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CASE 13.602

REPORT ON FRIENDLY SETTLEMENT

NELSON ENRIQUE GIRALDO RAMÍREZ AND FAMILY
COLOMBIA

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REPORT No. 160/24
CASE 13.602
FRIENDLY SETTLEMENT
NELSON ENRIQUE GIRALDO RAMÍREZ AND FAMILY
COLOMBIA¹
OCTOBER 24, 2024

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On May 14, 2007, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition filed by Mr. Roberto Fernando Paz Salas, on behalf of the victims (hereinafter “the petitioner” or “the petitioning party”). The complaint alleged the responsibility of the Republic of Colombia (hereinafter the “State,” the “Colombian State,” or “Colombia”) for the violation of the human rights set forth in the American Convention on Human Rights (hereinafter “the Convention,” the “American Convention,” or the “ACHR”), as a result of the failure to investigate and punish those responsible for the murder of the teenager Nelson Enrique Giraldo Ramírez, as well as the direct harm suffered by his family members and its lack of integral reparation.

2. On May 4, 2018, the Commission issued Admissibility Report No. 40/18, in which it found the petition admissible and declared its competence to hear the claim presented by the petitioner with respect to the alleged violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 19 (rights of the child), 22 (movement and residence), and 25 (judicial protection), in accordance with Article 1(1) (obligation to respect the rights) of the American Convention; and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

3. On October 2, 2023, the parties signed a memorandum of understanding to seek a friendly settlement in the instant case, along with a timeline to move forward in the negotiations. In the following months the parties held bilateral meetings with the purpose of analyzing the measures of reparation to be included in the friendly settlement agreement, which materialized with the signing of said instrument on May 24, 2024, in the city of Bogotá. Subsequently, on June 26, 2024, the parties presented a joint report on the progress in the implementation of the friendly settlement agreement and requested the IACHR to approve it.

4. This friendly settlement report, in accordance with the provisions of 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 petitioner and a transcription of the friendly settlement agreement signed on May 24, 2024, by the petitioner and 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

5. The petitioner party denounced the absence of an effective investigation and punishment of those responsible for the murder of 15-year-old Nelson E. Giraldo Ramírez, together with the direct harm suffered by his family and the failure to provide them with redress. The petitioner stated that on August 11, 1997, in the community of Los Mangos in Corconá municipality, department of Antioquia, members of the United Self-Defense Forces of Colombia (AUC) captured the alleged victim, attacked him physically and psychologically, and tied him to a tree before killing him with a firearm. He claimed that it was common knowledge that the aforesaid group of paramilitaries was led by Ricardo Lopez Lora (hereinafter “Mr. Lopez Lora”) and that, since 1996 and with the acquiescence of the authorities, they exercised total control over the east of Antioquia. He further alleged that Nelson Giraldo Ramirez’s family was forced to relocate to Medellín after his death out of fear of reprisals after they had received threats from the paramilitaries, and that they currently live in that city.

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

6. The petitioner reported that the prosecution service in Santuario municipality began the investigation into the death of Nelson Giraldo Ramirez, which, along with other cases from the same period, was subsequently taken over by the Human Rights and International Humanitarian Law Unit of the office of the Attorney General of the Nation on January 11, 2000. Following the investigation, criminal charges were filed against Mr. Lopez Lora for the aggravated homicides of seventeen individuals, including the alleged victim. The petitioner stated that on June 18, 2003, the First Criminal Court of the Antioquia Specialized Circuit sentenced him to forty years in prison. The judgment also included, subject to a civil suit, the payment of compensation to the next-of-kin of each of those seventeen individuals. The accused appealed that judgment, as a result of which, on December 18, 2003, the Criminal Chamber of the Antioquia Superior Court partially overturned the sentence, upholding the conviction for four of the killings and acquitting Mr. López Lora of the remainder, and thereby relieving him of criminal responsibility for the death of Nelson Giraldo Ramirez. The Superior Court grounded this decision on the lack of certainty regarding Mr. Lopez Lora's possession of the firearm used to kill the alleged victim, even though it was found at his home during the investigation.

