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## **REPORT No. 195/25**

### **CASE 14.939**

#### **REPORT ON FRIENDLY SETTLEMENT**

EDGARDO SURMAY SOTO, LEANDRO JOSÉ SURMAY TERÁN,  
AND RELATIVES  
COLOMBIA

Approved electronically by the Commission on October 14, 2025.

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**REPORT No. 195/25**  
**CASE 14.939**  
**FRIENDLY SETTLEMENT**  
**EDGARDO SURMAY SOTO, LEANDRO JOSÉ SURMAY TERÁN,**  
**AND RELATIVES**  
**COLOMBIA<sup>1</sup>**  
**OCTOBER 14, 2025**

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

1. On June 22, 2011, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition submitted by Mr. R.R.G.,<sup>2</sup> (hereinafter “the petitioner” or “the petitioning party”) alleging international responsibility on the part of the Republic of Colombia (hereinafter the “State,” “Colombian State,” or “Colombia”) for violating the human rights contemplated in Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (a fair trial), 11 (privacy), 19 (rights of the child), 24 (equal protection), and 25 (judicial protection) of the American Convention on Human Rights (hereinafter the “Convention” or “American Convention”), in connection with Article 1.1 thereof (obligation to respect rights) for the murder of Mr. Edgardo Surmay Soto, the subsequent kidnapping and disappearance of his son, Leandro José Surmay Terán, the failure to investigate the facts, as well as the displacement of Mrs. María Terán España, wife and mother of the aforementioned victims, along with her mother and three sons (hereinafter the “alleged victims”).

2. On March 8, 2022, the Commission issued Admissibility Report No. 32/22, in which it declared the petition to be admissible and affirmed its jurisdiction to hear the claim submitted by the petitioner regarding the alleged violation of the rights contained in Articles 4 (life), 5 (humane treatment), 8 (right to a fair trial), 19 (rights of the child), and 25 (judicial protection) of the American Convention, in connection with Article 1.1 thereof (obligation to respect rights).

3. On May 20, 2024, the parties signed a memorandum of understanding to pursue a friendly settlement in the instant case, along 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 materialized with its signature on April 23, 2025 in the city of Bogota, Colombia. Later, on May 21, 2025, the parties submitted to the IACHR a joint note reporting on a private event acknowledging international responsibility and requesting approval of the FSA.

4. This friendly settlement agreement, as established in Article 49 of the Convention and Article 40.5 of the Commission’s Rules of Procedure, provides a summary of the facts alleged by the petitioner and transcribes the friendly settlement agreement signed on April 23, 2025, between the parties, i.e., the petitioner and the Colombian State. In addition, the agreement signed between the parties is approved and provision is made for the publication of this report in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

**II. THE FACTS ALLEGED**

5. As alleged by the petitioner, on November 4, 1990, Mr. Edgardo Surmay Soto was murdered with a firearm on the streets of the municipality of Nueva Granada, Magdalena, an area under the influence of members of the self-defense forces known as “Los Chepes,” led by Mr. José María Barrera Ortiz, alias “Chepe Barrera” or “Don Chepe.” Mr. Surmay Soto, who was a member of the National Police, had sought voluntary retirement in order to dedicate himself to raising livestock, for which reason he was recognized in the Ariguaní region and its surroundings. Following the murder, Mrs. María Terán España, her mother and three children were forced to move to the city of Barranquilla due to fear regarding their safety.

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

<sup>2</sup> The petitioner requested that his identity be withheld, as provided under the IACHR Rules of Procedure.

6. The petitioner reported that after the investigations in the case had been initiated, the alleged victims had submitted various rights to petition, which were resolved by the Magdalena Police, the Director of Prosecutions of Santa Marta, and the Sectional Prosecutor's Office of Plato, indicating that there was no investigation or record of the proceedings because the respective file had been burned in an uprising in the municipality of Plato, Magdalena. The petitioner also argued that it was the State's duty to reconstruct the file, as the murder of Mr. Surmay Soto continued to go completely unpunished, in that no one had been convicted for the events, and the family had been denied the rights to truth, justice, and reparations for the damage caused. In addition, the petitioner pointed out that at the time of the events, criminal legislation prescribed a sentence of 20 years for the crime of murder, so that as of the date the petition was filed with the IACHR the crime was no longer subject to prosecution.

