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**REPORT No. 64/22**  
**CASE 13.654**  
FRIENDLY SETTLEMENT REPORT

JUAN SIMÓN CANTILLO RAIGOZA, KEYLA SANDRITH CANTILLO  
VIDES AND FAMILY  
COLOMBIA

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**REPORT No. 64/22**  
**CASE 13.654**  
FRIENDLY SETTLEMENT REPORT  
JUAN SIMÓN CANTILLO RAIGOZA, KEYLA SANDRITH CANTILLO VIDES AND FAMILY  
COLOMBIA<sup>1</sup>  
MAY 10, 2022

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

1. On August 26, 2007, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by the Foundation for the Social Development of Minimum Living Conditions "Mínimo Vital" which alleged the international responsibility of the Colombian State (hereinafter "the State" or "the Colombian State") for the violation of the rights enshrined in articles 4 (right to life), 5 (right to humane treatment), 7 (personal liberty), 8 (fair trial), 19 (rights of the child) and 25 (guarantees of judicial protection) of the American Convention on Human Rights (hereinafter the "Convention", "ACHR" or the "American Convention") derived from the alleged murder of Juan Simón Cantillo Raigoza, and the girl Keyla Sandrith Cantillo Vides, at the hands of members of illegal self-defense groups that operated in the Municipality of Agustín Codazzi, department of César, as well as the subsequent lack of investigation and punishment of those responsible for the events.

2. On July 27, 2018, the IACHR issued Admissibility Report No. 89/18, in which it declared itself competent to analyze the alleged violation of the rights recognized in articles 4 (right to life), 5 (right to humane treatment), 7 (personal liberty), 8 (fair trial), 13 (freedom of thought and expression), 19 (rights of the child), 22 (movement and residence) and 25 (guarantees of judicial protection) of the Convention in relation to article 1.1 of the same instrument.

3. On February 23, 2021, the parties signed a memorandum of understanding for the pursuit of a friendly settlement in this case, together with a work schedule to advance the negotiations. In the following months, joint meetings were held between the parties to analyze the reparation measures to be included in the friendly settlement agreement (hereinafter FSA), which materialized with the signing of said instrument on June 29, 2021, in the city of Bogotá D.C. Subsequently, on October 19, 2021, the parties presented a joint report on the progress in the implementation of the FSA and requested the IACHR to approve it.

4. In this friendly settlement report, as established in Article 49 of the Convention and in Article 40.5 of the Commission's Rules of Procedure, summarizes the facts alleged by the petitioner and transcribes the friendly settlement agreement, signed on June 29, 2021, by the petitioners and representatives of the Colombian State. Likewise, the agreement signed between the parties is approved and the publication of this report in the Annual Report of the IACHR to the General Assembly of the Organization of American States is agreed upon.

**II. THE FACTS ALLEGED**

5. The petitioner alleged that, approximately at 9:30 p.m. on April 8, 2002, heavily armed members of the United Self-Defense Forces of Colombia (AUC), who operated in the department of César with the acquiescence of the State, violently entered into the home of Mr. Simón Cantillo and his partner, Mrs. Miladis Vides, located in the Hernán Gómez neighborhood, municipality of Agustín Codazzi, Department of César, firing multiple shots at Mr. Cantillo, who was sleeping with his family, including his daughter Keyla Sandrith Cantillo Vides, a 6 years old. Realizing that Mr. Simón Cantillo was still alive, the members of the AUC allegedly gave him around 18 blows with machetes until he was dead, while the girl Keyla Sandrith was allegedly seriously injured.

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<sup>1</sup> Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion and decision of this case, pursuant to Article 17.2.a) of the IACHR Rules of Procedure.

6. According to the allegations of the petitioner, the rest of the family was allegedly locked up, since the perpetrators allegedly locked the doors from the outside, destroyed their bicycles and threatened to kill them if they tried to flee from the place. The petitioners indicated that, as soon as they managed to flee, Keyla Sandrith was transferred to the Rosario Pumarejo de López hospital, where she allegedly died on April 12, 2002. The petitioner indicated by way of context that, on April 8, 2002, members of the AUC allegedly murdered three other peasants from the town, despite the fact that they allegedly requested the help of the police, who allegedly refused to attend. The petitioners also indicated that Mr. Cantillo's body was removed only the morning after the events, because of which, and for fear of being killed due to the threats received, Mrs. Vides, Keyla's mother, was allegedly forced to move, along with her three sons and daughter, to the outskirts of the city of Santa Marta, in the department of Magdalena.

