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CASE 13.778

REPORT ON FRIENDLY SETTLEMENT

JORGE ALIRIO PULGARIN DUQUE, JUAN AMADO PULGARIN
DUQUE AND FAMILY
COLOMBIA

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FRIENDLY SETTLEMENT
JORGE ALIRIO PULGARIN DUQUE, JUAN AMADO PULGARIN DUQUE AND FAMILY
COLOMBIA¹
JUNE 26, 2025

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On October 7, 2009, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Oscar Darío Villegas Posada (hereinafter "the petitioning party" or "the petitioner"), alleging the international responsibility of the Republic of Colombia (hereinafter "State" or "Colombian State" or "Colombia"), for the violation of the human rights set forth in Articles 4 (life), 5 (humane treatment), 8 (judicial guarantees), and 11 (protection of honor and dignity) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention"), for the alleged extrajudicial executions of the brothers Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque (hereinafter "the alleged victims" or "the Pulgarin Duque brothers") by agents of the National Army, the ongoing impunity, and lack of effective judicial protection in the judicial proceedings relating to the facts.

2. On April 24, 2019, the Commission issued Admissibility Report No. 48/19, in which it declared the petition admissible and declared its competence to hear the claim presented by the petitioning party regarding the alleged violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), Articles 8 (judicial guarantees), 11 (protection of honor and dignity), and 25 (judicial protection), of the American Convention on Human Rights in conjunction with the obligation to respect rights established in Article 1.1 of the same instrument (obligation to respect rights) and 2 (duty to adopt provisions of domestic law).

3. On January 29, 2021, the parties signed a memorandum of understanding to seek a friendly settlement, 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 (hereinafter "FSA" or "Agreement"), which resulted in the signing of said instrument on October 18, 2024, in the city of Bogotá. Subsequently, on December 2, 2024, the parties presented a joint report on the progress made in the implementation of the FSA and requested the IACHR to approve it. On February 24, 2025, the parties submitted to the Commission an Addendum to the original FSA and reiterated their request for approval.

4. Pursuant to Articles 49 of the American Convention and 40(5) of the Rules of Procedure of the Commission, this friendly settlement report includes a summary of the facts alleged by the petitioner and transcribes the friendly settlement agreement signed on October 18, 2024, by the petitioning party and representatives of the Colombian State. Also, the Commission hereby approves the agreement signed by the parties and decides to publish this report in its Annual Report to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

5. The petitioning party alleged that on February 26, 1993, the brothers Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, drivers of public service vehicles of the Department of Antioquia, were transporting four passengers from the municipality of Segovia to the municipality of Remedios, when several soldiers of the 42nd Infantry Battalion of Bombona of the National Army stopped their vehicle. According to the petition, once stopped and when the vehicle was about to be inspected, one of the passengers began to shoot at the soldiers, who opened fire on them, causing the death of the Pulgarin Duque brothers and the other four passengers they were transporting.

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. In the petition, it was argued that the death of the Pulgarin Duque brothers was caused by the excessive use of force by members of the National Army who fired disproportionately against all the occupants of the vehicle, without the alleged victims being related with the passengers who caused the events.² The petition also claimed that the investigation and clarification of the facts related to the death of the Pulgarin Duque brothers affected the dignity and reputation of both the alleged victims and their families.

7. The petitioner recounted that on March 1, 1993, an order was issued to open a criminal investigation for the crime of kidnapping and homicide at the Segovia Prosecutor's Office Unit, where a series of inspections were carried out based on the judicial proceedings. Among them: medical examinations of the six bodies found, an ocular inspection of the vehicle used by the Pulgarin Duque brothers for the transportation services they offered, and a third inspection of the valuables found at the site. Subsequently, statements were reportedly taken from seven soldiers who were at the scene of the confrontation, as well as a statement from the owner of the vehicle. In said statements, as indicated in the petition, the witnesses were asked to describe what happened and specify the time and persons who carried out the attacks. Based on their declarations, it reportedly transpired that the passenger who started shooting at the soldiers was in the rear of the vehicle. It was noted, however, that there were more people attacking the soldiers when the passenger opened fire on them.

