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REPORT No. 68/16
CASE 11.007
REPORT ON FRIENDLY SETTLEMENT

TRUJILLO MASSACRE
COLOMBIA

Adopted by the Commission at its session No. 2069 held on November 30, 2016
159th Regular Period of Sessions.

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Colombia. November 30, 2016.



REPORT No. 68/16
CASE 11.007
FRIENDLY SETTLEMENT
TRUJILLO MASSACRE
COLOMBIA¹
NOVEMBER 30, 2016

I. SUMMARY

1. On March 16, 1992, the Inter-American Commission on Human Rights (hereinafter, "the Commission" or "the IACHR") received a petition lodged by the Intercongregational Justice and Peace Commission (now called the Inter-Church Justice and Peace Commission) [*Comisión Intereclesial de Justicia y Paz*] which denounced that the Republic of Colombia (hereinafter "the State" or "the Colombian State") was responsible for the violence that occurred in the Municipality of Trujillo and neighboring areas in Valle del Cauca Department between 1988 and 1990. The petitioners denounced a profusion of acts that included extrajudicial executions, torture, enforced disappearances and other serious violations of human rights, through "a succession of wide-ranging criminal actions involving members of the security forces in positions of authority acting in close collusion with drug traffickers and civilian armed groups at their service." According to the petitioners, the state authorities were ineffective in dealing with the events, whose perpetrators were protected by a blanket of impunity, upon their acquittal by the courts in September 1991.

2. On June 15, 1992, the Jose Alvear Restrepo Lawyers' Collective Corporation [*Corporación Colectivo de Abogados José Alvear Restrepo*] became co-petitioner in the petition. The petitioners allege that the State is responsible for violating Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 16 (freedom of association), and 25 (right to judicial protection) of the American Convention on Human Rights (hereinafter "the American Convention"), all in connection with the general obligation to respect and ensure rights set forth in Article 1 (1) of that instrument.

3. On June 23, 1994, the IACHR placed itself at the disposal of the parties in order to facilitate a process of seeking a friendly settlement. On July 1, 1994, the petitioners accepted the offer. The State, for its part, expressed its willingness to initiate the friendly settlement process on July 26, 1994.

4. The parties advanced negotiations for a friendly settlement agreement, which were outlined in memorandums of understanding. In this way, the Colombian State implemented a number of measures between 1994 and the present.

5. On April 6, 2016, the parties signed a friendly settlement agreement at a working meeting of the parties accompanied by the Commission during its 157th regular session. The meeting was chaired by Commissioner Jose de Jesus Orozco, in his capacity as IACHR Rapporteur for Colombia.

6. Pursuant to Articles 49 of the American Convention and 40 (5) of the Commission's Rules of Procedure, this friendly settlement report includes a summary of the petitioners' allegations and transcribes the friendly settlement agreement signed on April 6, 2016, by the petitioners and representatives of the Colombian State. Also, the Commission hereby approves the agreement signed by the parties and decides to publish this report in its Annual Report to the General Assembly of the Organization of American States.

¹ In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner Enrique Gil Botero, a Colombian national, did not participate in the discussion or decision on this case.

II. PROCESSING BY THE COMMISSION

7. The IACHR received the petition on March 16, 1992, and served notice of it to the Colombian State.

a) Summary of communications from the parties received by the IACHR:

8. The petitioners submitted additional information during the processing of the petition on the following dates: April 9 and June 15, 1993; August 25 and November 4, 1993; January 10, 25 and 28, June 30, August 22, and September 26, 1994; June 29, August 9 and December 4, 1995; April 18, July 10 and September 17, 1996; January 9 and 21, February 10 and 13, March 5 and 19, April 30, May 9, July 11, and December 15, 1997; August 7, September 18, October 20, and November 15, 1998; August 25, September 30, and October 4 and 10, 1999; April 6 and October 3, 2000; October 4, 2004, July 5, August 31, October 19, and December 7, 2005; July 28, 2006, October 9, 2007, May 19, 2009; March 16, 2010; August 12 and October 8, 2013; November 20, 2015; and 21 October 2016. That additional information was relayed to the State.

9. The State submitted additional information during the processing of the petition on the following dates: September 21, 1992; September 8 and 15, 1993; April 27 and August 3, 1994; June 21 and November 6, 1995; January 30, February 22, October 7, and November 27, 1996; May 10 and December 1, 1997; February 10, 1998; March 17, 2000; November 22, 2004; April 28, June 22, and October 18, 2006; April 13, 2007; February 4, 2008; March 16 and May 6, 2010; February 21, 2012; November 4, 2013; December 17, 2015 and July 7, 2016. That additional information was forwarded to the petitioners.

10. On June 24, 2015, and July 14, 2016, the parties jointly submitted additional information.

b) Summary of relevant procedural aspects of the friendly settlement process before the IACHR:

11. On June 23, 1994, the IACHR placed itself at the disposal of the parties to explore the possibility of initiating a friendly settlement process. On July 1, 1994, the petitioners accepted the offer of the IACHR. On July 26, 1994, the State expressed its interest in accepting the IACHR's facilitation of a friendly settlement process.