7. On March 30, 1992, the youngster Leandro José Surmay Terán, who was fourteen at the time and the son of Mr. Edgardo Surmay Soto, had been kidnapped by persons unknown while on his way to school. This was reported to the competent authorities, and the investigation was initiated by the Anti-Extortion and Kidnapping Unit (*Unidad Antiextorsión y Secuestro* - UNASE) made up of the Administrative Department of Security (DAS), the National Police, the Office of the Attorney General, and the National Army. The petition maintained that a prior investigation had been advanced under file No. 2463 for the crime of kidnapping for ransom, and under a resolution of June 23, 1996, the Sixth Specialized Prosecutor's Office of Barranquilla had squelched the opening of an investigation and ordered archiving of the earlier proceeding, without notifying the family. The petitioner also emphasized that another earlier investigation had been opened with the number 308.998, and had been archived, without the petitioner having been notified to confirm the complaint regarding the kidnapping and forced disappearance. The investigation had advanced an inquiry conducted by the Technical Investigations Unit (CTI) of the Prosecutor's Office, wherein the prosecutor in the case indicated that the investigators did not submit the report in the case, which would provide evidence of negligence. Finally, the petitioner reported that under a resolution dated May 24, 2011, Prosecutor's Office 42 of the Barranquilla Life Unit had suppressed further investigation of the facts.

8. The petitioner alleged that, to date, none of the competent authorities – the Barranquilla Life Unit, the Atlántico DAS, or the Atlántico Regional Prosecutor's Office – had been able to obtain information on the whereabouts of the child Leandro José Surmay Terán, nor on the perpetrators or masterminds of the events. The petitioner indicated that Mrs. María Terán España, his mother, and Mrs. Tulia Cristina Surmay Terán, his sister, submitted several rights to petition with the FGN, DAS, the Criminal Investigations Section of the National Police, and the Office of the Attorney General. Nonetheless, these entities had not provided concrete or satisfactory responses to the relatives of the alleged victims.

9. The petitioner emphasized that Mrs. María Terán España and Mrs. Tulia Cristina Surmay Terán had been recognized as victims of the armed conflict in the context of Law 1448 of 2011 (whereby measures regarding care, assistance, and comprehensive reparation for the victims of the internal armed conflict are issued in addition to other provisions), and by the Unit for the Care and Integral Reparation of Victims [*UARIV in Spanish*]. As a result, an investigation was initiated before Justice and Peace Office 11 of the Court of Barranquilla. Specifically, under files No. 237841 and No. 259830, Mrs. Terán España and Mrs. Surmay Terán had been accepted as victims of the internal armed conflict in relation to the murder of Mr. Edgardo Surmay Soto, and the kidnapping and disappearance of the child Leandro José Surmay Terán. Finally, they had been awarded 40 current legal minimum salaries as reparations for the murder of Mr. Surmay Soto.

10. The petitioning party added that, pursuant to the protection ruling handed down on March 28, 2014 by the First Civil Court of the Santa Marta Circuit, the rights of Mrs. Surmay Terán to petition, to due administrative process, and to equality were affirmed because the UARIV was ordered, within a period of 30 days, to resolve the request for administrative reparation for the events related to the murder of Mr. Surmay Soto and the kidnapping and disappearance of her son. Furthermore, the judgment also ordered the Justice and Peace Unit, North Region, to inform Mrs. Surmay Terán of the progress made in the investigation to identify the group responsible for the kidnapping and disappearance of the minor child.

11. The petitioner concluded that more than 20 years have passed since the occurrence of the serious events denounced and to date there is no information regarding those responsible. This situation of impunity has affected the physical, moral, and psychological health of Mrs. María Terán España and her family unit, as reported by the petitioning party.

### III. FRIENDLY SETTLEMENT

12. On April 23, 2025, the parties held a working meeting in the city of Bogotá, Colombia, facilitated by the Commission, during which they signed a friendly settlement agreement, the text of which establishes as follows:

#### FRIENDLY SETTLEMENT AGREEMENT CASE No. 14.939, EDGARDO SURMAY SOTO, LEANDRO JOSÉ SURMAY TERÁN, AND RELATIVES

On April 23, 2025 there was a meeting attended, for the first part, by **Yebrail Haddad Linero**, Director of International Legal Defense of the State National Legal Defense Agency, who in accordance with the paragraph of Article 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, is acting in the name of and representing the Colombian State, hereinafter the “Colombian State,” and for the second part, by **R.R.G.**, who is acting in representation of the victims, hereinafter the “Petitioner,” who are jointly called “the Parties,” and who have decided to sign this Friendly Settlement Agreement within the context of **Case No. 14.939, Edgardo Surmay Soto, Leandro José Surmay Terán, and Relatives**, 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:** Injurious effects of the facts in the case that are not financial or property-related, which are manifested through the pain, affliction, sadness, grief, and anxiety of the victims.

