, the only solution for the civilians was to move from one place to another for protection, a situation that allegedly occurred with the alleged victim's family members.

9. Finally, it should be noted that, as of the date the petition was filed, according to the petitioner's allegations, those responsible for the events had not been punished, nor had the family of the victims received full reparations.

III. FRIENDLY SETTLEMENT

10. On July 22, 2022, the parties entered into a friendly settlement agreement, which provides the following:

FRIENDLY SETTLEMENT AGREEMENT CASE 14.145 ELEAZAR VARGAS ARDILA AND FAMILY MEMBERS

On July 22, 2022, the following met in the city of Bogotá D.C., on the one hand, Giovanni Andrés Vega Barbosa, Director of the Directorate of International Legal Defense (E) 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 the "State" or the "Colombian State," and on the other hand, Andrés Eduardo Gómez Alarcón, acting in his capacity as representative of the victims, hereinafter the "petitioners," who have decided to enter into this Friendly

Settlement Agreement in the framework of Case 14. 145 Eleazar Vargas Ardila and Family Members, in progress before the Inter-American Commission on Human Rights.

FIRST PART: CONCEPTS

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

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

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

Non-material damage: It includes both the suffering and affliction caused to the victims, the impairment of values that are very significant for the individuals, as well as the alterations, of a non-pecuniary nature, in the living conditions of the victim or his family².

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

Satisfaction measures: Non-pecuniary measures intended to seek the recovery of victims from the harm that has been caused to them. Some examples of this type of measures include: public acknowledgement of the truth and acts of redress.

Parties: State of Colombia, family members of Eleazar Vargas Ardila and their representatives.

Acknowledgment of responsibility: Acceptance for actions and omissions attributed to the State that violate one of its obligations under international human rights law.

Comprehensive 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: Andrés Eduardo Gómez Alarcón.

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

Victims: Relatives of Mr. Eleazar Vargas Ardila.

SECOND PART: BACKGROUND BEFORE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM.

1. On March 20, 2009, the Inter-American Commission received a petition filed by the relatives of Mr. Eleazar Vargas Ardila, alleging the international responsibility of the State for the murder of Mr. Vargas Ardila by paramilitary groups on February 26, 1994, in the municipality of Gamarra, Department of Cesar.
2. On March 8, 1994, the wife of Mr. Eleazar Vargas had filed a complaint before the Municipal Ombudsman's Office of Gamarra and before the Attorney General's Office of Aguachica, Department of Cesar, but no judicial decision had been obtained as of the date of filing of the petition.

² IHR Court. Case of Caesar vs. Trinidad and Tobago, (Merits, Reparations and Costs). Judgment of March 11, 2005. Series C No. 123, para. 125.

3. Likewise, the aforementioned petition affirmed that the State violated the rights of the alleged victim and his family to access to justice and to full reparation for the harm suffered, as a result of the failure to clarify the facts, investigation and punishment of those responsible.
4. With the Admissibility Report No. 267/20 of October 7, 2020, the IACHR declared the admissibility of the petition for the alleged violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (fair trial), 11 (right to privacy), 17 (rights of the family), 22 (right of movement and residence), 25 (judicial protection) and 26 (progressive development) of the American Convention, in relation to Article 1.1. thereof.
5. On November 22, 2021, a Memorandum of Understanding was signed for the Search for an Friendly Settlement.
6. In the following months, joint meetings were held between the parties in order to analyze the reparation measures to be included in the Friendly Settlement Agreement that is signed to date.

THIRD PART: BENEFICIARIES

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

Name	ID document	Kinship
Olga Edilia Ardila Vargas	[...]	Wife
Edinson Vargas Ardila	[...]	Son
Ruby Mileida Vargas Ardila	[...]	Daughter
Jesús Emiro Vargas Ardila	[...]	Brother
Carlos Gustavo Vargas Ardila	[...]	Brother
Dolly Amanda Vargas Ardila	[...]	Sister
Eulalia Vargas Ardila	[...]	Sister
José Danilo Vargas Ardila	[...]	Brother

FOURTH PART: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility, by omission, for the violation of the rights recognized in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention in relation to Article 1.1. thereof (obligation to guarantee) to the detriment of the relatives of Mr. Eleazar Vargas Ardila, due to the lack of investigation of the events that occurred, which resulted in the failure to identify, prosecute and punish the perpetrators.