12. On September 26, 1994, the parties held a working meeting at the headquarters of the IACHR, with the support of Commissioners Claudio Grossman and Leo Valladares Lanza, in which the parties signed a Memorandum of Understanding providing for the creation of a Commission for Investigation of the Violent Events in Trujillo [*Comisión de Investigación de los Sucesos Violentos de Trujillo*] (hereinafter "CISVT" or the "Trujillo Commission"), in order to "assist in clarifying the facts in the search for a friendly settlement in the Trujillo case."²

13. On November 21, 1994 and January 31 and February 6, 1995, the Executive Secretary of the CISVT, Roberto Molina Palacios, submitted additional information to the IACHR.

14. On February 7, 1995, the Commission for Investigation of the Violent Events in Trujillo presented its final report to the Inter-American Commission on Human Rights. On August 15, 1995, the IACHR adopted a resolution in which it valued and endorsed the conclusions and recommendations formulated in the Final Report of the Investigation Commission on the Violent Events of Trujillo.

15. During the processing of the petition, the IACHR held several working meetings with the parties in the course of its periods of sessions at its headquarters in Washington, D.C. (on June 3 and September 26, 1994; September 7, 1995; October 19, 2005; and October 30, 2013, among others). The IACHR also made two visits to Colombia for meetings with the parties in the country. In that regard, in February 1997, Commissioner Robert Goldman chaired a meeting in Colombia and in the context of that visit the

² See, Final Report of the Commission for Investigation of the Violent Events in Trujillo, 1995.

Commission visited the Municipality of Trujillo³. Subsequently, on May 6, 2015, Commissioner Jose de Jesus Orozco chaired a working meeting with the parties in which a timetable was signed to outline and advance the last phase of the negotiations.

16. The IACHR also convened two hearings on Case 11,007 (Trujillo Massacre) on October 8, 1996, during its 93rd regular session, and on September 30, 1999, during its 140th regular session, in order to follow up on the progress of the negotiations.

17. On April 6, 2016, the parties signed a Friendly Settlement Agreement (FSA) at the headquarters of the IACHR in Washington, D.C., in the context of the Commission's 157th regular session.

18. The present case is connected with a request for precautionary measures jointly submitted on January 1, 1999, by the petitioners and the Trujillo Victims' Relatives Association (hereinafter "AFAVIT") requesting the Commission to grant precautionary measures to protect the life and physical integrity of the AFAVIT members residing in the municipality of Trujillo, as well as the members of the Inter-Church Justice and Peace Commission who belonged to the permanent monitoring group established in that locality, who had reputedly been threatened. The Commission granted precautionary measures on February 10, 1999, under request MC-72-99.

III. ALLEGED FACTS

19. In the original petition, the petitioners alleged in general and without giving details, that the factual framework denounced included extrajudicial executions, torture, enforced disappearances and other serious violations that reputedly occurred in the municipality of Trujillo, Department of Valle del Cauca, and neighboring areas, between 1988 and 1990. They alleged that "a succession of wide-ranging criminal actions involving members of the security forces in positions of authority acting in close collusion with drug traffickers and civilian armed groups at their service." The petitioners claimed that the domestic judicial authorities were completely ineffective and that as a result an "astonishing impunity" surrounded the events in the case, suggesting the existence of "symptoms of deep corruption at the highest level." In particular, the petitioners stated in general, without providing dates, that the Third Court of Public Order, which conducted the investigation in the case, issued an acquittal in favor of the accused in the proceeding, and that said decision was upheld by the Superior Court of Public Order in September 1991.

20. On September 26, 1994, the parties signed a memorandum of understanding in which they agreed to set up a Commission for Investigation of the Violent Events in Trujillo (CISVT) made up of various government authorities and nongovernmental organizations that work in the area of human rights. The CISVT was created by Decree 2771 of December 20, 1994⁴, and performed its functions from October 13, 1994, the date of its installation, until January 24, 1995, when the full membership of the CISVT approved its Final Report. Although the CISVT's remit encompassed the events that occurred between October 28, 1988, and May 5, 1991, despite the effort made to gather information on all 63 cases presented to the IACHR, in a little less than half it was impossible to obtain additional evidence with which to analyze them in depth. Accordingly, the Final Report of the CISVT covers events that occurred in the jurisdiction of the municipality

³ In that regard, see IACHR, Annual Report to the General Assembly of the Organization of American States, Chapter II. 3. Visits Made by the Commission. f. Visits of special IACHR Committees Available online at: <http://www.cidh.org/annualrep/97eng/chap.2.htm>

⁴ According to Article 2 of Decree 2771 of December 20, 1994, the Commission comprised: (1) The Ombudsman, who will chair; (2) the Attorney General of the Nation or their delegate; (3) the Head of the Internal Affairs Office [*Procurador General de la Nación*] or their delegate; (4) a member of the Human Rights Committee of the Senate of the Republic; (5) a member of the Human Rights Committee of the House of Representatives; (6) the Minister of the Interior or their delegate; (7) the Minister of Foreign Affairs or their delegate; (8) the Minister of National Defense or their delegate; (9) the Presidential Adviser for Human Rights or their delegate; (10) the Director of the Administrative Security Department or their delegate; (11) the Inspector General of the Military Forces; (12) the Inspector General of the National Police; (13) a representative of the Colombian Episcopal Conference; (14) the president of the Colombian Red Cross or their delegate; (15) a representative of the Intercongregational Justice and Peace Commission of the Conference of Religious of Colombia; (16) a representative of the Association of Relatives of the Detained and Disappeared (ASFADDES); (17) a representative of the Andean Commission of Jurists, Colombia Chapter; (18) a representative of the Jose Alvear Restrepo Lawyers' Collective; and (19) a representative of the Committee of Solidarity with Political Prisoners.

of Trujillo, Department of Valle del Cauca, between March 29 and April 23, 1990⁵, and reflects the facts included in the petition on which detailed information was obtained.

