

OEA/Ser.L/V/II
Doc. 99
26 June 2025
Original: Spanish

REPORT No. 94/25

CASE 14.304

FRIENDLY SETTLEMENT

**JHON FREDY LOPERA JARAMILLO AND FAMILY
COLOMBIA**

Approved electronically by the Commission on June 26, 2025.

Cite as: IACHR, Report No. 94/25, Case 14.304. Friendly Settlement. Jhon Fredy Lopera Jaramillo and Family. Colombia. June 26, 2025.

REPORT No. 94/25
CASE 14.304
FRIENDLY SETTLEMENT
JHON FREDY LOPERA AND FAMILY
COLOMBIA¹
JUNE 26, 2025

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On July 8, 2009, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Javier Leonidas Villegas Posada (hereinafter "the petitioner" or "the petitioning party"), alleging the international responsibility of the Republic of Colombia (hereinafter "State" or "Colombian State" or "Colombia"), for the violation of the human rights contemplated in Articles I (life, liberty, security, and integrity of the person), XI (preservation of health and well-being) and XVIII (justice) of the American Declaration of the Rights and Duties of Man (hereinafter "the American Declaration") and Articles 4 (life), 5 (personal integrity), 7 (personal liberty), 8 (judicial guarantees), and 25 (judicial protection) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention"), following the disappearance of Private Jhon Fredy Lopera Jaramillo (hereinafter "the alleged victim") on October 31, 1997, while he was performing his compulsory military service in the Pedro Nel Ospina Military Battalion and where he was assigned to the fort called "El Cerro" located in the Department of Antioquia, as well as for the lack of criminal investigation of the facts and for the refusal of the domestic judges to declare the Nation responsible for his death.

2. On November 22, 2020, the Commission issued Admissibility Report No. 341/20, in which it declared the petition admissible and its competence to hear the claim presented by the petitioning party regarding the alleged violation of rights upheld in Articles 4 (right to life), 5 (personal integrity), 7 (personal liberty), 8 (judicial guarantees), and 25 (judicial protection) of the American Convention in conjunction with Article 1.1 (obligation to respect rights) and 2 (duty to adopt provisions of domestic law) of the same instrument.

3. On September 19, 2023, the parties signed a memorandum of understanding aimed at reaching a friendly settlement in this case, together with a work schedule. In the following months, the parties held bilateral meetings to analyze the reparation measures to be included in the friendly settlement agreement (hereinafter "FSA"), which resulted in the signing of said instrument on May 23, 2024, in the city of Bogotá. Subsequently, on May 29, 2024, the parties presented a joint report on the progress made in the implementation of the FSA and requested the IACHR to approve it.

4. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40(5) of the Commission's Rules of Procedure, provides an overview of the facts alleged by the petitioning party and includes the friendly settlement agreement signed on May 23, 2024, between the petitioning party and 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. According to the petitioning party's allegations, on May 21, 1996, the alleged victim joined the Colombian Armed Forces to perform compulsory military service and was assigned to the Pedro Nel Ospina Military Engineering Battalion and to the fort known as "El Cerro" located in the Department of Antioquia. According to the regulations, Lopera Jaramillo's military service was supposed to end on November 11, 1997. On October 26, 1997, the alleged victim reportedly contacted his family to invite them to the closing ceremony of his military service, which was to take place on November 8, 1997; an event to which his relatives arrived and were met with the news that the alleged victim had been seen for the last time on October 31, 1997. In

¹ Pursuant to 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.

response to the questions raised by the relatives of the young Lopera Jaramillo, the National Army reportedly indicated that he had deserted. The relatives of the alleged victim considered the accusation unfounded, since they were aware of his interest in continuing his military career. Subsequently, the National Army reportedly went to the 118th Court of Military Criminal Instruction to initiate a desertion proceeding against the alleged victim, which ended with a conviction.