**Material damages:** Entail loss of or detriment to the victim’s income, expenses incurred because of the facts, and pecuniary consequences that have a causal nexus with the facts in the case.

**Non-pecuniary damages:** Include both the suffering and the distress caused to the victims, the impairment of values that are very significant to individuals, as well as non-pecuniary changes in the living conditions of the victim or their family.<sup>3</sup>

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

**The Petitioner:** R.R.G.

**Parties:** The Colombian State and the Petitioner.

**Measures of satisfaction:** Non-pecuniary measures the purpose of which is the victims’ recovery from the harm caused to them.

**Acknowledgement of responsibility:** Admission of the facts and the human rights violations attributed to the State.

**Comprehensive reparation:** All those measures that objectively and symbolically restore the victim to the state they were in before the harm was done.

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

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

**Victims:** The relatives of Edgardo Surmay Soto and Leandro José Surmay Terán, as indicated in the third part of this Friendly Settlement Agreement.

## PART TWO: BACKGROUND

1. On June 22, 2011, a petition was filed with the Inter-American Commission against the Colombian State, denouncing the murder of Mr. Edgardo Surmay Soto in the year 1990 and the subsequent kidnapping and disappearance of the youth Leandro José Surmay Terán in 1992, presumably at the hands of an outlaw group. The petition also alleged the State's failure to investigate these facts and the displacement of Mrs. María Terán España, the wife of Mr. Edgardo Surmay Soto and mother of Leandro José Surmay Terán, along with other members of the family group.<sup>4</sup>

2. The initial petition states that on November 4, 1990, Mr. Edgardo Surmay Soto was murdered on a road in the Municipality of Granada, Magdalena, an area under the influence of members of self-defense forces known as "Los Chepes" led by Mr. José María Barrera Ortiz alias "Chepe Barrera" or "Don Chepe." Mr. Surmay Soto had served as a member of the National Police. However, he requested voluntary retirement in order to dedicate himself to raising livestock and succeeded in being recognized in the Ariguaní region and its surroundings. After he was murdered, Mrs. María Terán España with her mother and three sons had to move to the city of Barranquilla due to fears for their safety.<sup>5</sup>

3. According to the petitioner, sometime after the investigations in the case began, the victims submitted various rights to petition that were resolved by the Magdalena Police, the Sectional Prosecutor's Office of Magdalena, and the Sectional Prosecutor's Office of Plato. These entities indicated that there was no investigation or proceeding under way regarding the events that occurred, because the respective file had been burned in an uprising in the municipality of Plato, Magdalena.<sup>6</sup>

4. The petitioner argues that the State had the duty to reconstruct the file and alleges that the murder of Mr. Edgardo Surmay Soto has gone totally unpunished, in that no one has been convicted for what happened. Thus, the family's rights to truth, justice, and reparations are being violated.<sup>7</sup>

5. On March 30, 1992, the youngster Leandro José Surmay Terán, aged 14 and the son of Mr. Edgardo Surmay Soto, was kidnapped by unidentified persons while on his way to school and to date his whereabouts are unknown.

6. His relatives reported the event to the competent authorities. Thus, the Prosecutor's Unit of the Municipality of Plato, Magdalena initiated the investigation under file No. 2463, which was reportedly archived on July 23, 1996 by the Sixth Specialized Prosecutor of Barranquilla.<sup>8</sup>

7. In the year 2021, the Office of the Attorney General indicated that it had no record of proceedings to exhume, examine, identify, or deliver the teenager Leandro José Surmay Terán, nor any information regarding the possible location of the victim. In addition, it reported that there was no report in the Network of Disappeared Persons and Cadavers Information System (SIRDEC).<sup>9</sup>

8. Currently, Specialized Office 5 attached to the Sectional Directorate of Magdalena is investigating the murder of Mr. Edgardo Surmay Soto and Prosecutor's Office 42 attached to the Sectional Directorate of Barranquilla is investigating the forced disappearance of the youth Leandro José Surmay Terán.<sup>10</sup>

<sup>4</sup> IACHR, Report No. 32/22, Petition 871-11, Admissibility, Edgardo Surmay Soto, Leandro José Surmay Terán and Relatives, Colombia, March 8, 2022, para. 1.

<sup>5</sup> *Ibid.*, para. 2.