21. To recover the historical truth of the facts included in the petition's factual framework that are described in the Final Report of the CISVT, which include torture, executions, enforced disappearances and threats, the IACHR has considered what the parties established in the Memorandum of Understanding of September 26, 1994 and the subsequent creation of the CISVT; the conclusions and recommendations made CISVT in its Final Report; and the resolution of August 15, 1995, by which the Inter-American Commission on Human Rights took the decision to endorse the conclusions and recommendations of the CISVT. In view of the foregoing, some of the sections of the CISVT report that reflect the facts alleged in the present petition are transcribed below:

THE VIOLENT EVENTS THAT OCCURRED IN TRUJILLO BETWEEN MARCH 29 AND APRIL 23, 1990

Regarding the fighting and the ambush of the National Army in La Sonora

[On March 29, 1990] [...] an armed engagement began at around two in the afternoon. Civilians were caught in the line of fire and, despite their protestations that they were laborers and farmers, were wounded by elements who were later identified as members of the special forces of the Army. Six civilians were injured in the fighting: Carlos Enrique Arcila Nieto (smallholder); Fabian Ramirez (smallholder); Jose del Carmen Camacho (smallholder); Carlos Camacho (municipal worker); Roman Florez (municipal worker); Tulio Ivan Ramos (municipal worker). Juan Antonio Ramirez Torres, an employee of the municipality, sought help on the ranch house of Pompilio Vasquez. There they lent him a Willy's jeep in which he took the wounded civilians to Trujillo.

[...] On the morning of March 30 the support group arrived at the place where the spotter group had been ambushed. Captain Hector Eduardo Peña Porras found the corpses of an officer, three non-commissioned officers, three soldiers, and a civilian, as well as a wounded noncommissioned officer, and reported this to the Battalion Command. [...] Neither an examination of the files, nor the information obtained from other sources about what happened in the fighting and ambush make it possible to ascertain with clarity the exact circumstances as to the time and place at which the deaths of the Army personnel occurred. Seven soldiers were killed: Lieutenant Ivan Augusto Lagos Figueredo; First Corporal Juan Carlos Correa Diez; First Corporal Humberto Tavera Martinez; Second Corporal Deogracias Oviedo Pacheco; Private Robinson Lasso Ceballos; Private Jorge Heli Vasquez Obando; Private Carlos Alfonso Wallens Moreno. [In addition] Vice First Sergeant Gildardo Silva Rojas was wounded.

Regarding the disappearances in La Sonora

[...] The persons who disappeared on the night of March 31 and in the early hours of April 1, 1990, in the district of La Sonora, and whose whereabouts are still unknown, are: Ramiro Velasquez Vargas, Amoldo Cardona, Everth Prado, Jose Vicente Gomez, Arnulfo Arias Prado, Fernando Arias Prado Rigoberto Prado, Esther Cayapu Trochez Fernando Fernandez Toro, and Ricardo Alberto Mejia.

According to the testimony of Daniel Arcila, at around 4:30 a.m. the people detained in the district of La Sonora were taken by the group of armed men to the ranch house owned by Diego Montoya located between Andinapolis and Salonica. The detainees, who were tied up, were put in a storage shed used to keep manure from which a green high-sided Daihatsu

⁵ See, Commission for Investigation of the Violent Events in Trujillo, Final Report, January 1995. Part One, The Facts, p. 1.

pickup truck had been driven out. Other people also entered and questioned them about the guerrillas.

[...] The victims had their heads covered with sacks and were thrown to the ground. Using a hose, Major Urueña directed a stream of water over the mouth and nose area of their faces while he interrogated them. Then they were piled into "the peeler." Someone ordered the blowtorch and chainsaw to be brought up. The detainees were dismembered with the chainsaw and left to bleed out. The heads and trunks of the victims were put in sacks and on the night of April 1 the corpses were taken to the River Cauca in a blue 1956 Ford dump truck and thrown in.

Regarding the disappearance of the woodworkers

According to different accounts, on April 2, at between 9:00 and 11:00 a.m., the brothers Hervey and Jose Erley Vargas Londoño, and Mr. Jose Alirio Granada Velez—woodworkers by trade—were forced from their workshop located on the corner of the main square in Trujillo by a group of men who were driving in a muddy, dark blue Toyota SUV with a white cab.

Immediately afterwards, at another nearby woodworker's workshop, the same group detained and took away Jose Agustin Lozano Calderon and Orlando Vargas Londoño, the latter being the brother of Hervey and Jose Erley. According to a witness "who heard", the Toyota left Trujillo by the road that leads to Tulua. [...] The five detained in Trujillo [on April 2] were tortured and murdered in the same manner as those detained the day before at the farm house located between Salonica and Andinapolis. [...]

Regarding the homicides and attacks in Trujillo and nearby municipalities during the same period of days

On March 30, 1990, unknown persons entered the house of Mr. Ordonel Ospina Velez on the outskirts of Andinapolis and killed him in the presence of his wife and two daughters.