FIFTH PART: SATISFACTION MEASURES

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

I. Act of Acknowledgment of Responsibility

The Colombian State shall carry out an Act of Acknowledgement of Responsibility in a virtual manner and with the participation of the family of Mr. Eleazar Vargas Ardila. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set forth in this Agreement.

This measure will be carried out by the National Agency for the Legal Defense of the State.

II. Publication of the Article 49 Report

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

SIXTH PART: FINANCIAL AID FOR EDUCATION

The Colombian State undertakes to grant financial aid for the education of the children of Mr. Eleazar Vargas Ardila, in the following terms:

I. Ruby Mileida Vargas Ardila³

The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant a financial aid to Ruby Mileida Vargas Ardila, in order to fund a university level academic program at the Politécnico Grancolombiano, a Higher Education Institution recognized by the Ministry of National Education, in an online format.

The financial aid will cover the tuition fees for the semesters of the university academic program, for a semester value of up to eleven (11) SMMLV and a stipend for the semester of two (2) SMMLV, taking into account that the program to be financed is on a virtual format.

Within the framework of university autonomy, the beneficiary shall ensure her permanence in the Higher Education Institution, ensuring adequate academic performance; if she loses her student status due to poor academic performance or disciplinary misconduct, the measure shall be deemed to have been met by the State.

The aid must begin to be used within a term no longer than five (5) years from the signing of this agreement, otherwise the State's efforts to obtain it shall be deemed to have been fulfilled.

II. Edinson Vargas Ardila⁴

The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant financial aid to Edinson Vargas Ardila, in order to finance a postgraduate level academic program in a Higher Education Institution in a virtual format.

In order to implement the measure in a foreign Higher Education Institution (HEI), the beneficiary must be admitted to a recognized HEI in the country where the formal postgraduate education program will take place.

The limit of the educational grant in a foreign Higher Education Institution will be as follows: Enrollment in Higher Education Institutions in postgraduate programs will be up to one hundred twenty-eight (128) SMMLV per person in total and, additionally, a support for sustainment of one (1) SMMLV. In all cases, the support will be on a semester basis.

It is important to point out that it is the sole responsibility of the person benefiting from the measure to maintain the student status in the Higher Education Institution he has chosen. If the status of student is lost due to poor academic performance or disciplinary misconduct, or

³ Ministry of National Education, file No. 2021-EE-372114 of November 12, 2021.

⁴ Ministry of National Education, file No. 2022-EE-156830 of July 13, 2022.

any other fault attributable to the student, the State's measure will be deemed to have been fulfilled.

In order to access the financial assistance described above, the beneficiary must present, through his representatives, the following documents:

1. Receipt of payment of the tuition of the academic program in which the value of the semester is stated.
2. Photocopy of identity document
3. Contact telephone number
4. Residence address

The aid must begin to be used within a term not to exceed five (5) years from the signature of this agreement, otherwise the State's efforts to obtain it will be deemed as fulfilled.

Regarding the fact that the Master's course offers the option of spending a week in CATIE, Costa Rica, and that the representatives are requesting payment of airfare, lodging, food and other inherent expenses during this period, it is necessary to point out that these expenses are outside the scope of the Fund established with ICETEX, and therefore it is not possible to make the proposed financial assistance viable.

SEVENTH PART: COMPENSATION MEASURES

The State commits to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". The process will begin once the present friendly settlement agreement has been approved by means of the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the victim as a result of the damages 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 procedure of Law 288 of 1996.

For the purposes of the compensation of damages and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.

EIGHTH PART: HOMOLOGATION AND FOLLOW-UP

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

This Agreement having been read and the parties being aware of its scope and legal content, it is signed on July 22, 2022.

11. On January 11, 2023, the parties entered into an amending addendum to the friendly settlement agreement signed on July 22, 2022, which provides the following:

ADDITIONAL FRIENDLY SETTLEMENT AGREEMENT SIGNED ON JULY 22, 2022 IN CASE 14.145 ELEAZAR VARGAS ARDILA AND FAMILY MEMBERS

First: On July 22, 2022, the Friendly Settlement Agreement was signed in Case 14.145 Eleazar Vargas Ardila and family members.

Second: By means of a brief of October 21, 2022, the representative of the victims requested the National Agency for the Legal Defense of the State to recognize Mr. Javier Arnoldo Vargas Ardila, brother of Mr. Eleazar Vargas Ardila, as a beneficiary of the Friendly Settlement Agreement.

