

TECHNICAL INFORMATION SHEET
CASE 13.642 EDGAR JOSÉ SÁNCHEZ DUARTE AND FAMILY
FRIENDLY SETTLEMENT REPORT No. 41/21
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim(s): Edgar José Sánchez Duarte and family
Petitioner(s): Graciela Sánchez Duarte and Legal Option Collective Corporation of Lawyers
State Colombia
Beginning of the negotiations date: June 26, 2019
Admissibility Report No: [81/18](#), published on July 7, 2018
FSA signature date: July 14, 2020
Friendly Settlement Agreement Report No: [41/21](#), published on March 20, 2021
Estimated length of the negotiation phase: 1 Year and 9 Months.
Related Rapporteurship(s): N/A
Topics: Right to life / Extrajudicial execution / Personal integrity / Family protection / Judicial protection

Facts: The petitioners alleged that, on September 13, 1993, Edgar Sánchez Duarte was extra judicially executed after receiving three shots from a firearm by members of UNASE, a special group based in the Popa Battalion in Valledupar, Department of Cesar. According to the petitioners, the UNASE agents considered that the alleged victim was linked to the Revolutionary Armed Forces of Colombia (F.A.R.C.), which is why the operation was deployed, in which, after several days of surveillance and monitoring finally, Mr. Sánchez Duarte was killed when he was outside his home, in front of his wife and two children. The petitioners alleged that notwithstanding within the criminal investigation a retired National Army soldier was sentenced to 30 years in prison for the crime of homicide, the criminal prosecution would not have continued with costs respect to the other two officers allegedly involved in the events, including a Major Commander of UNASE, who would have been identified as an officer involved according to the confession obtained during the trial of the first convicted person. Likewise, the petitioners alleged that, as a consequence of the aforementioned confession and subsequent request for the arrest of the Major, the relatives of the victims had been victims of intimidation by members of UNASE. Likewise, the petitioners alleged the violation of the right of access to justice and equal protection of the law, given the contradiction of the decisions made in the two processes followed by the victims' family members to obtain financial compensation. The foregoing, on the grounds that the judicial authorities had ruled in one of the contentious administrative proceedings granting a reparation to two family members, and in the framework of a second proceeding, the compensation was denied to the other members of the family group.

Rights declared admissible: The IACHR declared the petition admissible in respect of the alleged violation of Articles 4 (right to life), 5 (right to humane treatment/personal integrity), 8 (judicial guarantees), 17 (protection of the family), 24 (equality before the law), and 25 (right to judicial protection) of the American Convention in conjunction with Article 1.1 (obligation to respect rights) of the same instrument.

II. PROCEDURAL ACTIVITY

1. On July 14, 2020, the parties signed a friendly settlement agreement.
2. On March 20, 2021, the Commission approved the friendly settlement agreement through Report 41/21.

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

Agreement Clause	Status of Compliance
<p>FOURTH PART: ACKNOWLEDGMENT OF RESPONSIBILITY</p> <p>The Colombian State recognizes its responsibility for the violation of the right to equal protection of the law (Article 24), in relation to the right to judicial protection (Article 25) establish in the American Convention on Human Rights; both in relation to article 1.1 of the same instrument, due to the contradiction of the decisions issued by the contentious administrative jurisdiction.</p> <p>The foregoing, because the judicial authorities acted differently in the same case, granting reparation to two of Mr. Edgar José Sánchez's next of kin and denying it to the other family group.</p>	<p>Declarative Clause</p>
FIFTH PART: REPARATION MEASURES AGREED BETWEEN THE PARTIES	
1) Satisfaction and Rehabilitation Measures	
<p>1.1 Act of redress: Colombia undertakes to carry out a public act of acknowledgment of responsibility and apology led by a high official of the State, with the participation of public authorities, the families of the victims and their representatives, which will be disseminated through the mass media. The act will be carried out in accordance with the acknowledgment of responsibility indicated in this Agreement.</p>	<p>Total¹</p>
<p>1.2 Medical and psychosocial care:</p> <p>The Ministry of Health and Social Protection, in exercise of the powers described in Decree Law 4107 of 2011, will coordinate the health rehabilitation measures that constitute medical, psychological and psychosocial care through the General System of Social Security in Health and its members, which will guarantee adequate, opportune and prioritized treatment as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter.</p> <p>Additionally, if necessary and under the criteria of voluntariness and prioritization, the Ministry of Health and Social Protection will guarantee the victims the implementation of the rehabilitation measure understood from the components of comprehensive health care and psychosocial care, within the framework of the Program Psychosocial</p>	<p>Total²</p>

¹ See IACHR, Report No. 41/21, Case 13.642/Friendly Settlement. Edgar José Sánchez Duarte and Family. Colombia. March 20, 2021. Available at: <https://www.oas.org/en/iachr/decisions/2021/COSA13.642EN.pdf>.

