

**TECHNICAL INFORMATION SHEET**  
**PETITION 595-09 JORGE ALBERTO MONTES GALLEGO AND FAMILY**  
**FRIENDLY SETTLEMENT REPORT No. [84/20](#)**  
**TOTAL COMPLIANCE**  
**(COLOMBIA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Jorge Alberto Montes Gallego and Family

**Petitioner (s):** Miguel Piñeros Rey

**State:** Colombia

**Start date of negotiations:** August 26, 2019

**Date of signing of FSA:** October 18, 2019

**Report on Friendly Settlement Agreement N°:** [84/20](#), published on June 1, 2020

**Estimated length of negotiation phase:** 10 months

**Associated Rapporteurship:** Rights of Persons Deprived of Liberty

**Topics:** Right to life/ Right to compensation/ Internal displacement/ Judicial guarantees/ Investigation and due diligence/ Judicial Protection/ Terrorism and Human Rights

**Facts:** The petitioning party alleged that, on July 19, 1994, illegal armed groups had taken control of the stretch of road from Villavicencio to San Martín, known as the "Curva del Cheque" for approximately six hours without security forces personnel appearing at the scene. As a result of that scenario, Mr. Montes Gallego had been shot several times and, since he could not immediately be transferred to a hospital, he died before reaching one from severe anemia and hypovolemic shock from heavy bleeding. In addition, the petitioning party alleged that as a consequence of what had happened and its psychological, social, and economic impact, Mr. Montes Gallegos' next of kin had found themselves forced to leave the area where they lived out of fear for their lives. Subsequently, proceedings under administrative law were initiated on September 11, 1995 for direct reparation, with a view to obtaining compensation for the harm done to the victim's next of kin. The Administrative Tribunal in Meta rejected those claims, in a ruling that was then appealed before the Council of State. The Administrative Law Chamber of Section Three of the Council of State then fully confirmed the ruling handed down by the Administrative Tribunal in Meta. Regarding the criminal law proceedings, the petitioning party reported that the Office of the Attorney General (FGN) ordered the Public Prosecutor's Office in San Martín (Meta) to conduct the preliminary investigation but that subsequently that proceeding was shifted to Bogotá before the investigation had concluded and before anyone had been accused. Nothing definite is known about the final ruling in these proceedings.

**Rights alleged:** The petitioners argued that the Republic of Colombia violated Articles 1.1 (obligation to respect and guarantee rights), 4 (right to life), 5 (right to personal integrity), 8 (judicial guarantees), 10 (right to compensation), 17 (protection of the family), 22 (freedom of movement and residence), 24 (equality before the law), and 25 (judicial protection) of the American Convention on Human Rights (hereinafter "Convention," or "American Convention"); as well as Articles I (Right to life, liberty and personal security), II (Right to equality before law), VIII (right to residence and movement), XI (Right to the preservation of health and to well-being), and XVIII (right to a fair trial) of the American Declaration of the Rights and Duties of Man.

**II. PROCEDURAL ACTIVITY**

1. On October 18<sup>th</sup>, 2019, the parties signed a friendly settlement agreement.
2. The IACHR published the approval report on June 01, 2020.

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

Clause of the Agreement	Status of Implementation
<p><b>FIRST: ACKNOWLEDGMENT OF RESPONSIBILITY</b></p> <p>The Colombian State acknowledges, on behalf of the next of kin of Mr. Jorge Alberto Montes Gallego, its international responsibility for violating the rights to judicial guarantees and judicial protection recognized in Articles 8 and 25 of the American Convention on Human Rights, in conjunction with the general obligation established in Article 1.1 thereof.</p>	<p><b>Declarative clause</b></p>
<p><b>SECOND: MEASURES OF SATISFACTION</b></p>	
<p><b>Act of acknowledgment of responsibility.</b></p> <p>The State commits to conducting a private ceremony of Acknowledgment of Responsibility, during which it will deliver a letter of apology to the victim's family. The ceremony will be chaired by the Director General or the Director of the National Agency for International Legal Defense of the State and will be coordinated with the victims' representatives.</p>	<p><b>Total<sup>1</sup></b></p>
<p><b>Publication of the facts.</b></p> <p>The Colombian State commits to posting the report approving the friendly settlement agreement, as instructed under American Convention on Human Rights, on the website of the National Agency for Legal Defense of the State, for six months.</p>	<p><b>Total<sup>2</sup></b></p>
<p><b>THIRD. FINANCIAL REPARATION</b></p> <p>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 damages 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.</p>	<p><b>Total<sup>3</sup></b></p>
<p><b>FOURTH: APPROVAL AND FOLLOW-UP</b></p> <p>The parties request the Inter-American Commission on Human Rights to approve and follow up on this agreement.</p> <p>The beneficiaries of the present Friendly Settlement Agreement shall be the following persons: [...]</p> <p>These persons shall be included in the implementation of the Friendly Settlement Agreement provided that they meet Colombian legal</p>	<p><b>Declarative clause</b></p>

<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreement. Available at [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

requirements for showing proof that they are entitled to be considered as such and of the harm done.	
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**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.

**V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

**A. Individual outcomes of the case**

- The State held the ceremony of acknowledgement of responsibility virtually in concert with the parties, and it was widely broadcasted over the social network accounts of the institutions of the State and the YouTube platform.
- In the framework of the procedure established in Law 288/96, the State made the compensation payment to the beneficiaries of the friendly settlement agreement, through Resolution No. 539 of March 13, 2023, for a total amount of \$1,448,237,768.81 pesos.

**B. Structural outcomes of the case**

- The State published the Article 49 report on the web page of the National Legal Defense Agency of the State.