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CASE 14.332

REPORT ON FRIENDLY SETTLEMENT

**JOSÉ ANTONIO CARDONA MÁRQUEZ AND FAMILY
COLOMBIA**

Approved electronically by the Commission on October 14, 2025.

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REPORT No. 197/25
CASE 14.332
FRIENDLY SETTLEMENT
JOSÉ ANTONIO CARDONA MÁRQUEZ AND FAMILY
COLOMBIA¹
OCTOBER 14, 2025

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On May 28, 2010, the Inter-American Commission on Human Rights (“the Commission” or “IACHR”) received a petition filed by Mr. Oscar Conde Ortiz (“the petitioner”) alleging the international responsibility of the Republic of Colombia (“State” or “Colombian State” or “Colombia”) for the violation of human rights enshrined in Articles 4 (life), 5 (humane treatment), and 17 (rights of the family) of the American Convention on Human Rights (“Convention,” “American Convention,” or “ACHR”), in relation to Article 1 (obligation to respect rights) of the same instrument. The petition also alleged violations of the rights enshrined in Articles I (life, liberty, and personal security), VIII (residence and movement), and XI (preservation of health and well-being) of the American Declaration of the Rights and Duties of Man (“Declaration” or “American Declaration”), and Article 1 of the Inter-American Convention on Forced Disappearance of Persons, for the disappearance of José Antonio Cardona Márquez (“the alleged victim”) on January 28, 1993, presumably at the hands of members of the Revolutionary Armed Forces of Colombia (“FARC”), in retaliation for having collaborated with members of the National Army.

2. On December 14, 2020, the Commission issued Admissibility Report No. 363/20, declaring the petition admissible and asserting its competence to hear the claim filed by the petitioners regarding the alleged violation of the rights contained in Articles 3 (right to juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 17 (rights of the family), and 25 (right to judicial protection) of the American Convention, in relation to Article 1 (obligation to respect rights) thereof.

3. On June 20, 2024, the parties signed a memorandum of understanding aimed at reaching a friendly settlement in this case, together with a work schedule to advance bilateral negotiations. On August 23, 2024, the Commission notified the parties of the initiation of the friendly settlement process, which resulted in the signing of a friendly settlement agreement (“FSA”) on April 23, 2025, in Bogotá, Colombia.

4. On June 5, 2025, the parties sent a joint note to the IACHR informing of the celebration of a private ceremony acknowledging international responsibility and requesting the approval of the FSA.

5. This friendly settlement report, as provided for in Article 49 of the Convention and Article 40.5 of the Rules of Procedure of the IACHR, provides an overview of the facts alleged by the petitioner and includes a transcription of the friendly settlement agreement signed by the petitioner and the Colombian State on April 23, 2025. 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

6. According to the petitioner, in late December 1992, National Army units assigned to the “Héroes del Guepi” Battalion appeared in the districts of La Esmeralda, Gibraltar, Berlin, Gaitán, and Corazones la Punta, in the municipality of La Montañita. The units had reportedly set up camp on the Buenavista estate, in the district of Berlin. The owner of this property, José Antonio Cardona Márquez, had initially opposed their presence because of the danger it would pose to him and his family in the event of a clash with the guerrillas.

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.

7. On January 26, 1993, the alleged victim complied with a request for assistance made by the National Army and lent them some of his animals to transport food supplies found and seized at a FARC camp in the district of Las Hermosas.

8. The petitioner stated that on the night of January 28, 1993, a group of individuals wearing clothing reserved for the exclusive use of the Army knocked on the alleged victim's door and identified themselves as members of the "counter-guerrilla." When the family refused to open the door, the individuals allegedly forced their way into the home, struck Luz Dary Martínez (the alleged victim's partner) on the back of the head with a rifle, as well as two of her children. They took José Antonio Cardona away, saying they would bring him back the next day. However, his whereabouts remain unknown to this day.

9. According to the petition, the alleged victim's family filed complaints with various state entities, including the National Army, the Office of the General Public Prosecutor, the Office of the Attorney General of Colombia, the Office of the Municipal Ombudsperson of La Montañita, the Office of the Ombudsperson of Colombia, and the Office of the President of the Republic, all to no avail.