7. According to the information provided by the petitioner, on April 9, 2002, and as a result of the report of the Technical Investigation Corps, the Prosecutor's Office No. 27, Agustín Codazzi Unit, allegedly took on the criminal investigation of the homicide of Mr. Cantillo. Subsequently, on April 12, 2002, based on the report of a crime issued by the Rosario Pumarejo de López Hospital, the 9th Prosecutor's Office Immediate Reaction Unit began an investigation into the murder of Keyla Cantillo. The petitioner party stated that, on May 2, 2002, the 27th Prosecutor's Office had ordered the unification of the investigations, emphasizing that, on September 30, 2002, the Judicial Police had issued a concise report on the actions carried out in relation to the facts. However, the petitioner party argued that, on December 19, 2002, the 27th Prosecutor's Office decided to refrain from initiating a criminal investigation because more than six months had elapsed without the identification or individualization of those responsible, ordering that the investigation be archived. This decision was allegedly based solely on the aforementioned police report and without carrying out any judicial procedure aimed at clarifying the facts and without hearing the testimony of the next of kin of the victims and witnesses to the facts.

8. On the other hand, the petitioner argued that Mrs. Miladis Vides allegedly lived for decades in fear due to the context of violence in which she lived and her situation of displacement, which prevented her from filing an administrative litigation action to request reparation. The petitioners stated that, on December 8, 2006, Mrs. Vides filed a request for an extrajudicial conciliation hearing against the Colombian State. In this regard, on April 25, 2007, a public hearing was held before the 47th Judicial Prosecutor for Administrative Matters of Valledupar, in which the State stated that it did not have a conciliatory spirit.

9. The petitioners stated that on January 10, 2012, as a result of the petition being processed before the Commission, the Legal Technical Committee of the Office of the Attorney General of the Nation ordered the investigation to be reopened. However, the petitioners alleged that they had never obtained access to the judicial file and denounced that, on April 16, 2012, they had asked the 27th Prosecutor to inform them about the current status of the investigation and to provide copies of the proceedings without having received any response. For this reason, the allegedly filed an action for the protection of constitutional rights before the Criminal Judge of the Valledupar Circuit.

10. Finally, it should be noted that, on the date the petition was filed, according to the petitioners' allegations, those responsible for the events had not been punished nor had the victims' next of kin been fully compensated.

### **III. FRIENDLY SETTLEMENT**

11. On June 29, 2021, the parties signed a friendly settlement agreement, the text of which establishes the following:

**FRIENDLY SETTLEMENT AGREEMENT  
CASE No. 13.654 – JUAN SIMÓN CASTILLO RAIGOZA, KEYLA SANDRITH CANTILLO  
VIDES AND FAMILY**

On June 29, 2021, Ana María Ordóñez Puentes, Director of International Legal Defense of the National Agency for Legal Defense of the State, who acts with the due authorization, in the

name of and on behalf of the Colombian State, hereinafter the "State" or the "Colombian State," met in the city of Bogotá D.C. with *Fundación Ayudando a Construir "Funac"*, represented in this act by Edelmira Bocanegra Díaz, who acts on behalf of the victims<sup>2</sup>, hereinafter the "petitioners", who have decided to sign this Friendly Settlement Agreement within the framework of Case No. 13,654, Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and family, in progress before the Inter-American Commission on Human Rights.

### **FIRST SECTION: DEFINITIONS**

For the purposes of this agreement, the following terms shall be interpreted as follows:

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

**Moral damage:** Harmful effects of the facts of the case that do not have economic or patrimonial character, which are manifested through the pain, affliction, sadness, anguish and anxiety of the victims.

**Non-pecuniary damage:** Includes both the suffering and afflictions caused to the victims, the undermining of very significant values for people, as well as the alterations, of a non-economic nature, in the conditions of existence of the victim or her family<sup>3</sup>.