In the early hours of the night of March 31, Jose Porfirio Ruiz Cano, departmental police inspector for the district of La Sonora, was murdered in the town of Trujillo. As the inspector was preparing to travel to his district in a Willy's Jeep owned by the Trans-Salonica company, an individual shot him, leaving him seriously wounded. Ruiz Cano died in Santa Cruz de Trujillo Hospital.

On March 31, 1990, the body of Mr. Luis Alberto Izaio was found in the village of Hojas Anchas.

On April 1, 22-year-old Jairo Antonio Ortiz Sanchez was murdered in the Punto Rico cafe on one side of the main park in the town of Trujillo. He was a resident of the district of La Sonora and had moved to the municipal seat after receiving threats against his life.

On April 2, at approximately 8:30 p.m., gunmen attacked Fernando Londoño Montoya, councilor-elect of Trujillo. As Londoño was heading from the park in Trujillo to his house, an individual shot at him, wounding him in one hand and in the back. Mrs. Etelvina Castro Alvarez was wounded in the same incident.

On April 4, the body of Albeiro de Jesus Sanchez was discovered, nicknamed "Black Mico" (*Mico negro*). He had been abducted the previous day while driving in a Willy-s jeep owned by the Trans-Salonica company. The body, showing visible signs of torture, was found in a coffee field in Buenavista about 200 meters from the road leading from Trujillo to the district of Venecia.

On the afternoon of Saturday, April 7, Juan Giraldo Molina, his nephew Fredy Rodriguez Giraldo, and mechanic Danilo Garcia Ortiz went to a place near Trujillo. The next day, Sunday, 8, Mr. Juan Giraldo telephoned his son Julian to let him know that he and his companions would return to Trujillo that afternoon. They never came back. The mutilated corpses of the three were found in the Cauca River between April 10 and 11. They bore visible signs of torture.

On April 11, an unidentified corpse was found in a coffee plantation in the village of Culebras, in Trujillo. It showed signs of severe torture.

On April 16 Abundio Espinosa Quintero, a resident of Tulua, who had moved there a month before from Trujillo after receiving threats against his life, was murdered. The victim was in the *Sajonia* workshop and was murdered in the presence of his son Humberto and a 10-year-old grandson. Although a member of the same party, he was a political rival of the GiralDOS.

On April 19, Jose Noe Giraldo Molina, a councilor of Trujillo and deputy for the department of Valle del Cauca, was murdered in the city of Cali as he was getting out of a taxi in the residential area of San Fernando.

Regarding the murder of Father Tiberio Fernandez Mafla and the disappearance of his companions

On the afternoon of April 17, Tiberio Fernandez Mafla, priest of Trujillo, was traveling with his niece Ana Isabel Giraldo⁶, Norbey Galeano and Oscar Pulido, to the city of Tulua to officiate at the funeral of Abundio Espinosa Quintero, who had been murdered there the day before. They were traveling in a pickup truck owned by the parish. Several witnesses reported that as they were returning after the funeral they saw a white or cream-colored Toyota in front of the ranch El Topacio on the road from Riofrio to Trujillo. The car's doors were open and there were four or five young people inside.

The vehicle in which the priest and his companions were traveling was last seen on the level crossing leaving Tulua in the direction of Riofrio. That was the last news of them.

The decapitated and mutilated corpse of Father Tiberio Fernandez was found on April 23 at the Remolino sand quarry on the banks of the Cauca River, located in the Police Inspector's district of Hobo, in jurisdiction of the Municipality of Roldanillo. The people who were with him are still unaccounted for.

Regarding some homicides and disappearances that occurred prior to March 29, 1990 and after April 23, 1990.

On October 10, 1989, Luis Alfonso Giraldo, an 18-year-old farmer, disappeared after being detained in the main park of Trujillo.

On November 3, 1989, Joaquin Ramirez disappeared in Riofrio. He was an employee of the Sonora Inspectorate. At the scene a poster was found that said, "for being an Army informant."

On November 4, 1989, Miguel Rodriguez Matallana disappeared.

On January 30, 1990, the corpse of Enoc Giraldo was found in the Cauca River between Roldanillo and Zarzal. He had been detained on January 27 by several individuals one block

⁶ The parties indicated in the text of the friendly settlement agreement that her name was Alba Isabel Giraldo.

from the main park of Trujillo at "the corner of the INA." After being searched, Mr. Giraldo was forced violently into an SUV and wounded in the head upon resisting.

On March 5, 1990, Marco Antonio Peña was murdered on the La Cristalina ranch house, in the village of La Zonadora, Trujillo.

On March 18, 1990, Francisco Antonio Alvear Valencia was murdered in a canteen in Cristales, municipality of Trujillo.

On March 19, 1990, the dead body of Ruben Dario Gonzalez Agudelo, a 19-year-old day-laborer, was found at Los Corrales on the road from Trujillo to Riofrio.

On March 22, 1990, the corpse of an unidentified 35 year-old man was found at the side of the road on the property called *Copenague*, in the district of Salonica, opposite his house located in the district of Cerro Azul, Trujillo.

On March 24, 1990, the bodies of Ricardo Burbano and Rubiel Ider, Jose Alben, and Jose Dornel Cano Valencia, were found in the corridor of the Algeria ranch house owned by the parents of the Cano Valencia brothers, in the village of La Zonadora, municipality Of Trujillo.

On May 9, 1990, Climaco Mosquera, a resident of Trujillo, disappeared when he left the offices of the Regional Internal Affairs Office in Cali.