8. Likewise, Aldemar Areiza Torres was reportedly identified as one of the passengers in the vehicle driven by the Pulgarin Duque brothers. According to the investigation, Areiza Torres was allegedly found in the trunk of the car and had been violently abducted from his home earlier that same night. For this reason, it was suggested that the discovery of his body led to the alleged victims being linked to the group responsible for his kidnapping. However, the testimony of a police inspector indicated that no signs of violence consistent with a kidnapping were observed at the scene.

9. According to what was highlighted in the petition, on May 12, 1993, the Regional Prosecutor decided to revoke of the order of March 1, 1993, to open an investigation, and ordered the proceedings to be returned to preliminary investigation stage. On June 10, 1993, the Regional Directorate of the Prosecutor's Office of Medellín declared itself not competent to hear the case for the crimes of homicide and kidnapping, and therefore decided to transfer jurisdiction to the military criminal courts of the State and declare that the possibility of bringing criminal charges had lapsed, since those who might have intervened in the facts died at the time. Therefore, on July 12, 1993, the 50th Court of Military Criminal Instruction agreed that it was competent to hear the case.

10. On June 30, 1994, the 50th Judge of Military Criminal Instruction declined to open criminal proceedings since, according to the petition, they considered that the military personnel involved acted in legitimate self-defense against the aggression and the imminent danger to their personal safety; that said acts were performed in compliance with their duties as members of the state's security forces, in defense of their interests; and therefore could not be blamed. The petitioner also recounted that no disciplinary action was initiated, and that no member of the military was punished.

11. The petitioning party stated that in November 1994, Carlos Eduardo Pulgarin Duque, brother of the alleged victims, filed a complaint with the Antioquia Departmental Prosecutor General's Office, to initiate a criminal investigation into the murder of his brothers in search of a response to the events of February 23, 1993. According to the petition, by an order dated June 27, 1995, the Prosecutor General's Office ordered a more in-depth investigation, since the responsibility of the National Army had not been accredited. This

² From the evidence related to the preliminary investigation conducted in the military criminal jurisdiction; and specifically, from the statements of the soldiers involved in the confrontation it is noted that it was only one passenger in the back of the vehicle driven by the Pulgarin brothers who opened fire on one of the agents. It is also based on those statements that the attack occurred as they were "passing through" the area, and it was not part of an official military checkpoint.

One of the agents stated that a total of 41 people, including soldiers and commanders, were in the area of the confrontation; most of them managed to observe the vehicle in the area. From the seven statements, it is inferred that said agents were carrying their weapons on the day of the confrontation and fired at the vehicle in which the Pulgarin Duque brothers and the rest of the passengers were being transported. Likewise, the death certificates show that the cause of death of both the alleged victims and the passengers they were carrying was due to "multiple gunshot wounds." Finally, from the judicial examination of the vehicle, it is observed that several of the parts such as the axle (*troque*), the chassis, and the windows were perforated.

investigation resulted in the referral of the records of the proceedings to the Segovia Prosecutor's Office and the 50th Court of Military Criminal Instruction. Notwithstanding the foregoing, the petitioner alleged that no disciplinary proceedings were initiated, and the military personnel involved were not punished, given that they were exempted from criminal liability on the grounds of legitimate self-defense. The reason being that the only proceedings initiated were those carried out in the military criminal courts, and not in the ordinary criminal jurisdiction.

12. The petitioning party stated that on January 25 and February 23, 1995, respectively, the parents and siblings of the alleged victims filed direct reparation proceedings in the administrative litigation jurisdiction, in order to have the Nation-Ministry of Defense-Army declared financially responsible for the damages suffered as a result of the deaths of the Pulgarin Duque Brothers. Both lawsuits were filed before the Contentious Administrative Court of Antioquia, which, through rulings of September 17 and December 3, 1998, considered that it was not possible to declare the State liable for the facts described above, since the military acted legitimately to defend themselves against an attack initiated by one of the occupants. This decision was appealed before the Third Section of the Contentious-Administrative Chamber of the Council of State.