7. In addition, as the result of the investigations carried out by the Human Rights and International Humanitarian Law Unit, the Second Criminal Court of the Antioquia Specialized Circuit convicted two police officers, Juan Carlos Valencia Arbeláez and Carlos Mario Tejada Gallego, of the crime of conspiracy because of their membership in an outlawed group and, specifically, for their participation in their capacity as police officers in the paramilitary group commanded by Mr. Lopez Lora in the municipality of Corcona in and after 1996. Mr. Tejada Gallego lodged an appeal for the annulment of that decision with the Supreme Court of Justice, which, in a judgment of November 30, 2004, upheld the decision of the Second Criminal Court of the Antioquia Specialized Circuit. An appeal filed by Mr. Valencia Arbelaez was ruled inadmissible by the Superior Court of Antioquia on October 26, 2005. Consequently, in accordance with the law, on December 2, 2005, the conviction issued by the Second Criminal Court of the Antioquia Specialized Circuit became final with respect to both police officers.

8. The petitioner alleged that in spite of the evidence that exists indicating the involvement or collaboration of several officers with the paramilitary group in its "social cleansing" efforts in the region, not all those guilty for the deaths of several people, including the alleged victim, have been tried or convicted. Only the two officers named above have been brought to justice, and this, in his opinion, indicates a high level of impunity.

9. On December 3, 2007, the alleged victim's family lodged an action for direct redress with the administrative justice system for their displacement—caused by the alleged victim's death and the subsequent threats—in an attempt to secure the payment of compensation. The Fourth Chamber of the Administrative Tribunal of Antioquia, in ruling dated February 1, 2008, rejected the application because of statutory limitations, finding that the deadline should have been calculated from the date of the facts—that is, the forced displacement suffered by alleged victim's family as a result of his death (on August 11, 1997) and the threats made by the paramilitary group—and not from the final conviction that found the two police officers guilty of involvement in the death of Nelson Giraldo Ramírez. Thus, more than two years had gone by since the time of the facts and the date on which the complaint was filed. The Administrative Tribunal ruled that the criminal trial and the administrative proceedings were separate, given that determining administrative responsibility does not depend on the existence of a conviction.

10. The family lodged an appeal against that ruling with the Third Section of the Council of State, which in a decision of September 8, 2008, upheld the Fourth Chamber of the Administrative Tribunal of Antioquia's decision of February 1, 2008. The family subsequently filed a protection remedy against the ruling of the Third Section of the Council of State, requesting that the first-instance decision be overturned. The Fourth Section of the Administrative Division of the Council of State, in a ruling adopted on May 13, 2009, rejected that remedy as inadmissible, on the grounds of its existing legal precedents. The family lodged an action for protection against that decision, which was ruled inadmissible by the Fifth Section of the Administrative Division of the Council of State on July 2, 2009, because it was being used to attack judicial rulings.

11. The petitioner alleged that there were no doubts that Mr. Lopez Lora had masterminded the killing of Nelson Giraldo Ramírez or about the guilt of the two convicted police officers and other persons involved. He held that the State must provide economic redress for the alleged victim's death, in that its agents gave support to paramilitary groups while on active duty. He reported that the family challenged the Fourth Chamber of the Administrative Tribunal of Antioquia's decision of February 1, 2008, claiming that the statutory limitations should be calculated from the date of the finalization of the judgment handed down against the police officers Juan Carlos Valencia Arbelaez and Carlos Mario Tejada—that is, December 2, 2005—because that is the fact that allows the responsibility of the administration to be established and not, as the State maintains, the death of Nelson Giraldo Ramírez.

12. The petitioner pointed to the international responsibility that can arise from any failure by the State to act in situations involving human rights violations, including the actions of private citizens with the acquiescence or complicity of state agents. In his petition before the IACHR he also alleged that it has been established that the Colombian State committed serious violations of human rights and international humanitarian law. The petitioner denounced the impunity surrounding the death of Nelson Giraldo Ramírez, for which the family seeks justice and demands economic redress.