On June 22, 1990, Luis Julian Giraldo Cano was murdered and his father, Ernesto Giraldo Molina, injured in the district of El Jaguar, Trujillo, while traveling in a vehicle owned by him.

Regarding the disappearance of Daniel Arcila [a witness to the events]

[...] When he left Trujillo, Daniel Arcila went to the city of Pereira where his mother and his sisters live. There he decided to inform the authorities of the facts of which he was aware. According to his statement, at first he thought of going to the Third Brigade in Cali, but finally he went to Bogota, where he went to the offices of the Administrative Security Department. There he was referred to the Office of Special Investigations of the Internal Affairs Office, where he made his first statement on April 19, 1990.

Over the following days, Arcila gave statements to [several] officials. [...]

Arcila then went into hiding in Bogota. A number of people gave him protection for several months. In 1991 returned to the Municipality of Trujillo and on May 5, 1991, was stopped in the main park by armed men in uniform. He is still unaccounted for.

Regarding threats against witnesses

Following the events, several of the people who helped the investigation by providing testimony received threats and were forced to leave the region. Other local people continue to receive threats against their lives and well-being, and are in grave danger.

The Office of the Prosecutor General of the Nation reported that in the course of preliminary inquiry 3995 conducted by the Regional Prosecutor's Office in Cali, during the session held by the Commission of Inquiry reports were received of new serious attempts on the lives of relatives of the victims as well as threats against them.

IV. FRIENDLY SETTLEMENT

22. On April 6, 2016, in Washington, D.C., USA, the State, represented by Juanita Maria Lopez Patron, and the petitioners represented by the Jose Alvear Restrepo Lawyers' Collective Corporation, represented, in turn, by Rafael Barrios Mendivil and Jomary Ortegon Osorio; and by the Inter-Church Justice and Peace Commission represented by Danilo Rueda, signed a Friendly Settlement Agreement which states:

FRIENDLY SETTLEMENT AGREEMENT SIGNED IN CASE 11.007 (TRUJILLO MASSACRE) PROCESSED BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

On April 6, 2016, Juanita Maria Lopez Patron, Director of Legal Defense of the National Legal Defense Agency of the State, acting in the name and representation of the Colombian State, hereinafter referred to as "the Colombian State"; and for the other party, the Jose Alvear Restrepo Lawyers' Collective, represented by attorney Rafael Barrios Mendivil and attorney Jomary Ortegon Osorio; and the Inter-Church Justice and Peace Commission represented by Danilo Rueda, hereinafter referred to as "the representatives of the victims", enter upon the present friendly settlement agreement in Case 11.007 (Trujillo Massacre) processed before the Inter-American Commission on Human Rights (hereinafter the Commission or the IACHR) and hereby undertake, on the basis of the background information herein below, the following:

BACKGROUND ON THE CASE BEFORE THE IACHR

1. In 1992, the Inter-Church Justice and Peace Commission lodged a petition with the IACHR in relation to acts of violence in Trujillo involving a series of threats, enforced disappearances, torture, arbitrary detentions and extrajudicial executions committed between October 28, 1988, and May 5, 1991, in the Municipality of Trujillo (Department of Valle del Cauca).
2. On September 26, 1994, with the auspices of the Inter-American Commission on Human Rights the parties signed a memorandum of understanding in which they agreed to set up a Commission for Investigation of the Violent Events in Trujillo (hereinafter CISVT) made up of various government entities and nongovernmental organizations that work in the area of human rights. The CISVT was established by Decree 2771 of December 20, 1994,⁷ and performed its functions from October 1994 until January 1995⁸.
3. In keeping with the mandate conferred on it, after completing its work the CISVT submitted a final report⁹, which, in addition to providing a factual account based on the

⁷ According to Article 2 of Decree 2771 of December 20, 1994, the Commission comprised: (1) The Ombudsman, who will chair; (2) the Attorney General of the Nation or their delegate; (3) the Head of the Internal Affairs Office (*Procurador General de la Nación*) or their delegate; (4) a member of the Human Rights Committee of the Senate of the Republic; (5) a member of the Human Rights Committee of the House of Representatives; (6) the Minister of the Interior or their delegate; (7) the Minister of Foreign Affairs or their delegate; (8) the Minister of National Defense or their delegate; (9) the Presidential Adviser for Human Rights or their delegate; (10) the Director of the Administrative Security Department or their delegate; (11) the Inspector General of the Military Forces; (12) the Inspector General of the National Police; (13) a representative of the Colombian Episcopal Conference; (14) the president of the Colombian Red Cross or their delegate; (15) a representative of the Intercongregational Justice and Peace Commission of the Conference of Religious of Colombia; (16) a representative of the Association of Relatives of the Detained and Disappeared (ASFADDES); (17) a representative of the Andean Commission of Jurists, Colombia Chapter; (18) a representative of the Jose Alvear Restrepo Lawyers' Collective; and (19) a representative of the Committee of Solidarity with Political Prisoners.

⁸ The functions exercised by the CISVT are set out in Article 3 of Decree No. 2771 of December 20, 1994 "which created the Special Commission for the Investigation of the facts corresponding to Case No. 11.007 before the Inter-American Commission of Human rights."