13. According to the petition, the Council of State, prior to the accumulation of the lawsuits, by resolution of November 20, 2008, ordered that the sentences be revoked and ordered the Nation-Ministry of Defense-National Army to pay reparation to the family members. The family members of the alleged victims filed a request for an addendum to the judgment, arguing that the State had not guaranteed the reparation of moral damages in full. The request was denied on April 1, 2009, on the grounds that the Council of State was not mandated to amend or revoke its own rulings.

III. FRIENDLY SETTLEMENT

14. On October 18, 2024, the parties signed a friendly settlement agreement, the text of which establishes the following:

FRIENDLY SETTLEMENT AGREEMENT

CASE 13.778 JORGE ALIRIO PULGARIN DUQUE, JUAN AMADO PULGARIN DUQUE AND FAMILY.

On October 18, 2024 in the city of Bogotá D.C., a meeting was held between **Yebrail Andrés Haddad Linero**, Director of International Legal Defense of the National Agency for the Legal Defense of the State, who in accordance with the paragraph of Article 5 of Law 1444 of 2011, Decree 4085 of 2011, as amended by Decree 915 of 2017, Decree 1698 of 2019, Decree 2269 of 2019, and Decree 1244 of 2021, acts in the name and on behalf of the Colombian State, hereinafter "the Colombian State", and on the other hand, attorney **Óscar Darío Villegas Posada**, on behalf of the victims, collectively referred to as "the Parties", who enter into this Friendly Settlement Agreement in Case 13.778 Jorge Alirio Pulgarin Duque, Juan Amado Pulgarin Duque and Family, filed before the Inter-American Commission on Human Rights.

PART ONE: DEFINITIONS

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

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

Moral damages: Harmful effects of the facts of the case not economic or property-related in nature that result in the pain, affliction, sadness, distress, and anxiety of the victims.

Material damage: Involves the loss or detriment of the victim's income, expenses incurred as a result of the facts, and the consequences of a pecuniary nature that have a causal nexus with the facts of the case.³

³ I/A Court H.R. Case of the Serrano Cruz Sisters v. El Salvador, (Merits, Reparations, and Costs). Judgment of March 1, 2005, Series C No. 120, par. 150.

Non-material damage: Includes both the suffering and affliction caused to the victims, the impairment of values of great importance to the persons concerned, as well as alterations, of a non-pecuniary nature, in the living conditions of the victim or his family.⁴

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

Satisfaction measures: Non-pecuniary measures that are intended to ensure the recovery of the victims from the harm caused to them.⁵

Parties: Colombian State, the representative and the families of the victims.

Acknowledgement 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 infliction of the harm.

Petitioner: Attorney Óscar Dario Villegas Posada, who acts as the representative of the victims in the international proceedings.

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

Victims: (1) Gabriel Antonio Pulgarin Castro (Father), (2) María Ernestina Duque Delgado (Mother), (3) Flor Ángela Pulgarin Duque (Sister), (4) Carlos Eduardo Pulgarin Duque (Brother), (5) Reinaldo de Jesús Pulgarin Duque (Brother), (6) Jesús Adan Pulgarin Duque⁶ (Brother), (7) Sister (*Sor*) Teresita Pulgarin Duque (Sister), (8) Hermelina del Socorro Pulgarin Duque (Sister), and (9) Blanca Elisa Pulgarin Duque (Sister).

PART TWO: BACKGROUND

1. On October 7, 2009, the victims, through their representative, filed a petition before the Inter-American Commission on Human Rights against the Colombian State for the alleged violation of the rights to life, to personal integrity, to judicial guarantees, to honor and dignity, and to judicial protection of the ACHR, as well as the rights to life and to security and integrity of the person, to the preservation of health and well-being, and to justice enshrined in the American Declaration of the Rights and Duties of Man, and other rights violated, on the occasion of the deaths of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, which occurred on February 26, 1993 on the road from the municipality of Segovia to the municipality of Remedios, in the department of Antioquia, when some soldiers fired their official weapons at them.
2. On April 24, 2019, the Inter-American Commission on Human Rights issued Admissibility Report No. 48/19 in Case 13.778 Jorge Alirio Pulgarin Duque, Juan Amado Pulgarin Duque and Family, in which it declared the petition admissible in relation to Articles 4, 5, 8, 11, and 25 of the ACHR in conjunction with Articles 1.1 and 2 of the same instrument.
3. According to the initial petition and the admissibility report, on February 26, 1993, Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque were traveling in a public service Toyota vehicle with license plates NFE445, on the rural road from the municipality of Segovia to the municipality of Remedios, transporting four people who had requested their services, since the Pulgarin brothers were engaged in public service transportation.
4. The petitioner indicates in the initial petition that on the day the events occurred, "Approximately at kilometer 5 of the highway, several soldiers who were on the road ordered them to stop the vehicle, and in compliance with the order, Jorge Alirio stopped it. Following a demand to search the vehicle,

⁴ 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, paragraph 125.

