

TECHNICAL INFORMATION SHEET
CASE 13.370 LUIS HORACIO PATIÑO AND FAMILY
FRIENDLY SETTLEMENT REPORT [No. 80/20](#)
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim(s): Luis Horacio Patiño Agudelo and family

Petitioner(s): Libardo Preciado Camargo and Libardo Preciado Niño

State Colombia

Beginning of the negotiations date: September 3, 2019

FSA signature date: December 3, 2019

Friendly Settlement Agreement Report No. [80/20](#), published on May 8, 2020

Estimated length of the negotiation phase: 8 months

Related Rapporteurship (s): Rapporteurship on the Rights of Persons Deprived of Liberty

Topics: Detention conditions/ Right to life/ Judicial guarantees/ Investigation and due diligence/ Judicial protection/ Security and violence/ Torture, cruel, inhuman, or degrading treatment or punishment/ Excessive use of force/ police violence

Facts: On March 7, 2007, the IACHR received a petition in which the petitioning party alleged that, on October 1, 1992, Mr. Luis Horacio Patiño had been convicted of murder and sentenced to 13 years and 4 months imprisonment in the "El Barne" National Penitentiary in the Municipality of Combita, Boyacá, which he had entered in good health on July 6, 1993. The petitioning party described how, due to disputes with guards at the prison, the alleged victim had been placed as a punishment in a solitary confinement cell on January 17, 1996. The petitioning party alleged that while he was undergoing that punishment, that same night continuous cries of pain could be heard coming from his cell, which had prompted other inmates to ask the prison guards to help, to no avail. On January 18, 1996, the alleged victim was found dead in his cell with internal signs (*signos internos*) of violence. According to the petitioning party's allegations, the forensic autopsy had determined the cause of death to have been endocranial hypertension following a blunt force brain trauma, for which reason the petitioners argued that the injuries had probably resulted from a beating meted out to him in his punishment cell by prison guards. The petitioners added that family members of the alleged victim had filed a suit for direct reparation that had been rejected on February 14, 2005 by the Administrative Tribunal of Boyacá, on the grounds that, even though there had been a flaw in the prison surveillance system that would make the State liable to make reparation, those claiming it had not accredited a family relationship to the alleged victim. Against that ruling, the petitioners had allegedly filed an appeal, arguing that the judiciary had failed to ask for additional proof, if they had had any doubt as to kinship. Those challenges were reportedly dismissed by the Council of State on November 4, 2005. Finally, the petitioners stated that, faced with that decision, they had filed an appeal for its reversal (*recurso de súplica*), which, they said, was rejected by the Council of State in a resolution handed down on March 16, 2006, and notified to the petitioners on September 8, 2006.

Rights declared admissible: The IACHR declared the petition admissible in Admissibility Report [No. 106/17](#), in which it concluded that it was competent to examine the alleged violation of Articles 4 (right to life), 5 (right to personal integrity), 8 (judicial guarantees), and 25 (judicial protection) of the American Convention in conjunction with Articles 1.1 and 2 thereof; and to analyze the possible violation of rights upheld in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

II. PROCEDURAL ACTIVITY

1. On December 3, 2019, the parties signed a friendly settlement agreement.
2. On May 8, 2020, the Commission approved the friendly settlement agreement through Report 80/20.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
FIRST: ACKNOWLEDGMENT OF RESPONSIBILITY The Colombian State acknowledges its responsibility for omitting to comply with its duty to guarantee, for Luis Horacio Patiño Agudelo, the rights embodied in Articles 4 (right to life) and 5.1 (personal integrity) of the American Convention on Human Rights, in conjunction with the general obligation established in Article 1.1 of the same instrument. The reason for this is that Mr. Luis Horacio Patiño Agudelo was in the custody of the State, in a prison, when he died, so that since he was in a relation of subordinate dependence on the State, the administration had to be fully answerable for his security and protection.	Declarative Clause
SECOND: MEASURES OF SATISFACTION	
A) Act of acknowledgment of responsibility A private act of acknowledgment of responsibility, which shall be carried out in the Combita Boyacá prison. The ceremony in which the State acknowledges its responsibility shall include active participation by family members and representatives of the victims. In that ceremony, the State shall acknowledge its responsibility in the terms agreed to in this Agreement. The National Penitentiary and Prison Institute (INPEC) shall be responsible for implementing this measure.	Total¹
B) Making of banners. The National Penitentiary and Prison Institute (INPEC) shall have banners made measuring 1.5 x 2.0 meters, bearing the photograph of Mr. Luis Horacio Patiño Agudelo and a brief biographical sketch. Which shall be hung in five of INPEC's second-generation national prison establishments.	Total²

