

**TECHNICAL INFORMATION SHEET**  
**CASE 13.775 GABRIEL ÁNGEL GÓMEZ MARTÍNEZ AND FAMILY**  
**FRIENDLY SETTLEMENT REPORT No. 63/22**  
**TOTAL COMPLIANCE**  
**(COLOMBIA)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Gabriel Ángel Gómez Martínez and family  
**Petitioner(s):** Roberto Fernando Paz Salas  
**State:** Colombia  
**Date of start of negotiations:** June 9, 2021  
**Date of Signature of FSA:** September 7, 2021  
**Admissibility Report No.:** 45/19, published on April 24, 2019  
**Friendly Settlement Agreement Report No.** 63/22, published on March 10, 2022  
**Estimated duration of the negotiation phase** 11 months  
**Related Rapporteurship:** Memory, Truth and Justice  
**Topics:** Life/Humane Treatment/Judicial Guarantees/Judicial Protection

**Facts:** According to the petitioner, on May 16, 1999, Mr. Gabriel Ángel Gómez Martínez, a construction official who lived in the village of Nutibara, was allegedly chased and attacked by paramilitary elements armed with machetes while he was playing a soccer match. The murder was allegedly perpetrated on the spot along with two other people in front of spectators in the stands. In that sense, and according to the information provided, the investigations of the facts described are said to be suspended in one case and archived in the other. The petitioner stated that the homicide of the alleged victim was in total impunity and that almost 20 years had passed without the perpetrators being identified or full reparations being made to the next of kin of the victim.

**Rights declared admissible:** On April 24, 2019, the IACHR declared that it had jurisdiction to analyze the alleged violation of the rights protected in Article 4 (life), 5 (humane treatment), 8 (fair trial) and 25 (judicial protection), read in conjunction with Article 1.1 and 2 of the American Convention on Human Rights.

**II. PROCEDURAL ACTIVITY**

1. On September 7, 2021, the parties signed a friendly settlement agreement.
2. On March 10, 2022, the Commission approved the friendly settlement agreement through Report 63/22.

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

Clauses of the agreement	Status of Compliance
<b>Fourth Section: Acknowledgment of responsibility:</b> The Colombian State acknowledges its international responsibility for the violation of the rights recognized in articles 8 (rights to judicial guarantees) and 25 (right to judicial protection) of the American Convention on Human Rights in relation to article 1.1 of the same instrument, to the detriment of the relatives of Mr. Gabriel Angel Gómez Martínez, due to the lack of	<b>Declarative Clause</b>

diligence in the investigation of the events that occurred.	
<b>Fifth Part: Satisfaction Measures</b>	
<b>i. Act of Acknowledgement of Responsibility:</b> The Colombian State shall proceed to a Private Act of Acknowledgement of Responsibility, virtually conducted, with the participation of the relatives of Mr. Gabriel Ángel Gómez and their representatives. The act shall be carried out in accordance with the acknowledgment of responsibility indicated in this Agreement. This measure will oversee the National Agency for the Legal Defense of the State.	<b>Total<sup>1</sup></b>
<b>ii. Publication of the Report of Article 49:</b> The Colombian State shall publish the pertinent sections of the friendly settlement report once it is issued by the Inter-American Commission on Human Rights, on the website of the National Agency for the Legal Defense of the State, for a term of six (6) months.	<b>Total<sup>2</sup></b>
<b>Sixth Part: Compensation Measures:</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations by virtue of the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights, in order to repair the damages caused to the relatives of the victims as a result of the effects generated by the facts of this case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996. For the purposes of compensation, the criteria and amounts to be used are those recognized by the current jurisprudence of the State Council.	<b>Total<sup>3</sup></b>
<b>Seventh Part: Homologation and Follow-up:</b> The parties request the Inter-American Commission to homologate this Agreement and to follow up on it. This Agreement is signed on September 7, 2021, being the parties aware of its scope and legal content.	<b>Declarative Clause</b>

#### 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.

<sup>1</sup> See IACHR, Report No. 63/22, Case 13.775. Friendly Settlement. Gabriel Ángel Gómez Martínez and Family. Colombia. May 10, 2022. Available at: <https://www.oas.org/en/iachr/decisions/2022/COSA13.775EN.pdf>.

<sup>2</sup> 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](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>3</sup> 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](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 held a private act of acknowledgement of responsibility for the victim's family members.
- The Colombian State acknowledged its international responsibility by omission for the violation of the rights protected in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights, read in conjunction with Article 1.1 thereof, to the detriment of the family members of Mr. Gabriel Ángel Gómez Martínez, for lack of due diligence in the investigation of the events that occurred.
- The State made progress in processing a compensation under Law 288 of 1996 and made the payment of compensation to the beneficiaries of the friendly settlement agreement by Resolution No. 699 of September 30, 2024, for a total amount of \$518,221,794.37 for moral damages and loss of profits.

**B. Structural outcomes of the case**

- The State published the Article 49 report on the website of the National Agency for the Legal Defense of the State.