⁵ Examples of such measures include public disclosure of the truth and acts of atonement.

⁶ The Admissibility Report contains the name "Adan de Jesús Pulgarin Duque". However, here the name shown corresponds to his citizen identity card.

one of the passengers in the vehicle fired his firearm against one of the soldiers, so the remaining soldiers immediately fired their official weapons against the passengers of the vehicle, causing their death, including that of the Pulgarin Duque brothers."

5. In addition to the aforementioned facts and according to the petitioner's account, the lifeless body of Mr. Aldemar Areiza Torres was found in the trunk of the vehicle driven by the Pulgarin brothers on the night of the events. Mr. Areiza had allegedly been kidnapped that same night.
6. For the crimes of kidnapping and homicide of Mr. Aldemar Areiza Torres, an investigation was initiated in which the name of the Pulgarin brothers was involved. The Prosecutor's Office declared the extinction of the criminal action for the aforementioned crimes due to the fact that those involved died in the events. The petitioner states that, within the framework of the administrative litigation process, some accusations were made against the Pulgarin brothers and that this situation allegedly violated the rights to honor and dignity of the family of the deceased, since the good name of the Pulgarin brothers has been stigmatized to date.
7. As for the Military Criminal Justice system, on June 30, 1994, the 50th Court of Criminal Instruction issued an order, declining to open a criminal investigation against the members of the National Army, considering that there was evidence that the actions of the soldiers constituted legitimate self-defense.
8. On January 25, 1995, the representative of the victims filed a suit for direct reparation against the Nation - Ministry of Defense - National Army for the death of the Pulgarin Duque brothers.
9. In the first instance, the Administrative Court of Antioquia rejected the claims of the lawsuit on the grounds that the facts surrounding the death of the Pulgarin Duque brothers were confusing and that therefore it could not be concluded that the State was liable. This decision was appealed by the victims' representative.
10. On November 20, 2008, the Council of State revoked the decisions issued in the first instance and instead sentenced the Nation - Ministry of Defense - National Army for the deaths of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, which occurred on February 26, 1993.
11. Within the framework of the proceedings before the IACHR, on January 29, 2021, the Colombian State and the petitioning party signed a Memorandum of Understanding aimed at reaching a Friendly Settlement, which was brought to the attention of the Inter-American Commission on Human Rights.
12. The representative of the victims submitted the proposal for comprehensive reparation to the National Agency for the Legal Defense of the State.
13. Once the proposal for comprehensive reparation was received and analyzed, progress was made in an inter-agency dialogue to agree on the comprehensive reparation measures that would be part of the Agreement and joint meetings were held between the parties to analyze the comprehensive reparation measures to be included in the Friendly Settlement Agreement now being signed.

PART THREE: BENEFICIARIES

The Colombian State recognizes the following persons, all Colombian citizens, as the victims referred to in this agreement:

No.	Name	Relationship	Identification
1	Gabriel Antonio Pulgarin Castro (R.I.P.)	Father	(...)
2	María Ernestina Duque Delgado (R.I.P.)	Mother	(...)
3	Flor Ángela Pulgarin Duque	Sister	(...)
4	Carlos Eduardo Pulgarin Duque	Brother	(...)
5	Reinaldo de Jesús Pulgarin Duque	Brother	(...)
6	Jesús Adan Pulgarin Duque ⁷	Brother	(...)
7	Sor Teresita Pulgarin Duque	Sister	(...)

⁷ The Admissibility Report contains the name "Adan de Jesús Pulgarin Duque". However, here the name shown corresponds to his citizen identity card.