10. The petitioner noted that on January 30, 1993, Luz Dary Martínez had given a sworn statement to the Municipal Ombudsperson of La Montañita regarding José Antonio Cardona's disappearance, and that on February 1 of that same year, the statement was forwarded to the Departmental District Attorney General. They further reported that on February 11, 1993, the alleged victim's parents requested that the Office of the General Public Prosecutor and the Office of the President of the Republic open an investigation into their son's disappearance; and that on March 9, 1993, the Community Action Board of the district of Berlín in the municipality of La Montañita and the Community Action Board of the district of Las Hermosas in the same municipality, acting individually, submitted letters to the municipal judge condemning José Antonio Cardona's detention and disappearance. Lastly, they stated that on February 12, 1993, the parents had filed a complaint with the Office of the Deputy Human Rights Ombudsperson.

11. The petitioner reported that, in a letter dated February 1, 1993, the municipal ombudsperson requested information from the Commander of the Twelfth Brigade in Florencia about the possible detention of the alleged victim. On February 3, 1993, the Command of the Twelfth Brigade of Florencia sent an official letter to Military Criminal Trial Court No. 129 requesting that it open a preliminary investigation to clarify the alleged facts, which was done on February 5 of that same year. They further indicated that on February 17, 1993, the court found, based on the statements given, that the alleged victim had collaborated with the army; therefore, it found that the detention could be considered a reprisal by the armed group and that it was appropriate to refrain from initiating a criminal investigation.

12. On March 2, 1993, the Office of the Deputy Attorney General's for the Defense of Human Rights reportedly directed that a preliminary investigation be opened to establish the possible involvement of counter-guerrilla units of the National Army in the alleged events, as suggested by the petitioner. On February 25 of the same year, the National Army reportedly informed the aforementioned office that the alleged victim was not in the custody of the Twelfth Brigade or any of the tactical units in the jurisdiction where the events occurred, and that there was no record of his detention in the Brigade's files. The Office of the Deputy Attorney General decided not to continue with the investigation because it lacked evidence supporting the involvement of the responsible public servants.

13. The Office of the Deputy Attorney General's for the Defense of Human Rights reportedly stated in its assessment report of September 2, 1993, that members of the Army "appear to be seriously implicated as the perpetrators responsible for the disappearance." This office decided not to open a formal disciplinary investigation because the identities of the military personnel involved were unknown, and indicated that it would continue the preliminary investigation until the facts had been fully clarified. In 1995, it reportedly declined to continue with the investigation and ordered that the case be closed due to a lack of evidence that the alleged victim had been subjected to enforced disappearance. Additionally, it could only establish that he had been detained by an unlawful armed group.

14. According to the petitioner, on February 5, 1993, an investigation was conducted before Military Criminal Trial Court No. 129, which concluded on February 17, 1994, with the court's decision not to open a criminal investigation based on its opinion that the alleged victim's detention was an act of retaliation by unlawful groups.

15. The petitioner further states that on January 25, 1995, the alleged victim's family filed a direct action for reparations against the Ministry of Defense and the National Army in relation to the State's civil liability for José Antonio Cardona's disappearance. The lawsuit was reportedly since the family knew that he had been violently detained on January 28, 1993, by members of the counter-guerrilla group Batallón Héroes del Guepi. The Administrative Court of the Department of Caquetá found the claim admissible on February 27, 1995, but the respondent entities contested the claim on the grounds that the State could not be held financially liable for the actions of a third party.

16. In its judgment of September 23, 1999, the Administrative Court of Caquetá denied the family's claims on the grounds that the evidence relating to the criminal investigation showed that the unlawful harm was not attributable to the respondent entities but was caused by third parties not linked to the actions of the security forces. The court apparently considered that the evidence on record showed that José Antonio Cardona had disappeared, but that there was no certainty as to who was responsible, and that it was highly likely that he had been abducted by persons or groups other than the armed forces.

17. On October 11, 1999, the family appealed the administrative court's judgment on the grounds that it was based on a partial assessment of the evidence, which prevented the identification of those responsible for the detention and disappearance. The petitioner also noted that on September 23, 2009, the Contentious-Administrative Chamber of the Council of State had upheld the first instance ruling. The court found that the evidence showed that the act had been committed by third parties unrelated to the State and that there was no evidence that would give rise to the State's financial liability.

