

TECHNICAL INFORMATION SHEET
CASE 13.436 JOSÉ OLEAGUER CORREA CASTRILLÓN
FRIENDLY SETTLEMENT REPORT [No. 67/22](#)
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim(s): José Oleaguer Correa Castrillón
Petitioner(s): Javier Leónidas Villegas Posada, Yenny Molina, and Sandra Consuelo Villegas
State: Colombia
Beginning of the negotiation date: June 23, 2021
FSA signature date: December 23, 2021
Report on Admissibility No. N/A
Friendly Settlement Agreement Report No. [67/22](#), published on May 10, 2022
Estimated length of the negotiation phase: 6 months
Related Rapporteurship: N/A
Topics: Life / Humane treatment / Personal freedom / Fair trial / Judicial protection

Facts: According to the petitioner, on May 6, 1987, in the town of Puerto Berrío, Department of Antioquia, Mr. José Oleaguer Correa Castrillón disappeared, along with other persons. The alleged victim was the manager of the now defunct Credit Agrarian Industrial and Mining Bank (now Agrarian Bank) and, on May 6, 1987, he had gone from the municipality of Puerto Nare, where the bank's headquarters were located, to the town of Puerto Berrío to conduct business related to his position and to obtain a safe conduct permit to carry a firearm. The petitioner argued that shortly after leaving the XVI Brigade, the alleged victim was intercepted by several armed men, and it was impossible to obtain information on his whereabouts. The petitioner stated that several of the massacres and disappearances, committed by military officials from garrisons in the Municipality of Puerto Berrío, were allegedly carried out against members and sympathizers of the Patriotic Union party. The petitioner also argued that the alleged victim's sympathy for the Patriotic Union party was widely known, and that this would have been the cause of his disappearance and subsequent murder at the hands of the paramilitaries. The petitioner held that the then 21st Court of Criminal Investigation, based in Puerto Berrío, had initiated an investigation into the facts of this case. A certification from the Court, dated May 17, 1989, reportedly established that the defendants did not appear and that they had no news of the missing persons. The petitioner argued that despite the various investigations conducted by the Colombian authorities and the time that has elapsed, as of the date the petition was filed, the next of kin of the alleged victim had not received any answers as to the material truth of the facts surrounding the disappearance and death of José Oleaguer Correa Castrillón, nor had the alleged perpetrators been punished. Moreover, the petitioner added having filed a civil proceeding for presumed death due to the alleged victim's disappearance, obtaining a death certificate on October 20, 1993.

Alleged rights: On October 17, 2000, the Inter-American Commission on Human Rights received a petition alleging the international responsibility of the Republic of Colombia for the violation of the rights enshrined in Articles 4 (life), 5 (humane treatment), 7 (personal freedom), 8 (fair trial), and 25 (judicial protection) of the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. On December 23, 2021, the parties signed a friendly settlement agreement.
2. On May 10, 2022, the Commission approved the friendly agreement through Report 67/22.

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

Agreement Clause	Status of Compliance
THIRD: ACKNOWLEDGEMENT OF RESPONSIBILITY. The Colombian State acknowledges international responsibility for the violation of the rights recognized in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights to the detriment of the victim's next of kin, due to the lack of diligence in the investigation of the events of May 6, 1987 in which Mr. José Oleaguer Correa Castrillón disappeared.	Declarative Clause
FOURTH: SATISFACTION MEASURES AGREED BETWEEN THE PARTIES	
4.1. Measures of Satisfaction.	
4.1.1. Act of atonement: A virtual Act of Acknowledgment of Responsibility. The act of acknowledgment of responsibility shall be conducted with the active participation of the family members and representatives of the victims. In this act, the State's responsibility shall be recognized in the terms established in this agreement. This measure shall be in charge of the National Agency for the Legal Defense of the State.	Total¹
4.1.2 Publication of the facts: The Colombian State undertakes to publish the report of Article 49 of the American Convention on Human Rights issued by the Inter-American Commission on Human Rights homologating the friendly settlement agreement, on the website of the National Agency for the Legal Defense of the State, for a period of six months, thus guaranteeing access to the homologation report.	Total²
4.1.3. Financial aid. The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad (ICETEX), will grant financial aid to Manuela Casas Correa, in order to finance the Civil Engineering program at the University of Medellin in the on-site mode. The financial aid will cover the tuition fees from the fifth (5 th) to the tenth (10 th) academic semester of the university level program, for a semester value	Total⁴

¹ See IACHR, Report No. 67/22, Case 13.436 Friendly Settlement. José Oleaguer Correa Castrillón. Colombia. May 10, 2022, Available at: <https://www.oas.org/en/iachr/decisions/2022/COSA13.436EN.pdf>.

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

⁴ 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.

<p>of up to eleven (11) SMMLV and a semester support resource of two (2) SMMLV.</p> <p>The beneficiary must ensure her permanence in the Higher Education Institution, maintaining adequate academic performance, being the sole responsibility of the beneficiary of the measure to maintain the status of student in the HEI. Thus, should she lose the quality of student for poor academic performance or disciplinary offense, the measure will be considered fulfilled by the State. The financial aid must begin to be used within a term not to exceed five (5) years from the signature of this agreement, otherwise the State's efforts to obtain it shall be deemed to have been fulfilled³.</p>	
<p>4.2. Justice measures. The State undertakes to continue to comply with its obligation to investigate, prosecute and punish those responsible for the forced disappearance of Mr. José Oleaguer Correa. This measure is the responsibility of the Office of the Attorney General of the Nation.</p>	Total⁵
<p>4.3. Pecuniary Reparation. The State undertakes to apply Law 288 of 1996, once this Friendly Settlement Agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights. The foregoing, with the purpose of repairing the immaterial and material damages which may be proven in favor of the victim's relatives who have not been compensated through the Contentious-Administrative Jurisdiction, discounting, if applicable, the amounts recognized for administrative reparations. For these purposes, the criteria and amounts to be used are those recognized by the current Jurisprudence of the Council of State.</p>	Total⁶
<p>FIFTH: HOMOLOGATION AND FOLLOW-UP. The parties request the Inter-American Commission the homologation of this Agreement and its follow-up. This agreement was endorsed by the state entities involved in the execution 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 The original clause of the FSA dated December 23, 2021, is modified by virtue of the Addendum subscribed by the parties on March 27, 2023. The other clauses were not modified by said instrument.

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.

⁶ 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 of Colombia held an act of acknowledgement of responsibility on March 3, 2022, over a virtual platform. The parties provided copies of the invitations circulated for this event.
- The State provided educational assistance, which included the payment of tuition and living expenses for 6 semesters. Consequently, the beneficiary of the FSA was able to complete her studies by the end of the implementation of the measure in the period 2024-1.
- The State moved forward with implementation of Law 288 of 1996 and made the payment of compensation to the beneficiaries of the friendly settlement agreement pursuant to Resolution No. 164 of March 11, 2024, for a total amount of \$3,484,035,134.37 for moral damages and loss of profits.

B. Structural outcomes of the case

- The State published the friendly settlement agreement on the National Agency for Legal Defense of the State's website.