8	Hermelina del Socorro Pulgarin Duque	Sister	(...)
9	Blanca Elisa Pulgarin Duque	Sister	(...)

Paragraph 1: The victims recognized in this Friendly Settlement Agreement shall benefit from the Friendly Settlement Agreement as long as they prove that they are related by blood to the direct victims Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque.

Paragraph 2: By signing this Friendly Settlement Agreement, the petitioner declares that the persons listed above are the family members of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, with legal standing and interested in pursuing this proceeding, and that they were alive at the time of the occurrence of the facts.

PART FOUR: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility by omission, for the violation of the right to judicial guarantees (Article 8.1), to the protection of honor and dignity (Article 11.1), and to judicial protection (Article 25.1) established in the American Convention on Human Rights, in conjunction with the general obligation to respect rights (Article 1.1.) of the same instrument, to the detriment of the family members of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, due to the lack of diligence in the investigation of the events that occurred, which has prevented their clarification and the punishment of those responsible.

PART FIVE: MEASURES OF SATISFACTION

The parties establish that, within the framework of this Agreement, the following measures to guarantee satisfaction shall be undertaken:

I. Act of Acknowledgment of International Responsibility:

The Colombian State shall carry out a Public Act of Acknowledgment of International Responsibility, with the participation of the victims and their representative. This ceremony shall be in person and consistent with the acknowledgment of responsibility set forth in the present Agreement.

This measure will be the responsibility of the National Agency for the Legal Defense of the State, for which reason a consultation process will be carried out with the family members and the representative, in order to establish the details of the ceremony.

II. Audiovisual record in a documentary language on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque:

The Colombian State shall prepare a documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, where their memory, honor, and dignity are exalted. The documentary shall include a section prepared and presented by the representative of the victims, which will specify whether in the aforementioned operation in which Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque were killed, the rules of International Humanitarian Law were respected, based on a study of the existing procedural evidence produced in the proceedings that was opened for the aforementioned facts.

The National Agency for the Legal Defense of the State shall be responsible for ensuring compliance with this measure. To that end, a consultation process will be carried out with the family members and the representative, to establish the details of the audiovisual record.

PART SIX: GUARANTEES OF NON REPETITION

The parties establish that, within the framework of this Agreement, the following steps to guarantee non-repetition shall be taken:

I. Publication of the Article 49 Report:

The Colombian State shall publish the Friendly Settlement Agreement pursuant to Article 49 of the ACHR, once it has been approved by the Inter-American Commission, on the website of the National Agency for the Legal Defense of the State, for a period of six (6) months.

II. Extracurricular training

The Colombian State will conduct an extracurricular training course explaining the content of the judgment issued by the Council of State on November 20, 2008, in the direct reparation proceeding with file No. 50422233100095012401(16391), plaintiff: Flor Ángela Pulgarin and others in which "A ruling shall be reached on the appeals filed by the plaintiff against the judgments handed down by the Administrative Court of Antioquia, on September 17, 1998 and December 3, 1998, rejecting the claims filed against the National Ministry of National Defense-National Army, which judgements will be revoked."⁸

PART SEVEN: COMPENSATION MEASURES

The State shall apply Law 288 of 1996, with the purpose of redressing the damages that may be proven in favor of the victims recognized in the PART THREE of this Friendly Settlement Agreement. For these purposes, the criteria and amounts recognized by current national jurisprudence shall be applied.

In the event that any victim has been compensated through the jurisdiction of the administrative litigation and/or has benefited from administrative reparation measures, the amounts have been granted shall be discounted from the monetary compensation granted in accordance with the procedure provided herein in order to avoid double or excessive compensation.

Likewise, the evidence used to assess damages for reparation purposes shall be those allowed by Colombian procedural regulations.

The entity designated by the Committee of Ministers by means of the corresponding resolution shall be in charge of the application of this measure.⁹

PART EIGHT: APPROVAL AND FOLLOW-UP

The parties request the Inter-American Commission to approve and follow up on this agreement.

PART NINE: CONFIDENTIALITY

The content of this Friendly Settlement Agreement is confidential and may not be published/disseminated by any means of communication until it is approved by the Inter-American Commission on Human Rights through the issuance of the Report referred to in Article 49 of the American Convention on Human Rights.