III. FRIENDLY SETTLEMENT

18. On April 23, 2025, the parties held a working meeting in Bogotá, Colombia, facilitated by the Commission, during which they signed a friendly settlement agreement. It reads as follows:

FRIENDLY SETTLEMENT AGREEMENT CASO No. 14.332, JOSÉ ANTONIO CARDONA MÁRQUEZ Y FAMILIA

On April 23, 2025, in the city of Bogotá D.C., **Yebrail Haddad Linero**, Director of International Legal Defense of the National Agency for Legal Defense of the State, who, under Article 5(5) of Law 1444 of 2011 and Decree 4085 of 2011, as amended by Decrees 915 of 2017, 1698 of 2019, 2269 of 2019, and 1244 of 2021, acts on behalf of and representing the Colombian State, hereinafter "the Colombian State"; and **Óscar Conde Ortiz** and **María Daniela Rivero Gutiérrez**, acting as representatives of the victims, hereinafter referred to as "the petitioner," collectively referred to as "the parties," met and entered into this friendly settlement agreement in **Case No. 14.332, José Antonio Cardona Márquez and family**, pending 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 that are not of an economic or financial nature, which take the form of pain, distress, sadness, anguish, and anxiety on the part of the victims.

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

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

Non-material damage: Includes both the suffering and distress caused to victims, the impairment of values of great importance to the persons concerned, and alterations, of a nonpecuniary nature, in the living conditions of the victim or their family.³

State or Colombian State: In accordance with public international law, this refers to the signatory to the American Convention on Human Rights, hereinafter referred to as the “American Convention” or “ACHR.”

Measures of satisfaction: Non-pecuniary measures aimed at securing the recovery of the victims from the harm caused to them.⁴

Parties: The Colombian State and the petitioner.

Acknowledgment of responsibility: Admission of 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.

The petitioning party: Óscar Conde Ortiz and María Daniela Rivero Gutiérrez, acting as the victims’ representatives.

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

Victims: The family of Mr. José Antonio Cardona Márquez, listed in part three of this friendly settlement agreement.

PART TWO: BACKGROUND

1. On May 28, 2010, the petitioner filed a petition with the Inter-American Commission against the Colombian State, alleging its international responsibility for the forced disappearance of Mr. José Antonio Cardona Márquez, the lack of due diligence in the investigation, and the failure to provide reparations to his family as a result of the events that occurred on January 28, 1993, in the municipality of La Montañita, department of Caquetá.⁵

2. Mr. José Antonio Cardona Márquez was born on June 15, 1954, in the municipality of Nariño, Antioquia. At the time of the events, he was engaged in agriculture and livestock farming and lived with his family in the municipality of La Montañita, department of Caquetá.

3. According to the petitioner, in late December 1992, units of the National Army assigned to the “Héroes del Guepi” Battalion appeared in the districts of La Esmeralda, Gibraltar, Berlín, Gaitán, and Corazones la Punta in the municipality of La Montañita, in the department of Caquetá. The petitioner stated that those units set up camp on the Buenavista estate, in the district of Berlín. The owner of this property, José Antonio Cardona Márquez, had initially opposed this arrangement because of the danger it would pose to him and his family in the event of a clash with the guerrillas.⁶

4. According to the petitioner, on January 26, 1993, the alleged victim complied with a request for assistance from the National Army and lent them some of his animals to transport food supplies found and seized at a camp of the now defunct Revolutionary Armed Forces of Colombia (FARC) in the district of Las Hermosas.⁷

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, para. 125.

⁴ Examples of this type of measure include public acknowledgment of the truth and acts of reparation.

⁵ IACHR, Report No. 363/20. Petition 785-10. Admissibility. José Antonio Cardona Márquez and family. Colombia. December 14, 2020, para. 18.

⁶ IACHR, Report No. 363/20. Petition 785-10. Admissibility. José Antonio Cardona Márquez and family. Colombia. December 14, 2020, para. 2.

⁷ *Ibid.*, para. 2.