<sup>6</sup> *Ibid.*, para. 3.

<sup>7</sup> Office of the Attorney General. Document file No. 20171700088211 of November 23, 2014.

<sup>8</sup> *Ibid.*

<sup>9</sup> Office of the Attorney General. Document file No. 20211700024011 of April 12, 2021.

<sup>10</sup> *Ibid.*

9. Within the framework of Law 1448 of 2011, the relatives of the victims approached the Unit for Comprehensive Care and Reparations for Victims seeking recognition as victims of the internal armed conflict due to the murder of Mr. Edgardo Surmay Soto and the kidnapping and disappearance of the young Leandro José Surmay Terán. As a result of this recognition, an investigation was initiated by Justice and Peace Office 11 of the Court of Barranquilla.<sup>11</sup>

10. In this context, Mrs. María Terán España and Mrs. Tulia Cristina Surmay Terán were recognized as victims due to the murder of Mr. Edgardo Surmay Soto and received reparations amounting to forty (40) current legal minimum salaries. Nonetheless, the Office did not issue any ruling on the kidnapping and disappearance of the boy Surmay Terán and thus his relatives did not receive any indemnity relating to those events.<sup>12</sup>

11. In view of the information presented and the nature of the matter, the Inter-American Commission, in Admissibility Report No. 32/22 dated March 8, 2022, declared the petition admissible in relation to the rights recognized in Articles 4 (right to life), 5 (humane treatment), 8 (right to a fair trial), 19 (rights of the child), and 25 (judicial protection) of the American Convention, in connection with Article 1.1 of the same instrument.

12. On May 20, 2024, in the context of the process before the IACHR, the Colombian State and the petitioner signed a Memorandum of Understanding to seek a Friendly Settlement Agreement, which was reported to the Inter-American Commission on June 5, 2024.

13. On November 25, 2024, the petitioner presented before the State National Legal Defense Agency its proposal on comprehensive reparations. Once the proposal on comprehensive reparations was received and analyzed, an inter-institutional dialogue was undertaken to agree on the reparations measures to be included in the Friendly Settlement Agreement being signed today, pursuant to the clauses indicated below:

### PART THREE: BENEFICIARIES

“The Colombian State recognizes all the following Colombian citizens as victims in this agreement:

RELATIVES OF EDGARDO SURMAY SOTO		
Name	Document	Kinship
María Terán España	[...]	Wife
Sixta España Díaz (R.I.P.) <sup>13</sup>	[...]	Mother-in-Law
Leonor María Surmay Terán	[...]	Daughter
Tulia Cristina Surmay Terán	[...]	Daughter
Hilsy Janeth Surmay Zabaleta	[...]	Daughter
Jorge Luis Surmay Salina	[...]	Son
Carmen María Surmay Gamarra	[...]	Daughter
Concepción Guadalupe Terán España	[...]	Sister-in-Law
Ramón Terán España	[...]	Son-in-Law
José Manuel Terán España	[...]	Son-in-Law

<sup>11</sup> *Ibid.*

<sup>12</sup> IACHR, Report No. 32/22, Petition 871-11, Admissibility, Edgardo Surmay Soto, Leandro José Surmay Terán and relatives, Colombia, March 8, 2022, para. 7.

<sup>13</sup> In which case, the amounts to be recognized as economic compensation in the context of Law 288 of 1996 will be awarded to their testators in accordance with the rules of inheritance presented for the purpose.

Luis Armando Terán España	[...]	Son-in-Law
Nelson de Jesús Ibáñez Torres	[...]	Son-in-Law
Reinaldo Ramírez Gutiérrez	[...]	Son-in-Law

RELATIVES OF LEANDRO JOSÉ SURMAY TERÁN		
Name	Document	Kinship
María Terán España	[...]	Mother
Sixta España Díaz (R.I.P.) <sup>14</sup>	[...]	Grandmother
Leonor María Surmay Terán	[...]	Sister
Tulia Cristina Surmay Terán	[...]	Sister
Hilsy Janeth Surmay Zabaleta	[...]	Sister
Jorge Luis Surmay Salina	[...]	Brother
Carmen María Surmay Gamarra	[...]	Sister
Concepción Guadalupe Terán España	[...]	Aunt
Ramón Terán España	[...]	Uncle
José Manuel Terán España	[...]	Uncle
Luis Armando Terán España	[...]	Uncle
Nelson de Jesús Ibáñez Torres	[...]	Brother-in-Law
Reinaldo Ramírez Gutiérrez	[...]	Brother-in-Law

**PARAGRAPH ONE:** By signing this Friendly Settlement Agreement the petitioner declares that the individuals indicated above represent all the relatives of Mr. Edgardo Surmay Soto and the youngster Leandro José Surmay Terán, with legitimized status in the case and interest in moving this process forward, and that they were living when the events occurred.<sup>15</sup> In that sense, no other victims shall be included after the Friendly Settlement Agreement has been signed.