6. Due to the disappearance of the alleged victim from the installations of the military battalion, on February 10, 1998, the 118th Court of Military Criminal Instruction reportedly declared the young Lopera Jaramillo absent and ordered him to be placed under preventive detention; and on February 23, 1998, he was reportedly sentenced to seven months of arrest for desertion. Because of the disappearance of the alleged victim and after the criminal conviction for desertion in the military jurisdiction, Mrs. Ana Rocio de Lopera Jaramillo, mother of the alleged victim, reportedly filed a complaint with the Antioquia Regional Ombudsman's Office for the conviction and lack of investigation of the facts that led to the disappearance of her son while he was in compulsory military service. Consequently, the case was reportedly brought before the Superior Military Court, which on March 5, 1999 revoked the decision issued by the 118th Court of Military Criminal Instruction, since for the Superior Military Court it had not been possible to ascertain whether the alleged victim had indeed deserted or had been killed by some illegal group, so that he could not be criminally convicted for the crime of desertion.

7. The petitioning party also alleged that the mother of the alleged victim had informed the Ministry of Defense of the disappearance of her son, and in response to that letter, the head of the Human Rights Group of the Ministry of Defense, through official letter No. 0895-MDASE-HD-725 of June 30, 1998, reportedly informed the mother of the alleged victim that, on October 31, 1997, the young Lopera Jaramillo had gone to wash his uniform in the Calderas River in the municipality of San Carlos de Antioquia, and that his whereabouts since then were unknown. Likewise, it was reported that the Attorney General's Office was conducting a preliminary investigation (case file No. 1503), which had made no progress as of the date of submission of this petition. At the same time, the family reportedly also filed a criminal complaint before the ordinary jurisdiction, in the 95th Sectional Prosecutor's Office of the Unit for Crimes against Sexual Freedom and Human Dignity (case file No. 8849-95), but said complaint had been shelved.

8. Following the criminal action brought against the alleged victim by the Military Jurisdiction, on November 20, 1997, Mrs. Ana Rocio Lopera Jaramillo, sister of the alleged victim, filed a complaint with the Antioquia regional Ombudsman's Office, bringing the disappearance of the 24-year-old to the attention of that entity. In addition, on November 12, 2007, Mrs. Luz Dary Lopera Jaramillo reportedly filed another complaint with the Departmental Prosecutor's Office of Antioquia regarding the disappearance of her son, against the National Army and reportedly accused the commanders of the battalion to which the alleged victim had been sent; this complaint was filed under number 1503, as a result of which, on November 2, 1999, the Permanent Human Rights Office was sub-commissioned to carry out the relevant inquiries, an investigation conducted under number 008- 009525-97.

9. As a consequence of the disappearance of the alleged victim, his family also filed an administrative litigation suit before the Administrative Litigation Court of Antioquia in which the then plaintiffs claimed full compensation for the damages caused by the disappearance of the young Lopera Jaramillo. That lawsuit was reportedly filed in 1998, but on May 24, 2005, the claims for reparations were denied. Because of this reason, an appeal was filed before the Council of State on July 7, 2005. However, the Court rejected the appeal and proceeded to file the case as it was a sole instance proceeding.

III. FRIENDLY SETTLEMENT

10. On May 23, 2024, in Bogotá, the parties signed a friendly settlement agreement, which reads as follows:

**FRIENDLY SETTLEMENT AGREEMENT
CASE NO. 14.304 JHON FREDY LOPERA JARAMILLO AND FAMILY**

On May 23, 2024 in the city of Bogotá D.C., Jhon Jairo Camargo Motta, Acting Director of the National Agency for the Legal Defense of the State, on behalf of the Colombian State, hereinafter "the Colombian State", and Javier Leonidas Villegas Posada, representing the victims, jointly referred to as "the Parties", met and signed this Friendly Settlement Agreement in Case No. 14.304, Jhon Fredy Lopera Jaramillo and Family, currently being processed before the Inter-American Commission on Human Rights.

PART ONE: CONCEPTS

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

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

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

Material damage: It implies the loss or detriment of the victim's income, the expenses incurred due to the facts and the consequences of a pecuniary nature that have a causal link with the facts of the case.²

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.³

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.⁴

Parties: Colombian State, the representative, and the relatives 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 damage.