Third: In addition, by means of a brief dated December 6, 2022, the representative of the victims requested the National Agency for the Legal Defense of the State to modify the sixth clause of the Friendly Settlement Agreement, concerning the educational aid of Ruby Mileida Vargas Ardila, due to the fact that the beneficiary does not wish to pursue her studies at the Universidad Politécnico Grancolombiano. In the aforementioned document, it was requested that the educational assistance be granted so that she may pursue an undergraduate degree at the Universidad Autónoma de Bucaramanga.

Fourth: Likewise, by means of a brief dated December 12, 2022, the representative of the victims requested the National Agency of Legal Defense of the State to modify the Friendly Settlement Agreement, in order to include a health measure, so that the following persons may enter the Program of Psychosocial Attention and Integral Health for Victims (PAPSIVI).

Fifth: In accordance with the above, the parties agree to modify the third clause "beneficiaries" and the sixth clause "financial aid for education". Likewise, the ninth clause "health measure" is added, as indicated below:

THIRD PART: BENEFICIARIES

The following persons will be beneficiaries of the seventh clause "compensation measures" provided that they can prove their civil or blood relationship with Mr. Eleazar Vargas Ardila:

Name	ID document	Kinship
Olga Edilia Ardila Vargas	[...]	Wife
Edinson Vargas Ardila	[...]	Son
Ruby Mileida Vargas Ardila	[...]	Daughter
Jesús Emiro Vargas Ardila	[...]	Brother
Carlos Gustavo Vargas Ardila	[...]	Brother
Dolly Amanda Vargas Ardila	[...]	Sister
Eulalia Vargas Ardila	[...]	Sister
José Danilo Vargas Ardila	[...]	Brother
Javier Arnoldo Vargas Ardila	[...]	Brother

The following persons will be beneficiaries of the sixth clause "financial aid for education":

Name	ID document	Kinship
Edinson Vargas Ardila	[...]	Son
Ruby Mileida Vargas Ardila	[...]	Daughter

The following persons shall be beneficiaries of the ninth clause "health measure":

Name	ID document	Kinship
Olga Edilia Ardila Vargas	[...]	Wife
Edinson Vargas Ardila	[...]	Son
Ruby Mileida Vargas Ardila	[...]	Daughter
Jesús Emiro Vargas Ardila	[...]	Brother
Carlos Gustavo Vargas Ardila	[...]	Brother
Dolly Amanda Vargas Ardila	[...]	Sister
Eulalia Vargas Ardila	[...]	Sister

José Danilo Vargas Ardila	[...]	Brother
Javier Arnoldo Vargas Ardila	[...]	Brother
Jhoan Sebastian Vargas Vargas	[...]	Grandson. Son of Ruby Mileida Vargas Ardila
Isabella Vargas Estupiñán	[...]	Granddaughter. Daughter of Edinson Vargas Ardila
Einer Vargas Vargas	[...]	Husband of Ruby Mileida Vargas A
Sayda Milena Estupiñán Duarte	[...]	Wife of Edinson Vargas Ardila

SIXTH PART: FINANCIAL AID FOR EDUCATION

Paragraph I with respect to educational allowance for Mrs. Ruby Mileida Vargas Ardila, the clause is modified in the following terms⁵:

The Colombian State through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant a financial aid to Ruby Mileida Vargas Ardila, in order to finance an academic program at the university level at the Universidad Autónoma de Bucaramanga, Higher Education Institution recognized by the Ministry of National Education, in a virtual format.

The financial aid will cover the tuition of the semesters of the university academic program, for a semester value of up to eleven (11) SMMLV and a stipend for the semester of two (2) SMMLV, taking into account that the program to be financed is of a virtual format.

Within the framework of university autonomy, the beneficiary must ensure her permanence in the Higher Education Institution, ensuring adequate academic performance; if she loses her student status due to poor academic performance or disciplinary misconduct, the measure will be deemed as fulfilled by the State.

In order to access the financial assistance, the beneficiary must submit the following to the National Agency for the Legal Defense of the State through her representatives:

1. Receipt of payment of the tuition of the academic program where the value of the semester is stated.
2. Photocopy of identity document
3. Contact telephone number
4. Residence address
5. Name
6. Last name
7. Date of birth
8. Date of document issuance
9. Stratum
10. Country of residence
11. Department of residence
12. City of residence

The aid must begin to be used within a term not to exceed five (5) years from the signing of this agreement, otherwise the State's efforts to obtain it will be deemed to have been fulfilled.

⁵ Ministry of National Education, Official Letter No. 2023-EE-001555 of January 4, 2023.