III. FRIENDLY SETTLEMENT

13. On May 24, 2024, in the city of Bogotá, the parties entered into a friendly settlement agreement, the text of which provides as follows:

FRIENDLY SETTLEMENT AGREEMENT IN CASE 13,602 – NELSON ENRIQUE GIRALDO RAMÍREZ AND FAMILY

On Friday, May 24, 2024, a meeting was held between Jhon Jairo Camargo, Acting Director of the National Agency for Legal Defense of the State, on behalf and in representation of the Colombian State, hereinafter “the Colombian State” and, on the other hand, the organization Indemnizaciones Paz Abogados, represented herein by Ms. Evelyn Castañeda Gómez, hereinafter referred to as “the petitioner,” together referred to as “the parties,” and signed this Friendly Settlement Agreement in Case 13,602 - Nelson Enrique Giraldo Ramírez and Family, which shall be subject to the following definitions, background, and clauses:

PART ONE: DEFINITIONS

The following definitions are adopted 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 economic or property-related, which are manifested through the pain, suffering, distress, grief, and anxiety of the victims.

Material damage: This includes the loss or detriment of income for the victim, 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.²

Non-pecuniary damage: Includes both the suffering and affliction caused to the victims, the damage of very significant values for the persons, as well as the alterations, non-monetary in nature, to the living conditions of the victim or his or her family.³

² I/A Court HR. Case of the Serrano Cruz Sisters v. El Salvador (Merits, Reparations and Costs). Judgment of March 1, 2005, Series C No. 120, para. 150.

³ I/A Court HR. Case of Caesar v. Trinidad and Tobago (Merits, Reparations and Costs). Judgment of March 11, 2005. Series C No. 123, para. 125.

State or Colombian State: In accordance with Public International Law, it shall be understood as the signatory party to the American Convention on Human Rights, hereinafter “American Convention” or “ACHR.”

Measures of satisfaction: Non-pecuniary measures whose purpose is to seek the recovery of the victims from the harm caused to them.⁴

Parties: The Colombian State and the family members of Mr. Nelson Enrique Giraldo, as well as his representative.

Acknowledgement of responsibility: Acceptance of the acts and human rights violations attributed to the State.

Comprehensive reparation: All those measures that objectively and symbolically restore the victim to the situation prior to the commission of the harmful acts.

Representative of the Victims: The organization Indemnizaciones Paz Abogados, represented by Ms. Evelyn Castañeda Gómez.

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

Victims: Mr. Nelson Enrique Giraldo Ramírez.

PART TWO: BACKGROUND

1. On May 14, 2007, the Inter-American Commission on Human Rights received a petition filed by Mr. Roberto Fernando Paz Salas.⁵ The petition alleged the lack of an effective investigation and punishment of those responsible for the murder of Nelson Enrique Giraldo Ramírez, 15 years old, as well as the direct harm suffered by his family members and the lack of any reparation.⁶

2. Regarding the background of the case, the petitioner stated that on August 11, 1997, members of the Autodefensas Unidas de Colombia (AUC) captured Nelson Enrique Giraldo Ramírez in the village of Los Mangos, municipality of Corconá, department of Antioquia, physically and psychologically assaulted him, tied him to a tree, and then killed him with a firearm.⁷ The petitioner also alleged that, after the events and following the threats received from the paramilitaries, the family members of Nelson Enrique Giraldo Ramírez were forcibly displaced to Medellín.⁸

3. On January 11, 2000, due to the facts of the case, the Office of the Prosecutor (Fiscalía) of the municipality of Santuario, Antioquia, began the corresponding investigations into the murder of Nelson Enrique Giraldo Ramírez.⁹

4. As a result of these investigations, on July 24, 2002, the office of the Prosecutor examining the matter indicted Ricardo López Lora, former member of the Frente Oriente (Eastern Front) of the AUC, for the crime of aggravated homicide of 17 persons, including Nelson Enrique Giraldo Ramírez.¹⁰

⁴ Some examples of this modality of measures are public recognition of the truth and acts of reparation.

⁵ Inter-American Commission on Human Rights. Admissibility Report 40/18, para. 1.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Inter-American Commission on Human Rights. Admissibility Report 40/18, para. 5.