The petitioning party: Attorney Javier Leonidas Villegas Posada, who acts as 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: Jhon Fredy Lopera Jaramillo (Direct victim), Ana Rocio Jaramillo de Lopera (Mother), Manuel Ignacio Lopera Henao (Father), Luz Mery Lopera Jaramillo (Sister), Luz Dary Lopera Jaramillo (Sister), Nidia Estella Lopera Jaramillo (Sister), and Hugo Alberto Lopera Jaramillo (brother) of the direct victim.

² 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.

³ 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.

⁴Examples of such measures include public disclosure of the truth and acts of atonement.

PART TWO: BACKGROUND

1. The Inter-American Commission on Human Rights received a petition alleging violation of the rights to life (Article 4), personal integrity (Article 5), personal liberty (Article 7), judicial guarantees (Article 8), and judicial protection (Article 25) of the American Convention on Human Rights, in conjunction with Article 1.1. of the same instrument, in addition to other international instruments.

2. According to the admissibility report, in 1996 Private Jhon Fredy Lopera Jaramillo disappeared from the Pedro Nel Ospina Military Battalion, while he was performing his mandatory military service.

3. On May 21, 1996, Jhon Fredy Lopera joined the Colombian Armed Forces to fulfill his mandatory military service, and was assigned to the Pedro Nel Ospina Military Engineering Battalion and to the fort called "El Cerro" located in the department of Antioquia. His Mandatory Military Service was to end on November 11, 1997.

4. On October 26, 1997, Private Lopera contacted his family to invite them to the military service closing ceremony to be held on November 8, 1997. Once his relatives arrived at the event, they were met with the news that the soldier had last been seen on October 31, 1997. In this regard, the National Army stated that the soldier had deserted.

5. In the petition filed, the relatives stated that the criminal investigations carried out by the State have not yielded any results. Additionally, under the military criminal justice system, Private Lopera was convicted for the crime of desertion, and subsequently that assumption was used by the ordinary justice system as an excuse not to continue with the investigation of the case and to shelve the proceeding.

6. On February 23, 1998, the 118th Military Criminal Court convicted Private Lopera of desertion.

7. Likewise, the mother of Private Lopera informed the Ministry of National Defense of the disappearance of her son, and in response, the Ministry told her that on October 31, 1997, the soldier went to wash his uniform in the Calderas River in the municipality of San Carlos de Antioquia, and that his whereabouts since then were unknown.

a. Criminal investigation

8. The Attorney General's Office initiated an investigation into these facts, which ended with a decision to suspend and later shelve the case, in accordance with the provisions of Article 326 of Law 600 of 2000.

b. Disciplinary Proceeding

9. In view of the complaint filed by Mrs. Luz Dary Lopera Jaramillo on November 12, 1997, a disciplinary investigation was initiated. In this regard, the Human Rights Ombudsman's Office found no grounds for continuing with the disciplinary action. This is because it found no evidence of a disciplinary offense attributable to someone other than Private Lopera. Accordingly, in a ruling dated February 10, 1999, the proceeding was closed.

c. Administrative litigation proceedings

10. The action for direct reparation was heard in the first instance by the Administrative Court of Antioquia. In a judgment of May 24, 2005, the Administrative Court decided to reject the claims of the lawsuit, due to the fact that Private Jhon Fredy Lopera had been declared a deserter, which constitutes a fault that is solely attributable to the victim and precludes the responsibility of the State.

d. Stage before the IACHR

11. On November 22, 2020, through Report No. 341/20, the Inter-American Commission on Human Rights, decided to declare the petition admissible in relation to Articles 4, 5, 7, 8, and 25 of the American Convention in conjunction with Articles 1(1) and 2 of the same instrument.

12. On September 19, 2023, the Colombian State and the petitioners signed a Memorandum of Understanding aimed at reaching a Friendly Settlement, which was brought to the attention of the Inter-American Commission on September 21, 2023.

13. On April 3, 2024, the representative of the victims submitted the proposal for integral reparation to the National Agency for the Legal Defense of the State.

14. Once the proposal for comprehensive reparation had been received and analyzed, progress was made in an inter-agency dialogue to agree on the comprehensive reparation measures that will 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 that is now being signed.