⁹Final Report of the Commission for Investigation of the Violent Events in Trujillo. Available at: http://justiciavpazcolombia.com/IMG/pdf/Comision_de_investigacion_de_los_sucesos_violentos_de_Trujillo.pdf (Last visited on November 16, 2016).

information gathered from the testimonies of victims and relatives, as well as the judicial and administrative decisions rendered up to that juncture, reached the following conclusions:

“(…)

CONCLUSIONS

FIRST: The Commission has sufficient evidence to conclude that the Colombian State is responsible for the acts and omissions of public servants in the violence that occurred in Trujillo.

SECOND: The Commission has sufficient evidence to conclude that the Colombian State is responsible because its judicial and disciplinary bodies refrained from collecting pertinent evidence, issued rulings at odds with the reality of the proceedings, and committed other serious irregularities that prevented identification and punishment of the perpetrators of the violent events in Trujillo.

THIRD: The Commission has sufficient evidence of the direct participation of then-Major (National Army) Alirio Antonio Urueña Jaramillo in the violent events in Trujillo, given that the evidence for that participation is much more compelling than the evidence against it. In addition, the Commission is convinced of the participation by act or omission of other persons, whether civil servants or individuals, who have not been identified or who, despite being mentioned in the investigations, have not been charged in the respective proceedings or were acquitted.

FOURTH: The Commission has sufficient evidence that certain civil servants who took part in the investigation and prosecution of the violent events in Trujillo refrained from collecting pertinent evidence, issued rulings at odds with the reality of the proceedings, and committed other serious irregularities that prevented identification and punishment of those responsible.

FIFTH: The Commission is convinced that the violent events in Trujillo demonstrate conduct that constitutes crimes against humanity and serious violations of the principles of international humanitarian law.

SIXTH: The Commission concludes that the killings, forced disappearances, torture, and arbitrary detentions that made up the violent events in Trujillo remain in impunity, in violation of the victims’ right to justice.

SEVENTH: The Commission is convinced that the Colombian State has an obligation to make reparations to the individual victims, as well as to the population of Trujillo and Colombian society, which were socially and morally affected by those acts, in accordance with the recommendations of this Report.

EIGHT: The Committee expresses its concern about the difficulties in overcoming the impunity that surrounds the violent events that occurred in Trujillo, such as the statute of limitations, *res judicata* and other legal and institutional reasons, and, therefore, expresses its conviction of the need to continue exploring ways to resolve this situation.

NINTH: The Commission is concerned that some of the civil servants who participated by act or omission in the violent events of Trujillo, rare still engaged by the security forces.

TENTH: The Commission notes the persistence of multiple factors and actors associated with violence and crime that, have blighted the Trujillo region for several decades, degrading the social fabric and contributing to impunity.

ELEVENTH: The Commission expresses its concern at the threats and intimidations that, according to testimonies, continue to target the surviving witnesses and at the persistence of drug trafficking organizations, so-called paramilitary groups in Colombia, and groups of assassins for hire in the Trujillo region.

TWELFTH: The Commission is convinced that the violence in Trujillo would never have become as serious and extensive as this report reveals if all the so-called living forces of Colombian society and the national and regional civil authorities had taken the steps that the circumstances required or that their authority and functions made incumbent upon them in order to prevent the breakdown of social order and the commission of the atrocities in question.”

4. Based on the above conclusions, the Commission for Investigation of the Violent Events in Trujillo recommended:

FIRST: That the competent penal and disciplinary authorities open criminal and disciplinary investigations into the civil servants and private citizens involved in the violence in Trujillo and to prosecute and punish, as appropriate, those responsible for the killings, torture, forced disappearances, bodily harm, and arbitrary detentions of which the 107 persons listed in this report were direct victims, in addition to those identified in subsequent investigations.

SECOND: For the purposes of the previous point, that the Office of the Prosecutor General of the Nation reassign preliminary inquiry No. 3995, which is being handled by the Regional Office of Public Prosecutions of Cali, together with all other preliminary inquiries into violent events in Trujillo, to the National Unit of Human Rights Attorneys.

THIRD: That the competent criminal and disciplinary authorities open criminal and disciplinary inquiries into the behavior in the criminal proceedings of the those who at the time of the events in the instant case served as Judge of the Third Public Order Court and Judge of the 16th Military Preliminary Criminal Investigations Tribunal of the Third Brigade of the National Army, the medical examiner who issued the psychiatric opinion on Daniel Arcila Cardona, and any other civil servants and private citizens who violated criminal law in the course of the respective proceedings. If there are grounds to reopen the proceedings the representative of the Public Prosecution Service and the parties must file the appropriate suit.

FOURTH: That the Internal Affairs Office appoints a special representative of the Public Prosecutor's Office to exercise permanent oversight over the criminal investigations referred to above.

FIFTH: That the Internal Affairs Office vacates, in accordance with the law, the acquittal ruling handed down by the Office of the Delegated Attorney for the Defense of Human Rights in favor of members of the security forces implicated in the violence in Trujillo. The Internal Affairs Office shall adopt the relevant before the statute of limitations runs on disciplinary action.

SIXTH: That the Office of the Prosecutor General of the Nation and Administrative Security Department (DAS) immediately include as a priority in their witness

protection programs persons who have collaborated or may collaborate in the judicial and disciplinary investigation of the violence in Trujillo.

SEVENTH: That the competent judicial and disciplinary authorities investigate the conduct constituting conspiracy to commit crimes by reason of belonging to, organizing and financing paramilitary groups and assassins for hire, as well as drug trafficking, illicit enrichment, rebellion, terrorism and related crimes that were denounced in the course of the investigation of the violence in Trujillo.