5. Later, on the night of January 28, 1993, a group of individuals wearing clothing reserved for the exclusive use of the National Army knocked on José Antonio Cardona Varela's door and identified themselves as members of the "counter-guerrilla." When the family refused to open the door, the individuals forced their way into the home, struck Luz Dary Martínez (the alleged victim's partner) on the back of the head with a rifle, as well as two of her children. They took José Antonio Cardona away, saying they would bring him back the next day. However, his whereabouts remain unknown to this day.⁸

6. According to the petitioner, José Antonio Cardona Varela's family initiated several proceedings with state entities, including the National Army, the Office of the General Public Prosecutor, the Office of the Attorney General of Colombia, the Office of the Municipal Ombudsperson of La Montañita, the Office of the Ombudsperson of Colombia, and the Office of the President of the Republic, without obtaining any positive results that could help determine his location.⁹

7. In particular, the petitioner notes that on January 30, 1993, José Antonio Cardona's partner, Luz Dary Martínez, gave a sworn statement about his disappearance to the Municipal Ombudsperson of Montañita, which, on February 1, 1993, forwarded it to the Departmental District Attorney General.¹⁰

8. On February 11, 1993, José Antonio Cardona's parents requested that the Office of the Prosecutor General and the Office of the President of the Republic open an investigation into their son's disappearance; and on March 9, 1993, the Community Action Board of the district of Berlín in the municipality of La Montañita and the Community Action Board of the district of Las Hermosas in the same municipality, acting individually, submitted letters to the municipal judge condemning the victim's detention and disappearance. Lastly, the petitioner noted that José Antonio Cardona's parents filed a complaint with the Office of the Deputy Attorney General's for the Defense of Human Rights on February 12, 1993.¹¹

9. On March 2, 1993, the Office of the Deputy Attorney General's for the Defense of Human Rights reportedly directed that a preliminary investigation be opened to establish the possible involvement of counter-guerrilla units of the National Army in the alleged events. As part of the proceedings, on February 25, 1993, the National Army informed the Deputy Attorney General's Office that the victim was not in the custody of the Twelfth Brigade or any of the tactical units in the jurisdiction where the events occurred, and that there was no record in the Brigade's files to indicate that he had been detained in the past.¹²

10. The Office of the Deputy Attorney General's for the Defense of Human Rights reportedly stated in its assessment report of September 2, 1993, that members of the Army "appear to be seriously implicated as the perpetrators responsible for the disappearance." However, the Office decided in 1995 not to continue with the investigation and ordered that the case be closed due to a complete lack of evidence that the alleged victim had been subjected to enforced disappearance, finding that he had been detained by an unlawful armed group.¹³

11. Two investigations were conducted into the events of the case, one before the military criminal justice system and the other before the regular court system. With regard to the military criminal justice system, a preliminary investigation was opened on February 5, 1993, which was conducted by Military Criminal Trial Court No. 129. This investigation concluded on February 17, 1994, with the court's decision not to open a criminal investigation, as it considered that the victim's detention was an act of retaliation by unlawful groups for his collaboration with the National Army.¹⁴

12. In connection with the criminal investigation in the regular court system, on February 23, 1993, Ms. Luz Dary Martínez filed a criminal complaint for the kidnapping of her partner, which was taken up by the Preliminary and Permanent Unit of the Caquetá Public Prosecutor's Office, under case No. 20.803. On January 6, 2000, the Office issued a resolution ordering the stay of the investigation, considering that

⁸ *Ibid.*, para. 3.

⁹ *Ibid.*, para. 4.

¹⁰ *Ibidem.*

¹¹ *Ibidem.*

¹² *Ibid.*, para. 6.

¹³ *Ibidem.*

¹⁴ *Ibid.*, para. 5.

“there were no grounds for issuing a decision to open an investigation or a resolution to dismiss the case,” and, additionally, “more than 180 days had elapsed since the investigation began.”¹⁵

13. On the other hand, within the framework of Law 975 of 2005 (Justice and Peace Law), Nolberto Uni Vega, a former member of the Southern Bloc, was charged on April 13, 2018, as the perpetrator of José Antonio Cardona Márquez’s disappearance. In a voluntary statement given on November 10, 2010, he admitted responsibility for this offense.¹⁶

14. As a result of this admission of responsibility, the 91st Office of the Prosecutor for Justice and Peace instructed the Internal Working Group for the Search, Identification and Return of Disappeared Persons (“GRUBE”) to begin the search for Mr. Cardona Márquez.¹⁷

15. According to the information provided by the Office of the Prosecutor General, the 243rd Prosecutor’s Office of the GRUBE of the Transitional Justice Division is currently conducting investigative efforts to locate the victim’s remains.¹⁸