¹ See IACHR, Report No. 80/20, Case 13.370. Friendly Settlement. Luis Horacio Patiño and family. Colombia. May 8, 2020. Available at <http://www.oas.org/en/iachr/decisions/2020/cosa13370en.pdf>.

² See IACHR, Annual Report 2022, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreement. Available at https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf.

<p>C) Publication of the facts. The Colombian State commits to posting the report issued by the Inter-American Commission on Human Rights pursuant to Article 49 of the American Convention that approves the final friendly settlement agreement on the web pages of the Offices of the National Penitentiary and Prison Institute (INPEC) and the National Legal Defense Agency of the State.</p>	Total³
<p>THIRD: GUARANTEES OF NON-REPETITION Through the National Penitentiary and Prison Institute (INPEC), the State commits to include what happened on January 17, 1996 in the "El Barne" National Penitentiary as a subject matter of a "lesson learned" exercise that will serve as a tool for evaluating and improving penitentiary services to be addressed in human rights training courses delivered by the National School of Penitentiary Studies [<i>Escuela Penitenciaria Nacional</i> in Spanish].</p>	Total⁴
<p>FOURTH: FINANCIAL COMPENSATION The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on Human Rights, its purpose being to provide reparation for such material and immaterial damages as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation. To that end, recourse shall be had to the criteria and amounts recognized in current Council of State case law.</p>	Total⁵
<p>FIFTH: APPROVAL AND FOLLOW-UP The parties request the Inter-American Commission on Human Rights to approve and follow up on this agreement. This agreement was endorsed by the State entities committed to the implementation of the reparation measures.</p>	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2024 Annual Report.

³ See IACHR, Annual Report 2021, Chapter II, Section F. Advances and regressions on negotiation and implementation of friendly settlement. Available at <https://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

⁴ See IACHR, Annual Report 2022, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreement. Available at https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf.

⁵ See IACHR, Annual Report 2024, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements agreements. Available at: https://www.oas.org/en/iachr/docs/annual/2024/chapters/IA2024_2_EN.PDF.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State conducted the acknowledgment of responsibility ceremony virtually given the circumstances of the COVID-19 pandemic. It received ample coverage in the media, via the social networks of State institutions, and in the press. The link to the ceremony was also disseminated via YouTube.
- The State moved forward with the processing of Law 288 of 1996 by issuing the court order approving the conciliatory agreement signed in relation to clause four of the friendly settlement agreement, which deals with the payment of economic compensation for the violations suffered.
- The State paid the sum of six hundred ninety-six million pesos (\$696,000,000 COP) in favor of the six FSA beneficiaries.

B. Structural outcomes of the case

- The State published the Article 49 report on the web page of the National Legal Defense Agency of the State and the Ministry of National Defense.
- The State distributed the five banners in the prisons previously agreed upon with the petitioner, and commemorative events were held on different dates at the installation of each banner.
- The State completed the process of designing the document entitled "*Lesson Learned - Guarantees of Human Rights Protection by INPEC, Case 13.370 - IACHR*", which was approved on September 23, 2021, by the Directorate of the National Penitentiary School of INPEC.
- On September 24, 2021, the State began academic implementation of eight INPEC Academic and Technical Labor Programs, under which a total of 1,134 personnel had reportedly been trained, as of May 17, 2022.