¹⁰ Office of the Attorney General of the Nation. Official note Case No. 20221700001401 of January 11, 2022.

5. On July 18, 2003, the First Criminal Court of the Specialized Circuit of Antioquia convicted Ricardo López Lora and sentenced him to forty years in prison.¹¹ This verdict was appealed by him. On December 18, 2003, the Superior Court of Antioquia partially overturned this verdict, thus excluding his criminal responsibility for the death of Nelson Enrique Giraldo Ramírez.¹² The court based this decision on the lack of certainty as to López Lora's possession of the weapon with which Nelson Enrique Giraldo Ramírez was murdered.¹³

6. In the framework of the Law on Justice and Peace, Ricardo López Lora accepted, in the unsworn statements of September 29, 2009, and October 31, 2013, his responsibility for the murder of Nelson Enrique Giraldo Ramírez by way of the chain of command.¹⁴ Nonetheless, López Lora was murdered on February 2, 2019, which is why he was excluded from the Special Program of Justice and Peace.¹⁵

7. On December 3, 2007, the family of Nelson Enrique Giraldo Ramírez filed an action for direct reparation before the contentious-administrative jurisdiction, for the displacement.¹⁶ On February 1, 2008, the Administrative Court of Antioquia rejected the claim due to the statute of limitations.¹⁷ Against this decision, the family appealed this decision before the Council of State; who on September 8, 2008, upheld the decision of the Administrative Court of Antioquia.¹⁸

8. Subsequently, the family filed a *tutela* action against the decision of the Council of State, requesting the judgment of first instance to be overturned.¹⁹ On May 13, 2009, the Council of State ruled and rejected the request, finding it inadmissible on procedural grounds.²⁰ The family members filed a *tutela* action against this decision. The Council of State found on July 2, 2009 the *tutela* action inadmissible on procedural grounds.²¹

International procedure

9. By means of Report No. 40/18, the Inter-American Commission found the petition admissible with respect to the alleged violation of the rights recognized in Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 19 (rights of the child), 22 (movement and residence), and 25 (judicial protection) of the American Convention on Human Rights, in relation to Article 1(1) (obligation to respect the rights) of the same instrument, to the detriment of the victims; and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

10. The Colombian State, by means of a note of September 26, 2023, to the Inter-American Commission, stated its intention to pursue a friendly settlement. That same day, the parties held a meeting in which it was agreed to sign a Memorandum of Understanding to Pursue a Friendly Settlement.

11. Accordingly, the parties signed the Memorandum on October 2, 2023; which was brought to the attention of the Inter-American Commission on October 10, 2023.

¹¹ Inter-American Commission on Human Rights. Admissibility Report 40/18, para. 2.

¹² *Id.*

¹³ *Id.*

¹⁴ Office of the Attorney General of the Nation. Official note Case No. 20211700075151 of November 2, 2011.

¹⁵ *Id.*

¹⁶ Inter-American Commission on Human Rights. Admissibility Report 40/18, para. 5.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Inter-American Commission on Human Rights. Admissibility Report 40/18, para. 6.

²⁰ *Id.*

²¹ *Id.*

12. Considering that the parties have reached an agreement with respect to the acknowledgement of international responsibility, and also regarding the measures of comprehensive reparation with respect to Mr. Nelson Enrique Giraldo and his family, they agree to sign this Friendly Settlement Agreement, which shall be governed by the clauses listed below:

PART THREE: BENEFICIARIES

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

Family members of Nelson Enrique Giraldo		
Name	Document	Relationship
Julio Enrique Giraldo Gómez	(...)	Father
Mariela del Socorro Ramírez de Giraldo	(...)	Mother
Jhon Fredy Giraldo Ramírez	(...)	Brother
Julio Alfredo Giraldo Ramírez	(...)	Brother
Luz Estella Giraldo Ramírez	(...)	Sister
Efrén de Jesús Giraldo Ramírez	(...)	Brother
Ángela Adriana Giraldo Ramírez	(...)	Sister

The victims recognized in this Friendly Settlement Agreement shall benefit so long as they prove their relationship, by consanguinity or affinity, with Mr. Nelson Enrique Giraldo.