16. With regard to the administrative proceedings, on January 25, 1995, the family of José Antonio Cardona Márquez filed a direct action for reparations against the Ministry of National Defense – National Army for the disappearance of José Antonio Cardona Márquez. On September 23, 1999, the Administrative Court of Caquetá denied the family’s claims, considering that the evidence presented and transferred in relation to the criminal investigation showed that the unlawful harm was not attributable to the respondent entities, but was caused by third parties not linked to the actions of the security forces.¹⁹

17. The representatives of the victim’s family appealed the aforementioned ruling, on the grounds that it was based on a partial assessment of the evidence, which prevented the identification of those responsible for the victim’s detention and subsequent disappearance. They further maintained that the State failed as a duty-bearer by not having adequately protected the victim after he had collaborated with the National Army. However, on September 23, 2009, the Contentious-Administrative Chamber of the Council of State upheld the lower court’s ruling.²⁰

18. On December 14, 2020, the Inter-American Commission issued Admissibility Report No. 363/20, declaring the petition admissible with respect to Articles 3 (juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 17 (rights of the family), and 25 (right to judicial protection) of the American Convention in relation to Article 1.1 thereof.

19. Within the framework of the proceedings before the IACHR, the Colombian State and the petitioner signed a Memorandum of Understanding on June 20, 2024, to seek a friendly settlement agreement, which was brought to the attention of the Inter-American Commission on June 21, 2024.

20. On September 30, 2024, the petitioner submitted their proposal for comprehensive reparation to the National Agency for Legal Defense of the State.

21. Once the proposal for comprehensive reparation had been received and analyzed, an interinstitutional dialogue took place to determine the comprehensive reparation measures that would form part of the agreement, and the parties held joint meetings to discuss the comprehensive reparation measures to be included in the friendly settlement agreement signed on this date, which shall be governed by the following clauses:

¹⁵ *Ibid.*, para. 14.

¹⁶ Office of the Prosecutor General, Department of International Affairs, Official Letter 20221700018141 dated March 11, 2022, and Official Letter No. 20251700031141 dated March 26, 2025.

¹⁷ *Ibidem.*

¹⁸ Office of the Prosecutor General, Department of International Affairs, Official letter 20251700020001 dated February 25, 2025.

¹⁹ IACHR, Report No. 363/20. Petition 785-10. Admissibility. José Antonio Cardona Márquez and family. Colombia. December 14, 2020, p. 7.

²⁰ *Ibidem.*

PART THREE: BENEFICIARIES

"The Colombian State recognizes the following persons, all of them Colombian citizens, as victims under this agreement:

Name	Relationship	Identification
Luis Eduardo Cardona Ramírez (deceased)	Father	[...]
María Otilia Márquez Arcila (deceased)	Mother	[...]
Luz Dary Martínez	Life partner	[...]
Edilson Cardona Martínez	Son	[...]
José Antonio Cardona Martínez	Son	[...]
Enid Cardona Martínez	Daughter	[...]
Jhon Jairo Martínez	Son	[...]
María Cenelia Cardona Márquez	Sister	[...]
Judas Eduardo Cardona Márquez (deceased)	Brother	[...]
Martha Adielia Cardona Márquez	Sister	[...]
José Uriel Cardona Márquez	Brother	[...]
María Delia Cardona de Claros (deceased)	Sister	[...]
Teresita Cardona de Córdoba (deceased)	Sister	[...]
Jesús Cardona Márquez	Brother	[...]
Marco Hernando Cardona Márquez	Brother	[...]

PARAGRAPH ONE: The victims recognized in this friendly settlement agreement shall benefit from it provided that they can prove, with respect to Mr. José Antonio Cardona Márquez: (i) the relationship by affinity, namely spouse or life partner, or (ii) the relationship by consanguinity.

PARAGRAPH TWO: The petitioning party declares, by signing this friendly settlement agreement, that the persons listed above are all of the family members of Mr. José Antonio Cardona Márquez who are legitimate parties to the case and interested in moving forward with this process, and that they were alive at the time of the events and are alive at the time of signing this agreement, with the exception of his parents,²¹ Luis Eduardo Cardona Ramírez and María Otilia Márquez Arcila and siblings, Judas Eduardo Cardona Márquez, María Delia Cardona de Claros, and Teresita Cardona de Córdoba."