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

**Satisfaction measures:** non-economic measures that are intended to seek the recovery of the victims of the damage that has been caused to them. Some examples of this modality of measures are: public knowledge of the truth and acts of reparations.

**Parties:** State of Colombia, next of kin of the victim, as well as their representatives.

**Acknowledgment of responsibility:** Acceptance of the facts and human rights violations attributed to the State.

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

**Representatives of the victims:** *Fundación Ayudando a Construir "Funac"*, represented by Ms. Edelmira Bocanegra Díaz.

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

**Victims:** The relatives of Juan Simón Cantillo Raigoza and Keyla Sandrith Cantillo Vides.

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<sup>2</sup> In accordance with the general power of attorney granted by the Foundation for the Social Development of Minimum Living Conditions "Mínimo Vital" to *Fundación Ayudando a Construir "Funac"*, through Public Deed No. 1162 of June 26, 2020, granted at the Notary Public Segunda Mercado Salcedo, legal representative of the Foundation for the Social Development of Minimum Living Conditions "Mínimo Vital" by email dated February 16, 2021, transmitted to the National Agency for Legal Defense of the State.

<sup>3</sup> I/A Court H.R., Case of Caesar v. Trinidad and Tobago. Merits, Reparations and Costs. Judgment of March 11, 2005. Series C No. 123, para. 125.

## SECOND SECTION: BACKGROUND

### BEFORE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM.

1. On August 26, 2007, the Inter-American Commission on Human Rights received a petition filed by the Foundation for the Social Development of Minimum Living Conditions "Mínimo Vital", for the murder of Mr. Juan Simón Cantillo Raigoza and the girl Keila Sandrith Cantillo Vides, perpetrated on April 8, 2002, presumably, by illegal self-defense groups that operated in the Agustín Codazzi Municipality, Department of César.

2. The petitioner stated that at approximately 9:30 p.m. on April 8, 2002, two heavily armed and hooded members of the United Self-Defense Forces of Colombia (AUC) arrived at the home of Mr. Simón Cantillo and his partner, Mrs. Miladis Vides. The subjects violently entered the home where Mr. Cantillo was sleeping with his daughter Keyla and fired multiple shots at him. They indicated that upon verifying that Mr. Cantillo was still alive, they proceeded to give him 18 blows with machetes, until he was left dead, while the minor was seriously injured, later dying on April 12, 2002.

3. Through Report No. 89/18 of July 27, 2018, the Inter-American Commission on Human Rights declared the petition admissible regarding the alleged violation of the rights to life, humane treatment, personal liberty, judicial guarantees, freedom of thought and expression, the rights of the child, movement and residence and judicial protection, included in articles 4, 5, 7, 8, 13, 19, 22 and 25 of the Convention American Convention on Human Rights in accordance with the obligations established in article 1.1 of the same instrument.

4. A Memorandum of Understanding for the Pursuit of a Friendly Settlement was signed between the Colombian State and the petitioners on February 23, 2021, which was brought to the attention of the Commission on February 24, 2021.

5. 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 on this date.

### AT THE DOMESTIC LEVEL

1. For the murder of Mr. Juan Simón Cantillo Raigoza, an ex officio criminal investigation was opened on April 9, 2002, by the 27th Delegate Prosecutor before the Circuit Criminal Judges of Codazzi (Cesar); for its part, the 9th Delegate Prosecutor before Criminal Judges of the Valledupar Circuit opened, on April 12, 2002, a criminal investigation into the death of the minor Keila Sandrith Cantillo Vides. Subsequently, both proceedings were joined and continued under the same procedure<sup>4</sup>.

2. On December 19, 2002, the 27th Delegate Prosecutor's Office before the Criminal Judges of the Codazzi Circuit (Cesar), issued an order to dismiss because the term had elapsed without being able to identify the perpetrators or participants in the events. However, on January 10, 2012, the 27th Delegate Prosecutor's Office before the Criminal Judges of the Codazzi Circuit (Cesar), ordered the reactivation of the investigation<sup>5</sup>.

3. The criminal investigation is currently in charge of the 28th Sectional Prosecutor's Office of Valledupar (Cesar) - Crimes against Life Unit, under file 216543. To date, the investigation is active and in the preliminary stage, without progressing to the investigation stage, since it has not been possible to identify and individualize the perpetrators of the act<sup>6</sup>.