² 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>Care and Comprehensive Health for victims - PAPSIVI.</p> <p>By virtue of the principle of territoriality, this measure of reparation will be implemented in the terms indicated before the beneficiaries who are in the national territory. For those who reside outside the country, its scope will only include psychosocial care.</p> <p>Access to psychosocial care for people who are outside the national territory will be guaranteed through the virtual tools that may be applicable, after expressing their will and in accordance with the guidelines issued by the Ministry of Health and Social Protection in the matter.</p> <p>These measures will be implemented after the signing of the friendly settlement agreement</p>	
<p>2) Financial aid:</p> <p>The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant financial assistance to Edgar José Sánchez Fuentes, son of Mr. Edgar José Sánchez Duarte, hereinafter the "beneficiary", who did not benefit from the reparation granted by the contentious administrative jurisdiction, with the aim of financing an academic program of a technical, professional, technological, university or postgraduate level in a Higher Education Institution in Colombia recognized by the Ministry of National Education, in a classroom-base, distance learning or virtual modality.</p> <p>The economic aid will be granted once the National Agency for Legal Defense of the State or the Foreign Ministry of Colombia, carry out the pertinent procedures for the Ministry of Finance and Public Credit to distribute the resources.</p> <p>The financial aid will cover the value of the tuition for the semesters of an academic program of a technical, professional, technological, university or postgraduate level, for a semester value up to eleven (11) SMMLV. [Legally Established Minimum Monthly Wage]. Likewise, a biannual support resource will be granted to the beneficiary of two (2) SMMLV if the Higher Education Institution is in the municipality of their residence, or four (4) SMMLV if the Higher Education Institution is outside their municipality of residence.</p> <p>Within the framework of university autonomy, the Ministry of National Education will restrain from managing or requesting before any Higher Education Institution, the admission or allocation</p>	<p>Total³</p>

³ See IACHR, Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements. Available at: https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF.

<p>of quotas in academic programs. The beneficiary must carry out the pertinent procedures to be admitted, ensuring their permanence in the institution of Higher Education, ensuring adequate academic performance.</p> <p>The financial aid must be used within a term of no more than five (5) years from the signing of this agreement, or otherwise the State's management will be deemed to have been fulfilled."</p>	
<p>3) Economic reparations: The Ministry of National Defense undertakes to compensate the moral damages that will be proven by the violations recognized in this agreement through the mechanism established by Law 288 of 1996. The mechanism in question will be activated once the present friendly settlement agreement is approved through the issuance of the report on article 49 of the ACHR, with the purpose of repairing the damages caused to the families of the victims duly legitimized, who prove the affectations generated on the occasion of the events related to this case. Those who have already been repaired by the contentious-administrative jurisdiction will not benefit from this measure. Read this agreement by the parties and being all aware of its scope and legal content, it was signed on July 14, 2020 in Bogotá D.C</p>	<p>Total⁴</p>

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.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State performed the act of redress on December 3, 2020, via virtual platform in the context of the pandemic by COVID 19.
- The State granted financial assistance to Edgar José Sánchez Fuentes, son of Edgar José Sánchez Duarte, who did not benefit from the relief granted by the contentious-administrative jurisdiction, in order to finance an academic program at the professional technical, technological, university or postgraduate level in a Higher Education Institution in Colombia.
- The State made the corresponding payment for the compensation of \$675,283,464 COP, in favor of Martha Fuentes Gutierrez, Edgar Jose Sanchez Fuentes, Miladis Del Socorro Morales Gutierrez and Omar Enrique Laiton Cortes.

B. Structural outcomes of the case

- The act of redress, which took place on December 3, 2020, was published on the website of the National Legal Defense Agency and on various social networks.

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.