PART FOUR: ACKNOWLEDGEMENT OF RESPONSIBILITY

"The Colombian State acknowledges its international responsibility, by omission, for the violation of the rights to a fair trial (Article 8) and to judicial protection (Article 25) established in the American Convention, in relation to the general obligation to respect rights (Article 1.1) of the same instrument, to the detriment of the family of Mr. José Antonio Cardona Márquez, due to the lack of due diligence in the investigation of the events that occurred on January 28, 1993, in the municipality of La Montaña, department of Caquetá, which prevented the clarification of the facts and the punishment of those responsible.

²¹ I/A Court H.R., *Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2013. Series C No. 270, para. 425.

The State further acknowledges that, as a result of the failures in the criminal investigation, the State has also failed in its obligation to ensure the right to humane treatment (Article 5) to the detriment of the victim's family, given that the specific circumstances surrounding the disappearance of Mr. José Antonio Cardona Márquez remain unknown to this day."

PART FIVE: MEASURES OF SATISFACTION

The parties establish that, under this Agreement, the following measures of satisfaction shall be implemented:

I. "Private ceremony to acknowledge international responsibility:

The Colombian State will hold a private ceremony to acknowledge international responsibility, with the participation of the victims and their representatives.

The event will be held in person and will be carried out in accordance with the acknowledgment of responsibility set forth in this agreement.

This measure will be the responsibility of the National Agency for Legal Defense of the State, which will undertake a consultation process with the families and their representatives to determine the details of the ceremony."

II. "Educational assistance and biannual support:

The Colombian State, through the Ministry of National Education and the Colombian Institute for Educational Credit and Technical Studies Abroad (ICETEX), or the authority it deems appropriate, will grant two (2) financial assistance packages to two (2) first- or second-degree family members of JOSE ANTONIO CARDONA MARQUEZ, to attend a technical, technological, undergraduate, or postgraduate academic program at a higher education institution in Colombia recognized by the Ministry of National Education. This may be in person, via distance learning, or online. Each financial assistance package will cover the tuition fees for the semesters of a technical, technological, university, or postgraduate level academic program, for an amount of up to eleven (11) times the current legal monthly minimum wage (SMLMV) per semester and an stipend of two (2) SMLMV per semester if the higher education institution is located in the beneficiary's municipality of residence, or four (4) SMLMV if the higher education institution is located outside the beneficiary's municipality of residence.

The assistance may be used within five (5) years from the signing of the agreement; otherwise, the State's obligation to provide it will be deemed to have been fulfilled."²²

PART SIX: GUARANTEES OF NON-REPETITION

The parties establish that, under this agreement, the following measures to guarantee non-repetition shall be taken:

I. "Publication of the Article 49 Report:

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

II. "Institutional Video:

The Colombian State will prepare an institutional video with a maximum length of one (1) hour, to be posted on the microsite for friendly settlements and compliance with recommendations of the National Agency for Legal Defense of the State. The purpose of this audiovisual content is to provide clear, accurate, and accessible information to the general public about the phenomenon of disappearances in Colombia, including enforced disappearances.

²² Official letter from the Ministry of Education, Office of Support for Higher Education Management, File No. 2024-EE-335285, 2024-11-26.

The National Agency for Legal Defense of the State will be in responsible for this measure, for which it will undertake a consultation process with the victims' families and their representatives to ensure that the content of this audiovisual piece meets their expectations."

PART SEVEN: HEALTH AND REHABILITATION MEASURES

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

Appropriate, timely, and priority treatment will be ensured for those who require it, upon request, and for as long as necessary. When providing psychological treatment and psychosocial care, each person's particular circumstances and needs should be taken into account so that they receive treatment, both family-based and individual, as agreed with each of them and following an individual assessment.

For access to comprehensive health care, beneficiaries of the measures are ensured timely and high-quality access to the necessary medications and treatments (including physical and mental health care), under the provisions governing the SGSSS, while receiving priority and differentiated care consistent with their status as victims. Comprehensive healthcare will be ensured for those residing in Colombia.

To this end, a comprehensive health management network will be guaranteed through the various PAPSIVI regional operators, victim representatives in regional entities, benefit plan administrators, and the Ministry of Health and Social Protection.