In addition, the victims that will benefit from this Friendly Settlement Agreement shall be those who were alive at the time of the victimizing act.²²

PART FOUR: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State recognizes its international responsibility for violation Articles 8 (fair trial), 19 (rights of the child), and 25 (right to judicial protection) of the American Convention in relation to Article 1(1) of the same instrument (obligation to respect rights), to the detriment of the family members of Mr. Nelson Enrique Giraldo.

PART FIVE: MEASURES OF SATISFACTION

The Colombian State agrees to carry out the following measures of satisfaction:

I. Ceremony for the Acknowledgement of Responsibility:

The Colombian State shall carry out a ceremony for the acknowledgment of responsibility, which shall be presided over by the Director of the National Agency for Legal Defense of the State and shall include the participation of the rapporteur for Colombia, Commissioner José Luis Caballero Ochoa. All aspects related to said ceremony shall be agreed with the representative of the victims and family members. The ceremony shall be carried out in accordance with the acknowledgement of responsibility indicated in this Agreement.

The National Agency for Legal Defense of the State will be responsible for coordinating this measure.

²² The foregoing, as per the case-law of the I/A Court HR. See, I/A Court HR. Case of the Afro-descendant Communities displaced from the Cacarcia River Basin (Operation Genesis) v. Colombia. (Preliminary Objections, Merits, Reparations and Costs). Judgment of November 20, 2013. Series C No. 270, para. 425.

II. Publication of the Article 49 report

The Colombian State shall publish the Report on Friendly Settlement in accordance with Article 49 of the ACHR, for a period of six (6) months, once it is approved by the Inter-American Commission, on the website of the National Agency for Legal Defense of the State.

The National Agency for Legal Defense of the State will be responsible for coordinating this measure.

PART SIX: MEASURES OF JUSTICE

The Office of the General Prosecutor of the Nation, within the framework of its competences, shall continue furthering, with due diligence, the actions will make it possible to give impetus to the investigation – along the different emerging leads– towards the establishment of the facts and the identification of the alleged perpetrators.

The Office of the General Prosecutor of the Nation, as well as the civil party, shall hold a meeting (joint working group) every six months to report on the actions carried out to date and, if necessary, to obtain information of interest for the process. These meetings will be held for two (2) years, after which the parties will assess the relevance of continuing to hold them. The Office of the General Prosecutor of the Nation shall submit a report every six months, which will be confidential, to the Inter-American Commission on Human Rights.²³

PART SEVEN: MEASURES OF COMPENSATION

The State agrees to begin the process of Law 288 of 1996, “By which instruments are established for compensating the harm suffered by the victims of human rights violations by virtue of the rulings of certain international human rights bodies.” It will begin once this friendly settlement agreement is approved by the issuance of the Report pursuant to Article 49 of the American Convention on Human Rights, for the purpose of repairing the harm caused to the beneficiaries included in the third clause of this agreement, as a result of the negative impacts brought about by the facts of the instant case.

The National Agency for Legal Defense of the State shall be the institution in charge of implementing the procedure pursuant to Law 288 of 1996.

For the purposes of compensating the harm and verifying the compensation, the criteria and amounts recognized by the current case-law of the Council of State shall provide guidance.

Therefore, the beneficiaries of this measure shall be:

Nelson Enrique Giraldo's Family Members		
Name	Document	Relationship
Julio Enrique Giraldo Gómez	(...)	Father
Mariela del Socorro Ramírez de Giraldo	(...)	Mother
Jhon Fredy Giraldo Ramírez	(...)	Brother
Julio Alfredo Giraldo Ramírez	(...)	Brother
Luz Estella Giraldo Ramírez	(...)	Sister
Efrén de Jesús Giraldo Ramírez	(...)	Brother

²³ Office of the Attorney General of the Nation. Official note of March 22, 2024. Case file No. 20241700024831.