EIGHT: That the National Government provides reparation to the victims, the population of the Municipality of Trujillo, and Colombian society as follows:

A. Compensation Beneficiaries

1. That, in accordance with the law and the jurisprudence of the Council of State, let compensatory damages for moral and material injuries be recognized and provided to the following persons, who were injured in the armed confrontation in the village of Playa Alta, La Sonora District, Municipality of Trujillo, Department of Valle del Cauca, on March 29, 1990: Carlos Jose Arcila Nieto, Fabian Ramirez, Jose del Carmen Camacho, Roman Florez, Tulio Ivan Ramos, and Carlos Camacho.

2. That, in accordance with the law and jurisprudence of the Council of State, let compensatory damages for moral and material injuries caused be recognized and provided to those who show a legitimate interest in relation to the following victims:

2.1 Disappeared in the district of La Sonora, municipality of Trujillo, on the night of March 31 to April 1, 1990: Ramiro Velasquez Vargas, Amoldo Cardona, Everth Prado, Rigoberto Prado, Fernando Arias Prado, Arnulfo Arias Prado, Jose Vicente Gomez, Esther Cayapu Trochez, Fernando Fernandez Toro, Ricardo Alberto Mejia, and Wilder Sandoval.

2.2 Disappeared in the municipal seat of Trujillo, on April 2, 1990: Jose Agustin Lozano Calderon, Jose Alirio Granada Velez, Jose Erley Vargas Londoño, Hervey Vargas Londoño, and Orlando Vargas Londoño.

2.3 Disappeared near the municipality of Trujillo, on April 7, 1990 (their corpses later appeared): Juan Giraldo Molina, Fredy Rodriguez Giraldo, and Danilo Garcia Ortiz.

2.4 Disappeared on the road that leads from the municipality of Riofrio to the municipality of Trujillo, on April 17, 1990: Father Tiberio Fernandez Mafla (whose body was found on April 23, 1990), Alba Isabel Giraldo, Oscar Pulido Rozo, and Jose Norbey Galeano.

2.5 Others murdered and disappeared: Guillermo Antonio Betancourth (murdered in the village of Playa Alta, La Sonora District, Municipality of Trujillo, on March 29, 1990); Jose Porfirio Ruiz Cano (murdered in the municipal seat of Trujillo on March 31, 1990); Jairo Antonio Ortiz Sanchez (murdered in the municipal seat of Trujillo on April 1, 1990). Albeiro de Jesus Sanchez (found dead in the district of Venecia, Municipality of Trujillo, April 4, 1990).

2.6 Disappeared in the municipal seat of Trujillo: Daniel [Arcila] Cardona (disappeared on May 5, 1991).

B. Compensation amount

The moral and material damages shall be paid in accordance with the legal and financial formulas recognized and used in the jurisprudence of the State Council of Colombia.

Payment of compensation

In accordance with the human rights policy announced by the President of the Republic in his address of September 9, 1994, the National Government will introduce and actively promote in the first week of the next session of the Congress of the Republic a bill to pay the compensation decreed or recommended by the Inter-American Commission on Human Rights and intergovernmental agencies of a similar nature, and, in accordance therewith, shall make the reparations recommended in this report. The foregoing notwithstanding, the Government will explore and devise, in accordance to law, other possible ways to guarantee the payment of compensation.

In order to provide redress to the community of Trujillo and Colombian society, morally and socially affected as they were by the violent events in question, it is recommended that the Government designs and implements at the earliest opportunity a broad program of social spending and investment in the area, make a public and symbolic act of recognition of the victims of the respective violent acts, and publish this report widely. A summary of the facts, conclusions and recommendations will be broadly disseminated in the mass media within six months and no later.

The Government must design and develop a program for the return or relocation of the persons displaced on account of the violence in Trujillo that ensures their integration into the community with specific employment programs and free education for the children of the victims in State facilities.

The Government shall also assume responsibility for providing comprehensive care to the individuals and families who were forcibly displaced as a result of the violent events in Trujillo.

For the purposes of the symbolic act of recognition referred to above, an agreement will be reached with the relatives of the victims for the construction in the municipality of Trujillo of a monument to their memory that will be paid for out of the national budget.

NINTH: That the Medical Ethics Tribunal proceeds with the investigation into the conduct of the forensic expert who performed the psychiatric evaluation of Daniel Arcila.

TENTH: That the Government takes into account the conduct, whether by act or omission, of members of the Armed Forces in connection with the violent events in Trujillo, in order to make determinations as to whether or not they should continue in active service or on the promotions that they might be given in the course of their careers.

SPECIAL RECOMMENDATION: Since Case 11.007 before the Inter-American Commission on Human Rights includes allegations of homicide, torture, threats, enforced disappearances and arbitrary detentions, in respect of which the Commission was unable to reach well-founded conclusions given the limited length of its remit and the persisting fear among witnesses to the events and relatives of the

victims, it is recommended that the Inter-American Commission on Human Rights and the parties in the aforementioned case keep it open."

5. In a resolution adopted at its 88th regular session in February 1995, the Inter-American Commission on Human Rights welcomed the Final Report of the CISVT and resolved:

"[...]

1. To value and endorse the report's conclusions, according to which the State of Colombia bears responsibility for the violent events in Trujillo.

2. To value and endorse the recommendations made in the report on the events that occurred in Trujillo.

3. To continue to examine the case and the implementation of the recommendations of the report, as requested by the report in its special recommendation.