**PARAGRAPH TWO:** The victims recognized in this Friendly Settlement Agreement shall benefit provided that they establish with respect to Mr. Edgardo Surmay Soto and the boy Leandro José Surmay Terán: (i) their kinship ties; or (ii) their ties as blood relatives.”

#### PART FOUR: ACKNOWLEDGMENT OF RESPONSIBILITY

“The Colombian State acknowledges its international responsibility for violating the right to a fair trial (Article 8.1) and the right to judicial protection (Article 25.1) established in the ACHR, in connection with the general obligation to respect rights (Article 1.1 of the same instrument) to the detriment of the relatives of Mr. Edgardo Surmay Soto and the teenager Leandro José Surmay Terán, for the lack of due diligence in investigating the events that occurred, which has impeded the ability to clarify the facts and to punish those responsible, and has caused the victims suffering and anguish.

<sup>14</sup> In which case, the amounts to be recognized as economic compensation within the framework of Law 288 of 1996, will be awarded in accordance with the rules of inheritance presented for the purpose.

<sup>15</sup> I/A Court H.R. Case of the Afro-descendant Communities Displaced from the Basin of the Cacarica River (Operation Genesis) v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2023. Series C No. 270, para. 425.



The State also recognizes that as a consequence of failures in the criminal investigation the State has also failed in its obligation to guarantee the rights to life (Article 4) and humane treatment (Article 5) to the detriment of the victims.

Finally, given that the boy Leandro José Surmay Terán was aged 14 on the date of his disappearance, the Colombian States acknowledges its international responsibility for violating Article 19 (rights of the child) of the American Convention in connection with Article 1.1 (obligation to respect rights) of the same instrument.”

## **PART FIVE: MEASURES OF SATISFACTION**

The parties establish that, within the framework of this agreement, the following measures of satisfaction shall be performed:

### **I. “Private Act of Acknowledging International Responsibility:**

The Colombian State shall conduct a Private Event Acknowledging International Responsibility with the participation of the relatives and representative of Mr. Edgardo Surmay Soto and the youth Leandro José Surmay Terán. The event shall be conducted in accordance with the acknowledgement of responsibility indicated in this agreement. The National Agency for the Legal Defense of the State shall be in charge of this measure.”

### **II. “Grant of Educational Economic Assistance**

The Colombian State, through the Ministry of National Education and the Colombian Institute for Educational Credit and Technical Studies Abroad (*Instituto Colombiano de Crédito Educativo y Estudios Técnicos en el Exterior* – ICETEX), or the authority they deem fit, shall grant (1) educational economic assistance to Reinaldo Ramírez Gutiérrez, who shall receive financing for a technical, professional, university or post-graduate level academic program in an institution of higher learning in Colombia recognized by the Ministry of National Education, on-site, remotely, or virtually, where the economic assistance shall cover registration for the semesters of a technical, professional, technological, university, or post-graduate program, in a biannual amount of up to eleven (11) times the minimum monthly legal wage in force (SMLMV) and a biannual maintenance stipend of two (2) times the SMLMV if the institution of higher learning is in the municipality where the beneficiary resides, or four (4) times the SMLMV if the institution of higher learning is outside the municipality where the beneficiary resides.

The assistance may be used within five (5) years following the signing of this agreement; otherwise, the State’s management thereof shall be declared fulfilled.”<sup>16</sup>

## **PART SIX: GRANT OF COMPREHENSIVE MEDICAL COVERAGE AND PSYCHOLOGICAL REHABILITATION TREATMENTS**

“The Ministry of Health and Social Protection shall implement health rehabilitation measures consisting of medical, psychological, and psychosocial care through the General Social Security System for Health (*Sistema General de Seguridad Social en Salud* - SGSSS) and the Psychosocial and Comprehensive Health Care Program for the Victims (*Programa de Atención Psicosocial y Salud Integral para las Víctimas* - PAPSIVI).