Ángela Adriana Giraldo Ramírez	(...)	Sister
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PART EIGHT: APPROVAL AND FOLLOW-UP

The parties ask the Inter-American Commission on Human Rights to approve this Agreement and to follow up on it.

This Agreement having been read, and the parties having been informed of the scope and legal content of the same, it is signed on May 24, 2024.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

14. 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.²⁴ 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.

15. The Inter-American Commission has closely followed the development of the friendly settlement reached in the instant case and values 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.

16. In accordance with the clause eight 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 joint request by the parties of June 26, 2024, to move forward in this manner, it is appropriate at this time to assess compliance with the commitments established in this instrument.

17. The Inter-American Commission considers that clauses one (Definitions), two (Background), three (Beneficiaries), and four (Acknowledgement of Responsibility) of the agreement are declaratory in nature, and therefore their compliance need not be supervised. The Commission values the fourth declaratory clause, in which the Colombian State acknowledges its international responsibility for violation of the rights to fair trial (Article 8), rights of the child (Article 19), and judicial protection (Article 25(1)) of the American Convention on Human Rights with respect to the duty enshrined in Article 1(1) of the same instrument, to the detriment of the family of Mr. Nelson Enrique Giraldo.

18. Regarding section (i) *ceremony for the acknowledgement of responsibility*, of clause five on measures of satisfaction, as reported jointly by the parties, the ceremony was held on May 24, 2024, at 9:00 a.m. in the city of Bogotá, within the framework of the visit on Petitions and Cases in Transition and Friendly Settlements of the IACHR in Colombia. The parties reported the existence of permanent and fluid communication between the State and the petitioner, with whom each of the details for compliance with the measure was coordinated. In this regard, the parties provided an uncertified copy of the invitations circulated for said event, which included the participation of Messrs. Julio Enrique Giraldo and Fredy Giraldo Ramírez, father and brother, respectively, of Mr. Nelson Enrique Giraldo, and Ms. Evelyn Castañeda Gómez, as spokesperson for the victims, as well as the National Agency for Legal Defense of the State and Commissioner and Rapporteur for Colombia, José Luis Caballero Ochoa.

²⁴ 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.

19. Similarly, the parties reported on the content of the agenda agreed upon for the event, which included the signing of the friendly settlement agreement, an introduction, the national anthem of Colombia, the display of photos, and a song in memory of Mr. Nelson Giraldo, as well as a statement by Mr. Julio Enrique Giraldo and the representative, Evelyn Castañeda Gómez. The remarks by the State were made by the acting director of the ANDJE, who acknowledged the responsibility of the State in the terms established in the friendly settlement agreement signed by the parties, stating the following:

[...]

Today I address you to acknowledge the responsibility of the State in the painful events that occurred on August 11, 1997 to Nelson Enrique and his family members, as well as to honor his memory and contribute, in some way, to the extent possible, to minimizing the pain that his family has had to endure for more than 27 years.

This case should touch our hearts, as a society. We cannot continue to sponsor the behavior of an indolent, indifferent society. Nelson was a minor whose life, and dreams, were taken from him. The investigation into his murder remains unpunished to this day. Nelson was a victim of the completely irrational violence that our country experienced in the 1990s. All crimes are atrocious, but when committed against a child, it is an unprecedented case. Families like Nelson's remain in the hopelessness of dreams that will not be fulfilled, in a permanent sadness and a light that went out, and obviously with the desire that someday justice will be done. August 11, 1997, will be a day that clearly his family and friends will never forget and hopefully, as a society, we will not forget it either. (...)

The Colombian State recognizes that the right of access to the administration of justice is indispensable for the materialization of fundamental rights and implies that all persons should have the concrete possibility, without distinction, to secure the reestablishment of their rights through the means provided for by the administration of justice, which must be, among others, adequate, timely, and effective. Justice that comes late cannot be called justice. (...)

Therefore, as Director General of the National Agency for Legal Defense of the State, I acknowledge the international responsibility of the Colombian State for the violation of the rights to judicial guarantees and judicial protection, as well as the violation of the rights of the child, established in the American Convention on Human Rights, in conjunction with Article 1(1) of the same instrument, to the detriment of the family members of Mr. Nelson Enrique Giraldo.