<sup>4</sup> Attorney General's Office. Official letter with filing No. 20201700030851 of May 12, 2020.

<sup>5</sup> *Ibidem*.

<sup>6</sup> Attorney General's Office. Official letter with filing No. 20201700061061 of October 20, 2020.

**THIRD SECTION: BENEFICIARIES**

The Colombian State recognizes the following individuals as victims for the purposes of this agreement:

<b>Name</b>	<b>Citizenship Document</b>	<b>Relationship</b>
Miladis Esther Vides Acosta	[...]	Permanent partner of Juan Simón Cantillo Raigoza and mother of Keyla Sandrith Cantillo Vides
Juan Camilo Cantillo Vides	[...]	Son of Juan Simón Cantillo Raigoza and brother of Keyla Sandrith Cantillo Vides
Dubys Leonor Contreras Vides	[...]	Foster daughter of Juan Simón Cantillo Raigoza and sister of Keyla Sandrith Cantillo Vides
Yeris David Palmera Vides	[...]	Foster son of Juan Simón Cantillo Raigoza and brother of Keyla Sandrith Cantillo Vides
Luis Alfonso Contreras Vides	[...]	Foster son of Juan Simón Cantillo Raigoza and brother of Keyla Sandrith Cantillo Vides
Daniel Fernando Cantillo Raigosa <sup>7</sup>	[...]	Brother of Juan Simón Cantillo Raigoza
Melba Rosa Cantillo Raigoza	[...]	Sister of Juan Simón Cantillo Raigoza
Edilsa Cantillo Raigosa <sup>8</sup>	[...]	Sister of Juan Simón Cantillo Raigoza
Luz Stella Cantillo Raigoza	[...]	Sister of Juan Simón Cantillo Raigoza
Elcida Cantillo Raigoza	[...]	Sister of Juan Simón Cantillo Raigoza
Carlos Alberto Cantillo Raigoza	[...]	Brother of Juan Simón Cantillo Raigoza
Clara Elena Cantillo Raigosa <sup>9</sup>	[...]	Sister of Juan Simón Cantillo Raigoza
Jesús Antonio Cantillo Raigosa <sup>10</sup>	[...]	Brother of Juan Simón Cantillo Raigoza
Belfor Enrique Cantillo Raigosa <sup>11</sup>	[...]	Brother of Juan Simón Cantillo Raigoza
Luis Rafael Cantillo Raigoza	[...]	Brother of Juan Simón Cantillo Raigoza
Víctor Cantillo Raigosa <sup>12</sup>	[...]	Brother of Juan Simón Cantillo Raigoza
Nancy de la Milagrosa Cantillo	[...]	Sister of Juan Simón Cantillo Raigoza

<sup>7</sup> In his citizenship document the last name is spelled "Raigosa".

<sup>8</sup> In her citizenship document the last name is spelled "Raigosa".

<sup>9</sup> In her citizenship document the last name is spelled "Raigosa".

<sup>10</sup> In his citizenship document the last name is spelled "Raigosa".

<sup>11</sup> In his citizenship document the last name is spelled "Raigosa".

<sup>12</sup> In his citizenship document the last name is spelled "Raigosa".

Hacenet Elena Cantillo Raigoza	[...]	Sister of Juan Simón Cantillo Raigoza
Libardo Antonio Vides Vargas	[...]	Maternal grandfather of Keyla Sandrith Cantillo Vides

The victims recognized in this Friendly Settlement Agreement will benefit provided that they prove with respect to Juan Simón Cantillo Raigoza or Keyla Sandrith Cantillo Vides: (i) the bond by affinity, that is, spouse or permanent partner or (ii) the bond by consanguinity. Likewise, foster sons and daughters will benefit, provided they prove that condition.

In addition, the victims who will benefit from this Friendly Settlement Agreement shall be the ones that were alive at the time of the facts that victimized them<sup>13</sup> and that are alive at the time in which this agreement is executed.