PART THREE: BENEFICIARIES

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

Name	Relationship	Identification
Jhon Fredy Lopera Jaramillo	Direct victim	(...)
Ana Rocío Jaramillo de Lopera	Mother	(...)
Manuel Ignacio Lopera Henao	Father	(...)
Luz Mery Lopera Jaramillo	Sister	(...)
Luz Dary Lopera Jaramillo	Sister	(...)
Nidia Estella Lopera Jaramillo	Sister	(...)
Hugo Alberto Lopera Jaramillo	Brother	(...)

Paragraph 1: The victims recognized in this Friendly Settlement Agreement shall benefit from the Friendly Settlement Agreement as long as they can prove that they are related by blood (consanguinity) with the direct victim Jhon Fredy Lopera Jaramillo.

Paragraph 2: By signing this Friendly Settlement Agreement, the petitioners declare that the persons listed above are the next of kin of Jhon Fredy Lopera Jaramillo, with legal standing and interested in pursuing this proceeding and that they: i) were alive at the time of the occurrence of the facts; and ii) are alive at the signing of this document.⁵ Thus, following the signing of the Friendly Settlement Agreement no new beneficiaries will be included.

PART FOUR: ACKNOWLEDGMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility by omission, for violation of the right to judicial guarantees (Article 8.1) 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 next of kin of Jhon Fredy Lopera Jaramillo, 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. Acknowledgment of Responsibility Act:

The Colombian State shall carry out an Act of Acknowledgement of Public Responsibility, with the participation of the victims and their representative. The ceremony shall be conducted in person and in accordance with the acknowledgment of responsibility set forth in the present Agreement.

The National Agency for the Legal Defense of the State shall be responsible for applying this measure, for which consultations shall be conducted with the family members and the representative, to establish the details of the ceremony.

⁵ This is in accordance with the jurisprudence 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, par. 425.

II. Publication of the Article 49 Report:

The Colombian State shall publish the friendly settlement report in accordance with Article 49 of the ACHR, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.

III. Production of a documentary

The Colombian state will produce a documentary about the life of Jhon Fredy Lopera Jaramillo that exalts his memory and dignity.

The National Agency for the Legal Defense of the State will be responsible for implementing this measure, following consultations with the family members and the representative regarding the content of the documentary.

PART SIX: JUSTICE-RELATED MEASURES

The Office of the Attorney General of the Nation, within the framework of its competencies and legal possibilities, will review the investigations initiated and will continue the corresponding investigative actions, if their procedural viability is verified and in application of the principles of due diligence. The Office of the Attorney General of the Nation will attend in a timely manner to the requirements and requests of the victims and their representatives, subject to the legal requirements set forth in the substantive and procedural laws directly applicable to guarantees for the protection of the rights of the victims and of the parties to the proceedings.⁶

PART SEVEN: MEASURES OF REHABILITATION

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

To that end, through the links provided for such purpose by the corresponding health care entity (EPS), adequate, timely and priority treatment will be guaranteed to the accredited relatives of Mr. Jhon Fredy Lopera Jaramillo who require it, once they express their agreement, and for as long as necessary. The psychological treatment and psychosocial care provided must take into account the particular circumstances and needs of each person, so that family and individual treatment is provided, as agreed with each person and after an individual assessment.

For access to comprehensive health care, the beneficiaries of the measures are guaranteed timely and quality access to the medicines and treatments required (including physical and mental health care), in accordance with the provisions governing the SGSSS, in addition to receiving priority and specialized care based on their status as victims.

For the above, a comprehensive health management channel will be guaranteed through the different PAPSIVI territorial operators, victims' organizations (*referentes*) in the territorial entities, and the Entities Administrating Benefit Plans and Ministry of Health and Social Protection plans, as the case may be.

In the case of psychosocial rehabilitation in the PAPSIVI, the measure will be executed as part of the planning and implementation of the psychosocial component of the Program or services already provided in accordance with the guidelines developed by the Ministry of Health and Social Protection; in any case, continuity of care will be assured, taking into account the individual wishes of each victim protected by this agreement.