Appropriate, timely, and priority treatment shall be guaranteed to the relatives who require it, with prior demonstration of their desire, and for the time that may be necessary. When providing psychosocial treatment and providing psychosocial care, consideration must be given to the specific circumstances and needs of each person, so as to provide them with family-based or individual treatments as agreed upon with each of them following an individual evaluation.

For purposes of accessing comprehensive health care, access is guaranteed under the conditions of timeliness and quality to the medications and treatments required (including physical and mental health) for the relatives who are beneficiaries of the measures, in accordance with the provisions governing the SGSSS, when they shall have priority and differentiated treatment by virtue of their status as victims. Comprehensive health care shall be guaranteed for persons residing in national territory.

<sup>16</sup> Ministry of National Education. Official document File No. 2024-EE-365563 dated December 26, 2024.



For the above, a comprehensive health management channel shall be guaranteed through the various national operators of the PAPSIVI, for the victims' referrals in the territorial entities and the Entities Administering Benefits Plans and the Ministry of Health and Social Protection.

Psychosocial care shall be guaranteed through the operating mechanisms defined by the Ministry of Health and Social Protection, including coverage for those relatives residing abroad, through virtual channels."<sup>17</sup>

#### **PART SEVEN: SEARCH MEASURES**

"The Colombian State, through the entities competent in searching for persons deemed disappeared, for the purpose of acting in coordinated and harmonious fashion and joining forces, shall establish a Specific Inter-Institutional Action Plan for searches and investigation measures for Case No. 14.939, Edgardo Surmay Soto, Leandro José Surmay Terán, and Relatives. It should be emphasized that the aforementioned plan shall incorporate activities and execution times and shall also establish periodic follow-up working groups.

Each year and for the purpose of reporting progress made to the Inter-American Commission on Human Rights, the competent entities shall hold a meeting with the victims and/or their representatives for the purpose evaluation the search actions undertaken and, if such is the case, to jointly seeking cessation of follow-up before the Inter-American Commission.

The Unit for the Search of Persons Deemed Disappeared shall follow the case within the framework of its constitutional and legal mandate and in accordance with its mission and substantive competence."<sup>18</sup>

#### **PART EIGHT: GUARANTEE OF NON-REPETITION**

"The Office of the Attorney General through the Directorate of Higher Studies shall design and implement the 2025 Institutional Instruction and Training Plan (*Plan Institucional de Formación y Capacitación* - PIFC) for a course called "Handling and preservation of judicial records," the purpose of which shall be to train the prosecutors and assistant prosecutors of Plato - Magdalena and Barranquilla - Atlántico on the handling, protection, and preservation of judicial records, archival law, and historical documents."<sup>19</sup>

#### **PART NINE: MEASURES OF COMPENSATION**

"The State shall enforce Law 288 of 1996, for the purpose of repairing the damages that may come to be proven in favor of the victims recognized in this friendly settlement agreement. For this purpose, it shall act in accordance with the criteria and amounts recognized by current national jurisprudence.

In the event that any victim has been indemnified under the jurisdiction of the administrative dispute courts and/or has been the beneficiary of administrative reparations, the amounts that have been recognized for them shall be deducted from the monetary indemnification granted pursuant to the procedure provided therein, so as to avoid the phenomenon of double or excessive indemnification.

In addition, for the purposes of the indemnification of damages, the evidence that shall be considered will be those that can be evaluated in accordance with Colombian procedural standards.

The State entity that shall advance the procedure under Law 288 of 1996 shall be that designated by the Committee of Ministers created by that same law."

#### **PART TEN: APPROVAL AND FOLLOW-UP**

"The parties ask the Inter-American Commission to approve this agreement and its follow-up."

<sup>17</sup> Ministry of Health and Social Protection. Official letter File No. 2024161001794811 of December 18, 2024.

<sup>18</sup> Unit for the Search of Persons Deemed Disappeared. E-mail of April 4, 2025.

<sup>19</sup> Office of the Attorney General. Official letter File No. 20251700028451 of March 19, 2025.

## PART ELEVEN: CONFIDENTIALITY

“The content of this Friendly Settlement Agreement is confidential and may not be published and/or distributed by any media until it is approved by the Inter-American Commission on Human Rights, through issuance of the report indicated in Article 49 of the American Convention on Human Rights.”

Having been read and the parties being informed of the scope and legal content thereof, this agreement is signed on April 23, 2025.

## IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

13. 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.” Agreeing to pursue this process expresses the good faith of the State in complying with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, whereby States must comply in good faith with the obligations assumed in treaties.<sup>20</sup> It also wishes to emphasize that the friendly settlement procedure contemplated in the Convention allows individual cases to be concluded in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that may be used by both parties.