#### **FOURTH SECTION: 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 on Human Rights in relation to article 1.1 (obligation to respect rights) of the same instrument, to the detriment of the next of kin of Juan Simón Cantillo Raigoza and of Keila Sandrith Cantillo Vides, due to the lack of diligence in the investigation of the events that occurred.

#### **FIFTH SECTION: SATISFACTION MEASURES**

The Colombian State undertakes to perform the following satisfaction measures:

##### **i. Act of Acknowledgment of Responsibility:**

The Colombian State will carry out a virtual Act of Acknowledgment of Responsibility, with the participation of the families and representatives of the victims. The act will be carried out in accordance with the acknowledgment of responsibility indicated in this Agreement.

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

##### **ii. Distribution of tokens of remembrance:**

The Colombian State will deliver up to 75 tokens of remembrance to the relatives within the framework of the Act of Acknowledgment of Responsibility, whose design and content will be agreed upon with the victims and their representatives.

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

##### **iii. Publish Report on Article 49:**

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

<sup>13</sup> This, in line with the case law of the Inter-American Court of Human Rights. See, I/A Court H.R., Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2013. Series C No. 270., para. 425.

## **SIXTH SECTION: HEALTH AND REHABILITATION MEASURES**

The Ministry of Health and Social Protection will implement health rehabilitation measures involving medical, psychological and psychosocial care through the General System of Social Security in Health (SGSSS) and the Psychosocial Care and Comprehensive Health Program for Victims (PAPSIVI). Adequate, timely and priority treatment will be guaranteed to those who require it, after expressing their will, and for as long as necessary.

When providing psychological treatment and providing psychosocial care, the particular circumstances and needs of each person must be considered, so that family and individual treatments are provided, 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 access in timely and quality conditions to the medicines and treatments that are required (encompassing physical and mental health), in accordance with the provisions that govern the SGSSS, while they will have priority and differential attention on account of their condition as victims.

These measures will be implemented from the signing of the friendly settlement agreement<sup>14</sup>.

## **SEVENTH SECTION: JUSTICE MEASURES**

The Office of the Attorney General of the Nation, within the framework of its powers, will continue to advance with due diligence the judicial actions needed to advance the investigation and the possible identification and individualization of those responsible for the events.

Pursuant to the foregoing, the Office of the Attorney General of the Nation and the petitioners will hold a meeting every six months to socialize the progress made with regards to justice.

The six-monthly meeting to be held will be convened directly by the Office of the Attorney General of the Nation<sup>15</sup>.

## **EIGHTH SECTION: COMPENSATION MEASURES**

The State undertakes to start the process of Law 288 of 1996 “Through which instruments are established for the compensation of damage to the victims of human rights violations by virtue of the provisions of certain international human rights bodies”, once this friendly settlement agreement is homologated through the Report foreseen in Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the next of kin of the victims as a consequence of the effects generated by the events of the present case.

The National Legal Defense Agency of the State will be the entity in charge of following the process of Law 288 of 1996.

For purposes of compensation, the criteria and amounts recognized by the current case law of the Council of State.

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<sup>14</sup> Ministry of Health and Social Protection. Official letter with filing No. 202116100663201 dated 04-29-2021.

<sup>15</sup> Attorney General's Office. Official letter with filing No. 20211700035211 of 05-24-2021.

## NINTH SECTION: HOMOLOGATION AND SUPERVISION

The parties request the Inter-American Commission that it homologate and supervise this Agreement.

Having read this Agreement and being the parties aware of its legal content, it is signed on June Twenty Ninth (29), 2021.

### IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

12. The IACHR reiterates that, in accordance with articles 48.1.f and 49 of the American Convention, this procedure has the purpose of “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention”. The consent to undertake this procedure expresses the good faith of the State to comply with the purposes and objectives of the Convention by virtue of the *pacta sunt servanda* principle, by which the States must perform in good faith the obligations that they assume in treaties<sup>16</sup>. The Commission also wishes to reiterate that the friendly settlement procedure contemplated in the Convention allows the termination of individual cases in a non-contentious manner, and has shown, in cases involving several countries, to offer an important solution vehicle, which 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. Pursuant to the friendly settlement agreement through which the parties requested the Commission to issue the report contemplated in Article 49 of the American Convention and taking into account the request from the parties dated October 19, 2021, to proceed in this way, it is at this time required that compliance with the commitments established in this instrument be assessed.