Psychosocial care will be provided as envisaged in the PAPSIVI guidelines; in the case of family care, it will be guaranteed that the beneficiaries of the measure will be free to identify the members of the family nucleus whose relationship is essential for their emotional rehabilitation.

⁶ Office of the Attorney General. Official letter of May 17, 2024. Case 20241700041451.

This reparation measure shall be implemented as indicated for persons who are in the national territory, as of the signing of this agreement.

PART EIGHT: COMPENSATION MEASURES

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

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

Likewise, for the purposes of the compensation of damages, evidence that is susceptible of valuation in accordance with the Colombian procedural rules shall be considered as evidence.

PART NINE: APPROVAL AND FOLLOW-UP

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

TENTH PART: CONFIDENTIALITY

The content of this Friendly Settlement Agreement is confidential and may not be published and/or 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 twenty-third (23rd) day of the month of May 2024.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

11. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to “reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention.” The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.⁷ It also wishes to 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.

12. 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.

13. In accordance with clause 9 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 taking into consideration the parties' request of May 29, 2024, to move ahead with it, it is appropriate at this time to assess compliance with the commitments undertaken in this instrument.

14. The Inter-American Commission considers that the clauses one (Definitions), two (Background), three (Beneficiaries), four (Acknowledgement of Responsibility), nine (approval and follow-up), and ten (confidentiality) of the Agreement are of a declarative nature, rendering supervision of their compliance unnecessary. In this regard, the Commission values the fourth declaratory clause, in which the

⁷ 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.

Colombian State acknowledges its international responsibility by omission, for violation of the right to judicial guarantees (Article 8.1) 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 next of kin of Jhon Fredy Lopera Jaramillo, due to lack of diligence in the investigation of the facts that occurred, which has prevented their clarification and the punishment of those responsible.

15. Regarding paragraph I of the fifth clause on the public act of acknowledgment of responsibility, the parties jointly reported that it took place on July 4, 2024, at the Museo Casa de la Memoria in the city of Medellín. The parties reported the existence of constant communication between the State and the representatives of the victims, with whom each of the details for compliance with the measure were agreed upon. In this regard, the parties provided a copy of the invitations circulated for said event, photographs of the event, and its schedule. The ceremony was reportedly attended by the mother, father, brothers, and sisters of Jhon Fredy Lopera Jaramillo, among other relatives and friends.

16. In this regard, the parties reported on the contents of the agenda agreed for the event, which included the opening and installation of the event, the national anthem of Colombia, the projection of a documentary on the life of Jhon Fredy Lopera Jaramillo, and a video-narrative prepared by the representative of the victims to honor his memory. To conclude the ceremony, a Eucharist was celebrated. In addition, the parties provided the link to the live transmission of the act, through the channel of the National Agency for the Legal Defense of the State on YouTube⁸ and reported that the transmission also included remarks on behalf of the family, by Mrs. Nidia Estella Lopera Jaramillo and Mr. Juan David Aicardi, sister and nephew of Jhon Fredy Lopera Jaramillo, respectively. Finally, Mr. Juan David Villegas spoke in his capacity as representative of the victims.

17. As reported by the parties to the Commission, the State was represented at the event by the director of the National Agency for the Legal Defense of the State who, in his speech, acknowledged the international responsibility of the Colombian State in the terms established in the Friendly Settlement Agreement, indicating the following:

[...]

27 years later, it is inevitable to say, as a Colombian citizen, more than as director of this institution, that the State is late and clearly, it is not for less that, the Lopera Jaramillo family feels this deep absence of Jhon Fredy, I understand them. I know that no one, and nothing, will ever be able to fill this void. To you, Jhon Fredy's family, I wish to say from the bottom of my heart that your struggle has not been in vain. Your perseverance has truly led to the opening of a meaningful dialogue with the Colombian State, a dialogue that not only seeks to repair the damage suffered, but also to prevent other Colombians from going through the same pain. This friendly settlement process is truly a testament to your strength and love for Jhon Fredy.

[...]