This Agreement having been read and the parties being aware of its scope and legal content, it is hereby signed on the eighteenth (18th) day of the month of October 2024.

TENTH PART: JUSTICE SYSTEM CLAUSE

The National Agency for the Legal Defense of the State will request the Office of the Attorney General of the Nation to study the feasibility of filing a Review Action against the proceedings carried out for the events of February 26, 1993, on the road between the municipality of Segovia and the municipality of Remedios, in the department of Antioquia, where Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque lost their lives."¹⁰

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

15. 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*

Alirio Pulgarin Duque, Juan Amado Pulgarin Duque and Family, dated February 20, 2025.

⁹ National Agency for the Legal Defense of the State and Ministry of Defense(2024, July 30). Meeting at which the Ministry of Defense considered it viable to follow the procedure of Law 288 of 1996 in the present case.

¹⁰ Addendum No. 1 to the Friendly Settlement Agreement - Case 13.778, Jorge Alirio Pulgarin Duque, Juan Amado Pulgarin Duque and Family, dated February 20, 2025.

sunt servanda, by which States must comply with the obligations assumed in the treaties in good faith.¹¹ It also wishes to highlight 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.

16. The Inter-American Commission has closely monitored the progress of the friendly settlement reached in the instant case and appreciates the efforts made by both parties during negotiations to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

17. In accordance with clause eight of the agreement signed between the parties by which they requested the Commission to approve the friendly settlement agreement contemplated in Article 49 of the American Convention, and in light of the parties' request of December 2, 2024, to move ahead with it, it is appropriate at this time to assess compliance with the commitments established in this instrument.

18. The Commission observes that the parties signed an Addendum to the friendly settlement agreement signed on February 20, 2025, and therefore understands, and hereby declares, that it is an integral part of the FSA.

19. The Inter-American Commission considers that the clauses one (Definitions), two (Background), three (Beneficiaries), four (Acknowledgement of Responsibility), and nine (Confidentiality) of the Agreement are of a declarative nature, rendering supervision of their compliance unnecessary.

20. The Commission appreciates the fourth declaratory clause, in which the Colombian State acknowledges its international responsibility by omission, for violation of the right to judicial guarantees (Article 8.1), protection of honor and dignity (Article 11.1), and to judicial protection (Article 25.1) established in the American Convention on Human Rights, in conjunction with the general obligation to provide guarantees (Article 1.1.) of the same instrument, to the detriment of the family members of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, due to lack of diligence in the investigation of the facts that occurred, which prevented their clarification and the punishment of those responsible.

21. In relation to paragraph I (act of acknowledgement of international responsibility) of clause five (measures of satisfaction), the parties jointly informed that this event took place on November 28, 2024, at the José Manuel Restrepo Hall of the Botanical Garden of Medellín, Antioquia. The parties reported the existence of constant communication between the State and the representatives of the petitioners, with whom each of the details for compliance with the measure were agreed upon.

22. The parties provided a copy of the invitation by means of which the National Agency for the Legal Defense of the State summoned the representatives of the victims and, through them, the families of the victims to the public act of acknowledgment of responsibility. In the same vein, the parties reported on the content of the agenda agreed for the event, which included an opening and installation, the national anthem of the Republic of Colombia, and speeches made by the representative Juan David Villegas Mora; Natalia Andrea Agudelo Pulgarin, on behalf of the family; and the Director of the National Agency of Legal Defense of the State, who acknowledged the international responsibility of the State in the terms established in the Friendly Settlement Agreement and apologized to the Pulgarin Duque family on behalf of the Colombian State.

23. Likewise, the parties indicated that on this same occasion Pastor Hidier Arbey Serna conducted a religious ceremony that included a reading of several biblical passages and a personal reflection. The joint report also noted that next on the agenda was the presentation of orchids by the State to family members of the victims of the case as a reminder of the strength of their family unity and the renewed hope that this agreement represents for the family nucleus and for Colombian society.

¹¹ Vienna Convention on the Law of Treaties, United Nations 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.*

24. Finally, the event closed with a musical interlude in which songs requested by the Pulgarin Duque family were performed and photographs taken of the event and the speeches. In light of the above, the Commission considers, and hereby declares, that paragraph I of clause five of the friendly settlement agreement, related to the act of acknowledgment of responsibility, has been met with full compliance.