NINTH PART: HEALTH MEASURE

The Ministry of Health and Social Protection will implement health rehabilitation measures constituting medical, psychological and psychosocial care through the General Social Security Health System (SGSSS) and the Psychosocial and Integral Health Care Program for Victims (PAPSIVI).

Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for the time necessary. When 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 evaluation.

For access to comprehensive health care, the beneficiaries of the measures are guaranteed timely and quality access to the medicines and treatments required (including physical and mental health), pursuant to the provisions governing the SGSSS, while they will have priority and differential attention by virtue of their status as victims. For the above, a comprehensive health management channel will be guaranteed through the different territorial operators of the PAPSIVI, the referents of victims in the territorial entities and the Benefit Plan Administration Entities and the Ministry of Health and Social Protection. This reparation measure will be implemented in the terms indicated with respect to persons who are in the national territory⁶.

Sixth: The other clauses that were not modified in this addendum remain unchanged in the Friendly Settlement Agreement.

For the record, it is signed in Bogotá on January 11, 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.⁷ 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 has closely followed the development of the friendly settlement reached in this case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

14. The IACHR observes that the parties signed an Addendum to the friendly settlement agreement on January 11, 2023, for which 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 corresponding legal effects in relation to the third, sixth and ninth clauses of the FSA.

⁶ Ministry of Health and Social Protection. Official document 202316100036481 of January 10, 2023.

⁷ 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.*

15. In accordance with the eighth clause of the agreement signed by the parties, whereby they requested the Commission to approve the friendly settlement agreement contemplated in Article 49 of the American Convention, and taking into consideration the request of the parties of March 9, 2023 to move forward in this manner, it is appropriate at this time to assess compliance with the commitments established in this instrument.

16. The Inter-American Commission considers that the first (Concepts), second (Background before the Inter-American Human Rights System), third (Beneficiaries), and fourth (Acknowledgement 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 by omission, for the violation of the rights recognized in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights, to the detriment of the relatives of Mr. Eleazar Vargas Ardila, due to the lack of investigation of the facts, which resulted in the failure to identify, prosecute and punish the perpetrators.

17. Regarding item *(i) act of acknowledgement of responsibility* of the fifth clause (measures of satisfaction), as jointly informed by the parties, said act was held on September 27, 2022, in the city of Santa Rosa, Sur de Bolivar, in a hybrid format since it was attended in person by the family of Mr. Eleazar Vargas Ardila and the advisor of the National Agency for the Legal Defense of the State -ANDJE- in charge of the case in the field and with the virtual participation of the General Director of the ANDJE and Commissioner Joel Hernandez, IACHR Rapporteur for Colombia, through the *Streamyard* platform. 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 regard, the parties provided a simple copy of the invitations circulated for the event.

18. 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 projection of a video in memory of Mr. Eleazar Vargas Ardila, a video of Wilinton Ariza Vargas, nephew of Mr. Eleazar Vargas Ardila; words of Mrs. Olga Ardila Vargas (wife) and Mrs. Ruby Mileida Vargas (daughter), and of Mr. Edinson Vargas Ardila (son). The statement of the State was made by the General Director of the ANDJE who asked for the forgiveness of the victims and their families for what happened, and acknowledged the responsibility of the State in the terms established in the friendly settlement agreement signed between the parties, stating as follows:

[...] It was the State's responsibility to carry out all the necessary actions to clarify the facts and punish those responsible, within a reasonable period of time. [...] 28 years have passed without the family having had the right to the truth and justice for the murder of Mr. Eleazar Vargas.

[...] in the name and on behalf of the Colombian State, I acknowledge the international responsibility of the State for the violation of the rights to a fair trial and judicial protection, contained in Articles 8 and 25 of the American Convention on Human Rights, in relation to the general obligation to respect and guarantee established therein, to the detriment of the family of Mr. Eleazar Vargas Ardila, due to the lack of a complete and effective investigation that would have allowed the family to know the truth of what happened, and to judge and punish those responsible for this crime, which generated greater pain and distress in a family already hurt by the loss of their loved one.

[...] I am sure that these words are not enough to heal the pain, suffering and anguish that you have felt for so many years, but I sincerely hope that this act of asking for forgiveness and acknowledgement of responsibility will contribute in some way to relieve the pain caused and to build a path of reconciliation.

[...]

The victims, their dignity, respect and reparation are the priority for the national government. It is a conviction of our current government the centrality of the victims and the integral reparation of the damages caused, as well as to prioritize these spaces which promote the historical memory so that these events never happen again.