Psychosocial care will be guaranteed through the operational mechanisms defined by the Ministry of Health and Social Protection, including for those residing abroad, through virtual channels."²³

PART EIGHT: JUSTICE AND SEARCH MEASURES

"The Colombian State, via the agencies responsible for searching for missing persons, will establish a specific interinstitutional action plan for the search and investigation efforts in Case No. C-14.332, José Antonio Cardona Márquez and family, with the aim of acting in a coordinated and harmonious manner. This plan will integrate activities and timelines, as well as establish periodic working groups for follow up with victims and representatives involved in the case."²⁴

The Office of the Public Prosecutor General, through the transitional justice system and the Internal Working Group for the Search, Identification, and Return of disappeared persons ("GRUBE"), will continue the investigation with an appropriate search plan to find, identify, and return the victim's remains. This is in response to the fact that NOLBERTO UNI VEGA, a former member of the Southern Bloc of the FARC who appeared before the Justice and Peace Tribunal in connection with the events surrounding this case, is the only person who can provide information leading to the location of Mr. CARDONA MARQUEZ's remains."²⁵

The National Institute of Forensic Science and Legal Medicine shall apply national and international standards for the verification and identification of bodies that undergo forensic autopsies, using non-genetic and genetic information from Mr. JOSÉ ANTONIO CARDONA MÁRQUEZ, as progress is made in the search and recovery efforts carried out by the Office of the Public Prosecutor General and the Disappeared Persons Search Unit in the context of and due to the armed conflict."²⁶

²³ Official letter from the Ministry of Health and Social Protection, Office of Social Promotion, File No. 2024161001657501 dated November 29, 2024.

²⁴ Disappeared Persons Search Unit, Legal Advisory Office. Official letter UBPD-1-2024-018510 dated November 20, 2024, and official letter UBPD-1-2025-003491 dated March 11, 2025.

²⁵ Office of the Prosecutor General, Department of International Affairs. Official letter 20251700020001 dated February 25, 2025.

²⁶ National Institute of Forensic Science and Medicine, Forensic Services Section, Official Letter 1613SSF-2024 dated December 6, 2024, and Official Letter 0448-SSF-2025 dated March 25, 2025.

PART NINE: ECONOMIC COMPENSATION MEASURES

"The State shall apply Law 288 of 1996, with the purpose of redressing the damages that may be proven with respect to the victims recognized in part three of this friendly settlement agreement. To this end, the criteria and amounts recognized in current national case law shall be applied.

In the event that any victim has been compensated through the administrative courts and/or has received administrative reparations, the sums awarded to them will be deducted from the financial compensation granted under the procedure set forth herein in order to avoid double or excessive compensation.

Similarly, for the purpose of compensation for damages, evidence that can be assessed under the Colombian rules of procedure will be considered.

The state entity that will carry out the procedures set forth in Law 288 of 1996 shall be designated by the Committee of Ministers, appointed by that same law."

PART TEN: APPROVAL AND FOLLOW-UP

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

PART ELEVEN: CONFIDENTIALITY

"The content of this friendly settlement agreement is confidential and may not be published and/or disseminated by any means until it has been approved by the Inter-American Commission on Human Rights through the adoption of the respective report under Article 49 of the American Convention on Human Rights."

The parties, having read this agreement and understanding its scope and legal content, signed it on April 23, 2025.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

19. 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 on the basis of respect for the human rights recognized in this Convention." The agreement to carry out this procedure expresses the State's good faith in complying with the purposes and objectives of the Convention by virtue of the principle of *pacta sunt servanda*, whereby States must fulfill in good faith the obligations assumed in treaties.²⁷ It also wishes to emphasize that the friendly settlement procedure provided for in the Convention allows for the non-adversarial termination of individual cases and has proven, in cases involving various countries, to offer an important means of resolution that can be used by both parties.

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

21. In keeping with clause ten of the agreement signed between the parties, in which they requested the Commission approve the friendly settlement agreement under Article 49 of the American Convention, and in light of the parties' request of June 5, 2025, to move forward with this process, it is appropriate at this time to assess compliance with the commitments set forth in this instrument.

22. The Inter-American Commission considers that clauses one (Definitions), two (Background), three (Beneficiaries), four (Acknowledgment of Responsibility), ten (Approval and Follow-up), and eleven (Confidentiality) of the agreement are declaratory in nature and therefore do not require monitoring for compliance. In this regard, the Commission appreciates the fourth declaratory clause, in which the Colombian

²⁷ 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.*

State acknowledges its international responsibility for violating the rights to a fair trial (Article 8) and to judicial protection (Article 25) established in the ACHR, in relation to the general obligation to respect rights (Article 1.1) to the detriment of the family of Mr. José Antonio Cardona Márquez, due to the lack of diligence in the investigation of the events that occurred, which has prevented the clarification of the facts and the punishment of those responsible. It also appreciates the State's acknowledgment of its failure to ensure the right to humane treatment (Article 5) to the detriment of the victim's family.