25. Regarding paragraph II of clause five, regarding the production of a documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque, the parties indicated that during the act of acknowledgement of responsibility, the documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque was shown to commemorate them and extol their honor and dignity. It also included a section prepared by the representative of the victims.

26. The act of acknowledgement was recorded on the Youtube channel of the National Agency for the Legal Defense of the State¹² where the Commission was able to corroborate the information presented by the parties. Based on the foregoing and the information provided above, the Commission considers, and hereby declares, that full compliance has been reached with paragraph II (documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque) of clause five (measures of satisfaction) of the subscribed FSA.

27. With regard to Clause Ten on the measure of justice, the Commission takes note of what was agreed upon by the parties and takes this opportunity to recall the State's obligation to investigate the facts ex officio and diligently within the ordinary jurisdiction, and, if applicable, to determine the corresponding criminal responsibilities within a reasonable time, in accordance with international standards. Likewise, the Commission reaffirms that this obligation must be assumed by States as a legal duty of their own and not as a mere formality doomed in advance to be ineffective, or as a mere handling of private interests dependent on the procedural initiative of the victims or their relatives, or on the private provision of evidence.

28. Lastly, in relation to paragraphs I (publication of the Article 49 Report), and II (extracurricular training) of clause six (non-repetition guarantees), and clauses seven (compensation measures), and ten (justice) of the friendly settlement agreement, and bearing in mind the joint request of the parties to proceed with the approval of the agreement prior to its implementation, the Commission observes that those measures must be complied with after the publication of this report. Therefore, it considers, and hereby declares, that compliance with them is still pending. Consequently, the Commission will await updated information to be submitted by the parties within the framework of the friendly settlement follow-up stage.

29. In light of the above, the Commission understands, and hereby declares, that paragraphs I (act of acknowledgement of international responsibility) and II (documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque) of clause five (measures of satisfaction) have been met with full compliance. At the same time, the Commission notes, and hereby declares, that compliance with paragraph I (publication of the Article 49 Report) and II(extracurricular training) of clause six (guarantees of non-repetition) and clauses seven(compensation measures) and ten(justice) of the friendly settlement agreement are still pending.

30. Furthermore, the Commission reiterates that the rest of the content of the agreement is of a declarative nature and therefore it is not up to the IACHR to supervise its compliance. Consequently, the Commission considers that the friendly settlement agreement has a partial level of compliance and will continue to monitor compliance with the execution clauses that remain pending until it is fully implemented.

V. CONCLUSIONS

31. 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

¹² See, ANDJE; Youtube, [Act of Recognition of International Responsibility: Case 13.778 Jorge Alirio Pulgarin Duque](#). (last consulted on February 20, 2025).

on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

32. 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 friendly settlement agreement that the parties signed on October 18, 2024.

2. To find that the Addendum to the Friendly Settlement Agreement signed on February 20, 2025 is an integral part of the FSA.

3. To declare full compliance with paragraphs I (act of acknowledgement of international responsibility) and II (documentary on the life of Jorge Alirio Pulgarin Duque and Juan Amado Pulgarin Duque) of clause five (measures of satisfaction) of the friendly settlement agreement, based on the analysis contained in this report.

4. To declare that compliance is still pending with respect to paragraph I (publication of the Article 49 Report) and II (extracurricular training) of clause six (guarantees of non-repetition) and clauses seven (compensation measures) and ten (justice) of the friendly settlement agreement, based on the analysis contained in this report.

5. To continue monitoring the commitments undertaken in paragraph I (publication of the Article 49 Report) and II (extracurricular training) of clause six (guarantees of non-repetition) and clauses seven (compensation measures) and ten (justice) of the friendly settlement agreement, based on the analysis contained in this report. To that end, to remind the parties of their commitment to keep the IACHR regularly informed regarding compliance.

6. To publish the present 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 26th day of the month of June 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Arif Bulkan, Second Vice President, Edgar Stuardo Ralón Orellana, Gloria Monique de Mees and Roberta Clarke, Commissioners.