Today, on behalf of the Colombian 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 to respect and guarantee established in the same instrument, to the detriment of the relatives of Jhon Fredy Lopera Jaramillo.

[...]

18. In light of the above and bearing in mind the information provided jointly by the parties, 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 fully complied with.

⁸ See, ANDJE, YouTube, Act of Recognition - Case No. 14.304 Jhon Fredy Lopera Jaramillo and family: [Case No. 14.304 Jhon Fredy Lopera Jaramillo and family \(youtube.com\)](#). Last consulted on February 19, 2025.

19. Regarding paragraph III of the fifth clause on the production of a documentary on the life of Jhon Fredy Lopera Jaramillo, the parties indicated that during the signing ceremony of the FSA on May 23, 2024, at the Hotel La Fontana in the city of Bogota, in connection with the visit of the Inter-American Commission on Human Rights, the audiovisual documentary on the life of Jhon Fredy Lopera Jaramillo was projected, where his memory and dignity were extolled. This audiovisual material was prepared and produced by the National Agency for the Legal Defense of the State, in consultation with the representatives of the victims.

20. In addition, the parties reported the existence of constant communication between the State and the representatives of the victims, with whom each of the details for compliance with the measure were agreed upon, and provided the link to the documentary, which is available through the channel of the National Agency for the Legal Defense of the State on YouTube.⁹ In light of the above, based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to paragraph III of the fifth clause full compliance has been achieved.

21. With regard to Clause Sixth 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 recalls 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 evidence¹⁰.

22. Lastly, in relation to the provisions of paragraph II of clause five (publication of the Article 49 Report), as well as clauses six (justice measures), seven (rehabilitation measures), and eight (compensation measures), by virtue of the joint request of the parties to move forward with the approval of the agreement prior to its execution, the Commission observes that said measures must be fulfilled after the approval and publication of the FSA by the IACHR, and therefore considers, and hereby declares, that compliance with them is still pending. Considering the above, the Commission will await updated information from the parties on their implementation subsequent to the approval of this report.

23. In light of the above, the Commission concludes, and hereby declares, that subparagraphs I (Act of acknowledgment of responsibility), and III (preparation of a documentary) of clause five of the friendly settlement agreement have been fully complied with. At the same time, the Commission notes, and hereby declares, that compliance with paragraph II of clause five (publication of the Article 49 Report), as well as clauses six (justice measures), seven (rehabilitation measures), and eight (compensation measures) of the friendly settlement agreement is still pending.

24. Finally, the Commission reiterates that the rest of the content of the agreement is declarative and therefore not subject to its supervision. Consequently, the Commission considers that compliance with the agreement has been partial, and it will continue to monitor implementation of the aforementioned clauses until full compliance has been achieved.

V. CONCLUSIONS

25. 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.

26. Based on the reasons and conclusions contained in this report,

⁹ See, ANDJE, YouTube, [Audiovisual Documentary - Case No. 14.304 Jhon Fredy Lopera Jaramillo and family](#). Last consulted on February 19, 2025.

¹⁰ See, Inter-American Court of Human Rights, Case Tabares Toro and others vs. Colombia, Merits, reparations and costs, Judgment of May 23rd, 2023. Serie C No. 491.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the friendly settlement agreement that the parties signed on May 23, 2024.
2. To declare full compliance with paragraphs I (act of acknowledgment of responsibility) and III (preparation of a documentary) of the fifth clause of the friendly settlement agreement, based on the analysis contained in this report.
3. To declare that, based on the analysis contained in this report, compliance with clause five, paragraph II (publication of the Article 49 Report), as well as clauses six (justice measures), seven (rehabilitation measures) and eight (compensation measures) of the friendly settlement agreement, is still pending.
4. To continue with supervision of the commitments undertaken in paragraph II of the fifth clause (publication of the Article 49 Report), as well as the sixth (justice measures), seventh (rehabilitation measures) and eighth (compensation measures) clauses of the friendly settlement agreement, until they are fully complied with, in accordance with the analysis contained in this report. To this end, to remind the parties of their commitment to report periodically to the IACHR on their compliance.
5. 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.