14. The Inter-American Commission has closely followed the progress of the friendly settlement achieved in this case and values the efforts made by both parties during the negotiation of the agreement to achieve this friendly settlement, which is compatible with the object and purpose of the Convention.

15. In accordance with the provisions of Clause 10 of the agreement signed between the parties, whereby they asked the Commission to approve the friendly settlement agreement pursuant to Article 49 of the American Convention, and taking into account the parties’ request on May 21, 2025 to move forward in this regard, it is appropriate at this time to assess compliance with the commitments set forth in this instrument.

16. 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 declarative in nature and thus do not require supervision of compliance. In this regard, the Commission appreciates declarative clause four, in which the Colombian State acknowledges its international responsibility for violating the rights to a fair trial (Article 8.1) and to judicial protection (Article 25.1) established in the ACHR, in connection with the general obligation to guarantee rights (Article 1.1 of the same instrument) to the detriment of the relatives of Mr. Edgardo Surmay Soto and the boy Leandro José Surmay Terán, due to the lack of diligence in the investigation of the events that occurred, which has impeded their clarification and the punishment of those responsible, and has produced situations of suffering and anguish for the victims. It also appreciates the State’s acknowledgment through omission of its violation of the rights to life (Article 4) and humane treatment (Article 5) to the detriment of the victims. Finally, it salutes the fact that the State has acknowledged its international responsibility for violating Article 19 (rights of the child) of the American Convention in connection with Article 1.1 (obligation to respect rights) of the same instrument, to the detriment of the child Leandro José Surmay Terán.

17. With respect to paragraph I of Clause Five of the agreement, on the private event acknowledging international responsibility, as reported by the parties in their joint note, the event took place on April 23, 2025, at the Marriott Hotel in the city of Bogota. The parties provided copy of the invitations sent for that event, photographs of the event itself, and the agenda designed for it, which included an opening and installation, projection of the national anthem of Colombia, the signing of the friendly settlement agreement, the participation of the victims’ representative, the State, and the Executive Secretary of the IACHR. To conclude the event, a musical piece chosen by the relatives was played and a tableau with photos of the family was presented to the victims’ representative.

<sup>20</sup> 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 and must be performed by them in good faith.*

18. The State was represented at the event by the Director of International Legal Defense of the National Agency for the Legal Defense of the State, who acknowledged the international responsibility of the Colombian State under the terms established in the friendly settlement agreement and stated as follows:

[...]

The occurrences that bring us together are profoundly painful to us and should impel us to continue building a country based on peace and reconciliation. We are here today to remember and dignify the memory of Mr. Edgardo Surmay Soto, murdered under atrocious circumstances, and to reiterate our commitment to seek truth and justice for the disappearance of his son, Leandro José Surmay Terán, a young boy just fourteen years old. [...]

To their loved ones, I want to express my most profound solidarity and respect. Their strength, resilience, and unconditional love have kept alive the memory of Edgardo Surmay, and his legacy will survive in each of them. You have made strides in a tireless fight to search for Leandro José Surmay and, thanks to your persistence, significant progress has been made, such as the signing of the friendly settlement agreement and this event acknowledging international responsibility. [...]

In the name of the Colombian State, I extend my most sincere apologies. These events should never have happened, and it is our responsibility to guarantee that they are not repeated. Our commitment involves solidarity with all the victims, particularly those who have sought justice and reparations through institutions. It is you who are teaching us that, despite the pain, it is possible to move forward.

Therefore, in the name of the Colombian State, I recognize its international responsibility for violating the rights to a fair trial and judicial protection, recognized in Articles 8 and 25 of the American Convention on Human Rights, in connection with the general obligation to respect rights established in Article 1.1. of the same instrument, to the detriment of the relatives of Mr. Edgardo Surmay Soto and the boy Leandro José Surmay Terán, due to the lack of diligence in investigating the events that occurred, which has impeded their clarification and the punishment of those responsible, and have generated situations of suffering, harm, pain, and anguish among their relatives.

The State also acknowledges that, as a consequence of the failures in the criminal investigation, there is an omission in the State's obligation to guarantee the rights to life and humane treatment established in Articles 4 and 5 of the American Convention, to the detriment of the victims.

Given that as of the date of his disappearance the youngster Leandro José Surmay Terán was only fourteen, the Colombian State acknowledges its international responsibility for violating the rights of the child, as provided in Article 19 of the American Convention, in connection with the general obligation to guarantee rights provided in Article 1.1 of the same instrument.