15. The Commission considers that the first section (Definitions), second section (Background), third section (Beneficiaries) and fourth section (Acknowledgment of Responsibility) of the agreement are declaratory in nature; thus, no supervision of compliance is required. The Inter-American Commission values the fourth declarative section, corresponding to the Acknowledgement of the International Responsibility of the Colombian State for the violation of the rights enshrined in the articles in Articles 8 (fair trial) and 25 (guarantees of judicial protection) of the American Convention on Human Rights, in relation to its article 1.1 (obligation to respect right) for the lack of due diligence in the investigation of the events to the detriment of the next of kin of Juan Simón Cantillo Raigoza and the girl Keyla Sandrith Cantillo Vides.

16. In relation to the clause *(i) act of acknowledgment of responsibility* of the fifth section on satisfaction measures, as reported jointly by the parties, it was carried out on October 11, 2021, through a virtual platform in the context of the COVID-19 pandemic<sup>17</sup>. The parties reported the existence of permanent and fluid communication between the State and the petitioners, with whom they agreed on each of the details for compliance with the measure, such as the date, time, agenda, and logistics required for its development. In this regard, the parties provided a copy of the invitations distributed for the event, in which the next of kin of the victim and her representatives participated, as well as the National Agency for Legal Defense of the State.

17. Similarly, the parties gave an account of the content of the agreed agenda for the performance of the act, which included an opening, the presentation of the video "The Paths of Life" [*Los caminos de la vida*]

<sup>16</sup> Vienna Convention on the Law of Treaties, U.N. Doc. A/CONF.39/27 (1969), Artículo 26: “*Pacta sunt servanda*”. *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

<sup>17</sup> See YouTube, Channel of the National Agency for Legal Defense of the Colombian State (ANDJE). Act of acknowledgment of responsibility in the case of Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and family broadcast live on October 11, 2021. Available electronically at: <https://www.youtube.com/watch?v=6WJ-210D408>

prepared in tribute to the memory of the victims from the collection of testimonies from the brothers of Mr. Juan Simón Cantillo Raigoza, as well as the intervention of Edelmira Bocanegra and Leonardo Cruz García, members of *Fundación Ayudando a Construir*, in their capacity as representatives of the victims. For its part, the intervention of the State was carried out by the Director of International Legal Defense of the National Agency for Legal Defense of the State, who asked for the forgiveness of the victims and their families for what happened, and recognized the responsibility of the State in the terms established in the friendly settlement agreement signed between the parties, indicating the following:

[...]

The Cantillo Vides family never gave up and with the support of *Fundación Ayudando a Construir*, today this act of acknowledgment of the responsibility of the Colombian State is made possible.

[...]

I am convinced that these words do not fully console their hearts, but they are the beginning of a process of forgiveness. I invite you to walk this path towards reconciliation together and to allow us as a State to provide you with all the tools for its construction. [...]

Within the framework of the Friendly Settlement Agreement, the Colombian State accepted that, although the criminal investigation is active, it is still in the preliminary stage without being able to identify and individualize the perpetrators of the act, despite the fact that almost 20 years have passed since this terrible event. [...]

On behalf of the State of Colombia and in my capacity as Director of International Legal Defense of the National Legal Defense Agency of the State, I acknowledge international responsibility for the violation of the rights to judicial guarantees and judicial protection, recognized in the American Convention on Human Rights, in relation to the general obligation of respect and guarantee established in the same instrument, to the detriment of the next of kin of Juan Simón Cantillo Raigoza and Keyla Sandrith Cantillo Vides.

[...]

18. The parties also confirmed the dissemination of the act on the website of the National Legal Defense Agency of the State and on different social networks. In this regard, the Commission verified the publication and dissemination of the act of acknowledgment of responsibility on the respective web page and the dissemination of the link to the act through the National Legal Defense Agency of the State YouTube channel<sup>18</sup> Taking this into account, and the information provided jointly by the parties, the Commission considers that subparagraph (i) of the fifth section of the friendly settlement agreement related to the acknowledgment of responsibility has been fully complied with and so declares it as such.