This space and the dialogue we are having today is a symbol of forgiveness and reconciliation, but it is also a symbol of hope towards a path of peace, social coexistence and reconstruction of the social fabric, which has been severely affected by so many years of violence, but which today we are undoubtedly building and contributing to a change in the history of our country.

[...].

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

[...] The videos shown today at this act, help us to remember the memory of Eleazar, and the void left by his absence in the lives of his loved ones, but also reminds us to celebrate today his life and his legacy. In this context, the recognition of the international responsibility of the Colombian State for the failure to investigate and punish those responsible for the events that led to his murder on February 26, 1994, in the municipality of Gamarra, Department of Cesar, which the Commission appreciates and welcomes, also contributes to the recognition of the truth.

This acknowledgement of responsibility also stands out as an essential opportunity to listen to those who have been denied a voice for so long, those who suffered uprooting due to threats from those who wanted to silence them. A dramatic reality in the context of the armed conflict in Colombia. Today we listen to Olga, Ruby and Edinson, we hear their cry for justice and we are sensitive to the pain they have had to endure. Today we remember Mr. Vargas Ardila with great sensitivity through the words of his family, his memory will always be present with you and we appreciate that you allow us to share this moment with you. On behalf of the Inter-American Commission on Human Rights, and as Rapporteur for Colombia, I extend to you a fraternal embrace and all our respect, recognizing your perseverance and the fortitude with which you have walked this long path.

We hope that the fulfillment of the acknowledgement of responsibility, as the central point of the agreement, will strengthen the trust built between the parties and that the goodwill demonstrated by both parties up to this moment will be maintained until full compliance with the obligations assumed by the Colombian State within the framework of the agreement is achieved.

[...]

The Commission also welcomes the fact that the Colombian State has taken decisive steps towards the construction of a public policy to address as many issues as possible through the mechanism of friendly settlements, establishing internal processes which expedite the reparation and dignification of the victims and their families. This agreement and this act are proof of this.

[...].

20. Taking into account the foregoing, and the information provided jointly by the parties, the Commission considers that paragraph (i) of the fifth clause of the friendly settlement agreement, with regard to the act of acknowledgment of responsibility, has been fully complied with and so declares it.

21. With regard to paragraph *(ii) publication of the report*, article 49 of the fifth clause (satisfaction measures), paragraphs *(i)* and *(ii)* of the sixth clause (financial aid for education), as well as the seventh clause (compensation measures) and the ninth clause (health measures) of the friendly settlement agreement, and by virtue of the joint request of the parties to move forward with the approval of the agreement prior to its execution, the Commission observes that said measures shall be complied with after the publication of this report, and therefore considers that they are pending compliance and so declares it. By virtue of the foregoing, the Commission would await updated information from the parties on their execution subsequent to the approval of this report.

22. In view of the above, the Commission concludes that paragraph *(i) of the act of acknowledgement of responsibility* of the fifth clause has been fully complied with and so declares it. On the other hand, the Commission considers that paragraph *(ii) publication of the report Article 49* of the fifth clause (measures of satisfaction), paragraphs *(i)* and *(ii)* of the sixth clause (financial aid for education), as well as the seventh clause (compensation measures) and the ninth clause (health measures) are pending compliance and so declares it. In this sense, the Commission considers that the friendly settlement agreement has a partial level of implementation and so declares it. Finally, the Commission reiterates that the rest of the content of the agreement is of a declarative nature and therefore it is not the IACHR's responsibility to supervise its compliance.

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 agreement signed by the parties on July 22, 2022.
2. To declare that the Addendum to the FSA of January 11, 2023, is an integral part of the friendly settlement agreement.
3. To declare full compliance with paragraph *(i) of the act of acknowledgment of responsibility* of the fifth clause of the friendly settlement agreement, pursuant to the analysis contained in this report.
4. To declare pending compliance with paragraph *(ii) publication of the report article 49* of the fifth clause (satisfaction measures), paragraphs *(i)* and *(ii)* of the sixth clause (financial aid for education), the seventh clause (compensation measures) and the ninth clause (health measures) of the friendly settlement agreement, according to the analysis contained in this report.
5. To continue monitoring the commitments assumed in paragraphs *(ii) publication of the report, Article 49* of the fifth clause (measures of satisfaction), paragraphs *(i)* and *(ii)* of the sixth clause (financial aid for education), the seventh clause (compensation measures) and the ninth clause (health measures), according to the analysis contained in this report. To this end, to remind the parties of their commitment to report periodically to the IACHR on their compliance.
6. To make this report public and to include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on the 22nd 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.