His age accentuated the strengthened obligation that the State had to guarantee his safety, his well-being, and his comprehensive development. His disappearance represents a painful wound and a direct affront to the dignity of all boys, girls, and youths in the country. The protection of their rights cannot be a promise for the future; it must be a priority in the present.

Although I am convinced that these words do not completely relieve your hearts, I hope that they will be one step more in this process of forgiveness that has been under construction. My invitation is to continue on this path together. I wish to express my admiration because you have demonstrated that, with tenacity, union, and strength, it is possible to cope with the sadness, frustration, and despair.

[...]

19. On the other hand, the Executive Secretary of the IACHR oversaw the closing of this event, recognizing the efforts made by the parties to reach this friendly settlement agreement and reiterating the Commission's commitment to follow up the agreement until fully achieving its implementation. In this regard, she stated:

[...]

It is never enough to think that there is armed conflict and that someone will probably never be seen again. Because mourning the disappearance (...) is unending. It is mourning accompanied by pain but also by the hope of seeing the loved one again. Because maybe he arrives for a birthday, or appears one morning, or comes to a family holiday. [...]

We are aware of the Colombian State's efforts to address the suffering, to redirect the suffering and transform it in memory, in truth, and in justice and, in some way, to create with this suffering an institutional path, through the signing of this friendly settlement agreement and the acknowledgement of international responsibility.

And this acknowledgement represents a milestone in justice, not just for the family of Mr. Edgardo Surmay Soto, but above all because it is a moment of hope that a culture of human rights will be consolidated in this country as well as a strong and collective desire than no one will ever again suffer what happened to Edgardo, or what happened to Leandro, or what happened to the family.

The friendly settlement mechanism of the Inter-American Commission is a very powerful tool that is supported by conversation, much dialogue, and confidence (...), thanks to trusting in the State.

[...].

20. Finally, it should be emphasized that the Colombian State provided continuous psychosocial support before, during, and after the event, through a specialized team provided by the Unit for Care and Comprehensive Reparation of the Victims. This support was fundamental to guaranteeing conditions of emotional support, protection, and well-being for the relatives, thus facilitating their participation in the development of the agreement.

21. Based on the above, the Commission deems that paragraph I of Clause Five of the agreement, on holding a private event acknowledging international responsibility is totally fulfilled and declares to that effect.

22. On the other hand, regarding paragraph II of clause five (granting educational financial assistance), as well as parts six (granting comprehensive medical coverage and psychological rehabilitation treatments), seven (search measures), eight (guarantees of non-repetition), and nine (measures of compensation), the Commission notes that those measures should be carried out after publication of the report, so they are considered pending compliance and declares to that effect. Therefore, the Commission would wait for the updated information submitted by the parties in the framework of the amicable solution follow-up stage.

23. In particular, the Commission notes the importance of the State continuing its efforts to search for, investigate, and sanction those responsible for the events of this case, so that the victims' relatives may access justice, and the spirit of the friendly settlement agreement may be fulfilled. Accordingly, the Commission awaits progress in this aspect of the agreement.

24. In light of what has been presented above, the Commission understands that paragraph I of clause five (private event acknowledging international responsibility) has been totally fulfilled and declares to that effect. At the same time, the Commission notes that paragraph II of clause five (granting educational financial assistance), as well as clauses six (granting of comprehensive medical coverage and psychological rehabilitation treatments), seven (search measures), eight (guarantees of non-repetition), and nine (measures of compensation) of the friendly settlement agreement are pending compliance and declares to that effect.

25. For the rest, the IACHR reiterates that the remaining content of the friendly settlement agreement is declarative in nature, so that no supervision is required. Consequently, the Commission understands that the friendly settlement agreement has a partial level of implementation and will continue supervising implementation of the clauses mentioned above until they are fully implemented.

## **V. CONCLUSIONS**

26. Based on the foregoing considerations and pursuant to the procedure provided in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its profound appreciation for the efforts made by the parties and its satisfaction that a friendly settlement has been reached in this case, based on respect for human rights and consistent with the object and purpose of the American Convention.

27. Based on the reasons and conclusions presented 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 event acknowledging international responsibility) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare pending compliance paragraph II of clauses five (granting educational financial assistance), six (granting comprehensive medical coverage and psychological rehabilitation treatments), seven (search measures), eight (guarantees of non-repetition), and nine (measures of compensation), according to the analysis contained in this report.
4. 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 14<sup>th</sup> 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.