[...].

20. For his part, Commissioner José Luis Caballero Ochoa, Rapporteur of the IACHR for Colombia, stated the following:

[...]

The instant case reflects the magnitude and impact that a decades-long armed conflict has left on the social fabric of Colombian society, and what it has done to the most vulnerable persons, such as children and teenagers. The death of Nelson Giraldo, a teenager of only 15 years of age, should make us reflect because the events deprived him of the opportunity to grow and forge his own path in life, and left a family with an emptiness, a pain, that is incommensurable. (...)

The Commission values the recognition of international responsibility by the Colombian State made today, in this signing ceremony, for the violation of the rights enshrined in the American Convention on Human Rights, to the rights of the child, and the rights to judicial guarantees and judicial protection, to the detriment of the family members of Nelson Giraldo Ramírez, for

the lack of due diligence in the investigation into the facts, which hindered their clarification and punishment of those responsible. (...)

This agreement represents explicit recognition and acceptance of the events that occurred, as well as an honest reflection on the shortcomings in the institutional framework, which we hope will be permanent and thorough, that led to such events. We therefore hope that this ceremony of acknowledgement will provide a sense of reparation and consolation to the family. Beyond being a legal agreement, this process symbolizes a step towards the transformation of the pain that has accumulated over the years. We hope that this ceremony not only acknowledges past suffering, but also paves the way for greater healing and reconciliation in the future.

[...].

21. The ceremony was posted on the YouTube channel of the National Agency for Legal Defense of the State.²⁵ Based on the foregoing, and on the information provided jointly by the parties, the Commission finds, and hereby declares, that section (i) of clause five of the friendly settlement agreement, related to the act of acknowledgement of responsibility, has been met with full compliance. .

22. With regards to section (ii) *publication of the Article 49 report*, of clause five, clause six (measures of justice) and clause seven (measures of compensation) of the friendly settlement agreement – and considering the joint request by the parties to move forward with approval of the agreement prior to their implementation – the Commission observes that said measures must be complied with after the publication of this report, and therefore considers, and hereby declares, that these measures are pending compliance.

23. In view of the foregoing, the Commission concludes and declares that paragraph (i) *act of acknowledgement of responsibility*, of clause five has met full compliance. On the other hand, the Commission finds and also declares that paragraph (ii) *publication of the Article 49 report* of clause five, clause six (measures of justice), and clause seven (measures of compensation) of the friendly settlement agreement are pending compliance. Consequently, the Commission considers that the friendly settlement agreement has reached a level of partial compliance. Finally, the Commission reiterates that the remaining content of the agreement is of a declarative nature, and, therefore, not subject to the supervision of the IACHR.

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 entered into by the parties on May 24, 2024.
2. To declare full compliance with paragraph (i) *act of acknowledgement of responsibility*, of clause five, of the friendly settlement agreement, based on the analysis contained in this report.

²⁵ See, ANDJE, YouTube, Ceremony of Acknowledgement – Case No. 13.602, Nelson Enrique Giraldo Ramírez and family: [Case No. 13.602, Nelson Enrique Giraldo Ramírez and family \(youtube.com\)](#).

3. To declare paragraph (ii) *publication of the Article 49 report* of clause five (measures of satisfaction), clause six (measures of justice), and clause seven (measures of compensation) of the friendly settlement agreement, based on the analysis contained in this report.

4. To declare that the friendly settlement agreement has been met with partial compliance, based on the analysis contained in this report.

5. To continue supervising paragraph (ii) *publication of the Article 49 report* of clause five (measures of satisfaction), clause six (measures of justice), and clause seven (measures of compensation) of the friendly settlement agreement, until full compliance, according to the analysis contained in this report. To this end, remind the parties of their commitment to report periodically to the IACHR on their compliance.

6. To publish this report 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 24th day of the month of October, 2024. (Signed:) Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice President; Edgar Stuardo Ralón Orellana, Arif Bulkan, Andrea Pochak, and Gloria Monique de Mees, Commissioners.