23. With regard to paragraph I of clause five of the agreement, the parties jointly reported that the private ceremony to acknowledge international responsibility took place on April 23, 2025, at the Marriott Hotel in Bogotá. The parties provided photographs of the invitations circulated for the event, photographs of the event itself, and the agenda agreed for the event, which included an official and installation, the playing of the Colombian national anthem, the signing of the friendly settlement agreement, and speeches by representatives of the victims, the State, and the Executive Secretary of the IACHR, as well as the symbolic presentation of financial aid for education and an altarpiece to the Cardona Márquez family. To conclude the ceremony, a musical group performed a commemorative song chosen by the family to honor the memory of Mr. José Antonio Cardona Márquez.

24. Lastly, it should be noted that the Colombian State provided ongoing psychosocial support before, during, and after the event through a specialized team set up by the Unit for the Care and Comprehensive Reparation of Victims. This support was key to ensuring the conditions for the emotional support, protection, and well-being of the victim's family members, thus facilitating their participation in the event.

25. In view of the above, the Commission finds and declares that paragraph I of clause five of the agreement, concerning the holding of a private ceremony to acknowledge international responsibility, has been met with full compliance.

26. With regard to clause eight, concerning justice and search measures, the Commission takes note of the agreement between 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 evidence. In particular, the Commission notes the importance of the State continuing its search efforts so that Jose Antonio Cardona's family can access the truth, and the spirit of the friendly settlement agreement can be fulfilled. It therefore awaits progress on this component of the FSA.

27. On the other hand, with respect to section II of clause five of the agreement (educational assistance and biannual support), as well as parts six (guarantees of non-repetition), seven (health and rehabilitation measures), eight (justice and search measures), and nine (compensation measures), the Commission notes that these measures must be carried out after the publication of the report, and therefore finds and declares that they are pending compliance.

28. In light of the foregoing, the Commission finds and declares that paragraph I of clause five (private ceremony to acknowledge international responsibility) has been met with full compliance. At the same time, the Commission notes and declares that paragraph II of clause five (educational assistance and biannual support), as well as clauses six (guarantees of non-repetition), seven (health and rehabilitation measures), eight (justice and search measures), and nine (compensation measures) of the friendly settlement agreement are pending compliance.

29. Furthermore, the IACHR reiterates that the remaining parts of the friendly settlement agreement are declaratory in nature and therefore need not be monitored. Consequently, the Commission considers that the friendly settlement agreement has been partially implemented and will continue to monitor compliance of the aforementioned clauses until they are fully implemented.

IV. CONCLUSIONS

30. Based on the foregoing considerations and in keeping with the procedure set forth in Articles 48.1(f) and 49 of the American Convention, the Commission wishes to reiterate its utmost appreciation for the efforts made by the parties and its satisfaction with the achievement of a friendly settlement in this case, based on respect for human rights and compatible with the object and purpose of the American Convention.

31. Based on the considerations and conclusions set out in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement signed by the parties on April 23, 2025.
2. To declare full compliance with paragraph I of clause five (private ceremony to acknowledge international responsibility) of the friendly settlement agreement, based on the analysis contained in this report.
3. To declare that compliance is pending with respect to clause five, paragraph II (educational assistance and biannual support); clause six (guarantees of non-repetition); clause seven (health and rehabilitation measures); clause eight (justice and search measures); and clause nine (compensation measures) of the friendly settlement agreement, based on the analysis contained in this report.
4. Continue to monitor the commitments undertaken in paragraph II of the fifth clause (educational assistance and biannual support), as well as clauses six (guarantees of non-repetition); clause seven (health and rehabilitation measures); clause eight (justice and search measures); and clause nine (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report. To that end, to remind the parties of their commitment to keep the IACHR regularly informed regarding compliance.
5. 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 14th day of the month of October, 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Arif Bulkan, Second Vice President; Gloria Monique de Mees, Roberta Clarke, and Edgar Stuardo Ralón Orellana, Commissioners.