19. On the other hand, in relation to clause(ii) *distribution of tokens of remembrance*, of the fifth section on satisfaction measures of the friendly settlement agreement, the parties jointly reported that, on September 16, 2021, the petitioner party approved the models of the altarpieces that would be delivered as reminders to the relatives of the victims. Likewise, the parties agreed that a total of 75 tokens would be distributed, of which 35 contain the photo of Mr. Juan Simón Cantillo Raigoza, 20 contain the joint photo of the child Keyla Sandrith Cantillo Vides and Mr. Juan Simón Cantillo Raigoza, and 20 contain the photo of the child Keyla Sandrith Cantillo Vides. In this regard, in the same report, the parties reported that the tokens are in the process of being prepared, for subsequent delivery to the petitioners and the next of kin of the victims. Taking this into account, the Commission notes that, with respect to this aspect of the friendly settlement agreement, the State has achieved a level of partial compliance and so declares it as such. The Commission awaits updated information from the parties on its execution after the publication of this report.

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<sup>18</sup> Ibidem.

20. Likewise, in relation to the sixth section (health and rehabilitation measures) of the friendly settlement agreement, on October 19, 2021, the parties jointly reported that the National Legal Defense Agency of the State transmitted the contact information of the petitioner to the Ministry of Health and Protection Social, as well as information on the beneficiaries of the friendly settlement agreement interested in medical and psychosocial care so that they can be contacted, thus initiating the corresponding care route. Due to the foregoing, the Commission considers that compliance with this part of the agreement is pending and so declares it as such. In this regard, the Commission would await information on the implementation of the health and rehabilitation measures in accordance with the circumstances and needs of each beneficiary by virtue of their condition as victims, after the publication of this report.

21. On the other hand, in relation to clause (iii) *publication of the Article 49 Report*, of the fifth section (satisfaction measures), the seventh section (justice measures) and the eighth section (compensation measures) of the friendly settlement agreement and by virtue of the joint request of the parties to advance with the approval of the agreement prior to its implementation, the Commission observes that said measures must be fulfilled after the publication of this report, for which it considers that compliance with these measures is pending and so declares it as such. The Commission awaits updated information from the parties on the implementation after the publication of this report.

22. Based on the foregoing, the Commission considers that clause (i) of the fifth section (act of acknowledgement of responsibility) has been fully complied with and so declares it as such. On the other hand, the Commission considers that clause (ii) of the fifth section (distribution of tokens of remembrance) has been partially complied with and so declares it as such. Additionally, the Commission considers that compliance with clause (iii) of the fifth section (publication of the article 49 report), as well as the sixth section (health and rehabilitation measures), the seventh section (justice measures) and the eighth section (compensation measures) is pending. Finally, the Commission considers that the rest of the content of the friendly settlement agreement is of a declaratory nature, and it is therefore not the responsibility of the IACHR to supervise its compliance.

## V. CONCLUSIONS

1. Based on the foregoing considerations and by virtue of the procedure established in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its profound appreciation for the efforts made by the parties and its satisfaction with the achievement of a friendly settlement in this case, based on respect for human rights, and compatible with the object and purpose of the American Convention.

2. In light of the considerations and conclusions included in this report,

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

#### DECIDES:

1. To approve the terms of the agreement signed by the parties on June 29, 2021.
2. To declare full compliance with clause (i) of the fifth section (act of acknowledgment of responsibility) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare partial compliance clause (ii) of the fifth section (distribution of tokens of remembrance) of the friendly settlement agreement, according to the analysis contained in this report.
4. To declare that compliance is pending in relation to clause (iii) of the fifth section (publication of the article 49 report), as well as the sixth section (health and rehabilitation measures), the seventh section (justice measures) and the eighth section (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report.

5. To continue with the supervision of clause (iii) of the fifth section (publication of the article 49 report), as well as the sixth section (health and rehabilitation measures), the seventh section (justice measures) and the eighth section (compensation measures) 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 periodically report to the IACHR on their compliance.

6. To publish this report and to include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on May 10, 2022. (Signed): Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice President; Margarete May Macaulay, Second Vice President; Esmeralda E. Arosemena de Troitiño; Joel Hernández García and Roberta Clarke Members of the Commission.