4. To listen to the parties at the next session of the Inter-American Commission on Human Rights to be held in September this year on the state of implementation of the recommendations in the final report by the State of Colombia.

6. Despite some difficulties in implementing the recommendations contained in the Final Report of the CISVT, such as the procedural inactivity between 1995 and 2005, the threats to the victims and the organizations supporting the proceedings, and decision to release National Army Major (r) Alirio Urueña and National Police Lieutenant Jose Fernando Berrio Velasquez ordered by the Criminal Circuit Court of Tulua, the parties consider that the balance overall is positive in terms of their fulfillment and cite the following measures:

a) The enactment of Law 288 of 1996 in accordance with recommendation No. 8 of the Final Report.

b) The recognition of international responsibility for the crimes in the case made by the then-president of the Republic, Ernesto Samper Pizano.

c) The improvement of 105 houses and the construction of 36 new houses as part of the social investment program that were presented to certain relatives of the victims.

d) The provision of state funding for the purchase of the land for the Monument Park in Trujillo Valle.

e) The compensation provided to the relatives of the victims recognized in the final report of the CISVT.

f) The judgment of September 22, 2010, handed down by the Criminal Cassation Division of the Supreme Court of Justice, which ruled on the motion to reopen proceedings filed by the 17th Prosecution Unit of the National Unit for Human Rights and International Humanitarian Law and vacated the acquittal decisions of January 4 and September 20, 1991, issued by the Superior Court of Public Order.

g) The criminal convictions handed down for the crimes in the case against the paramilitary operative Henry Loaiza Ceballos, alias "Alacrán"; National Army Major (r)

Alirio Antonio Urueña, and National Police Lieutenant Jose Fernando Berrio Velasquez. (Numbering outside the text)

7. In 2013, the IACHR invited the Colombian State and the victims' representatives to a working meeting on Case 11.007 (Trujillo Massacre) at its 149th regular session. The working meeting was requested by the victims' representatives, who expressed their intention to continue the friendly settlement process with a view to obtaining comprehensive redress for the victims connected with the international proceeding who were not covered in the final report of the CISVT but who have been recognized in the criminal proceedings taken forward.

8. October 30, 2013, at a working meeting on the case held at the headquarters of the IACHR, the parties signed a memorandum of understanding with a view to continuing the friendly settlement process in the case of the Trujillo Valle Massacre.

9. After holding a number of working meetings, the parties have agreed on the following elements to comprise the following final friendly settlement agreement:

FINAL FRIENDLY SETTLEMENT AGREEMENT

1. RECOGNITION OF VICTIMS

The State hereby recognizes as victims in Case 11.007 (Trujillo Massacre) processed by the Inter-American Commission on Human Rights the persons accredited as such in Investigation No. 040 being carried out into the events in the case by Office 17 of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law. To date, the criminal investigation has accredited the following victims:

(1) Ramiro Velasquez Vargas, (2) Arnoldo De Jesus Cardona Moreno, (3) Everth Prado, (4) Rigoberto Prado, (5) Fernando Arias Prado, (6) Arnulfo Arias Prado, (7) Jose Vicente Gomez, (8) Esther Cayapu Trochez, (9) Fernando Fernandez Toro, (10) Ricardo Alberto Mejia, (11) Wilmer Sandoval, (12) Jose Agustin Lozano Calderon, (13) Jose Alirio Granada Velez, (14) Hervey Vargas Londoño, (15) Orlando Vargas Londoño, (16) Jose Erlein Vargas Londoño, (17) Juan Gregorio Giraldo Molina, (18) Freddy Rodriguez Giraldo, (19) Jose Porfirio Ruiz Cano, (20) Jairo Antonio Ortiz Sanchez, (21) Albeiro de Jesus Sanchez, (22) Tiberio de Jesus Fernandez Mafla, (23) Alba Isabel Giraldo Fernandez, (24) Jose Norbey Galeano Cuartas, (25) Oscar Pulido Rozo, (26) Fernando Londoño Montoya, (27) Jose Abundio Espinosa Quintero, (28) Teofilo Gamboa Moreno, (29) Jose Alberto Laverde Suarez, (30) Luis Dado Estrada, (31) Gilberto Hernandez Lopez, (32) Jose William Mayorga Vargas, (33) Francisco Luis Lopez Rojas, (34) Salvador Augusto Lopez Rojas, (35) Pedro Pablo Duque Aguirre, (36) Jesus Alberto Arias Ramirez, (37) Jose Luis Rodriguez, (38) Joaquin Angel Ramirez Ospina, (39) Pedro Antonio Guzman De Jesus, (40) Julian Restrepo Sanchez, (41) Fabio De Jesus Berrio Marroquin, (42) Arcenio De Jesus Berrio Marroquin, (43) Enoc Giraldo Santa, (44) Marco Antonio Peña (45) Jose Noel Giraldo Molina, (46) Carlos Alberto Bermudez, (47) Jose Horacio Bermudez, (48) Gilberto Berrio Osorio, (49) Ordoniel Ospina Velez, (50) Fabio Elias Cardona Velez, (51) Luis Antonio Ortiz Vega, (52) Jose Omar Infante, (53) Orlando Cabrera Rodriguez, (54) Luis Albeiro Salinas Ospina, (55) Luis Alberto Rios Zapata, (56) Miguel Arturo Tellez Garay, (57) Raul Emiro Erazo, (58) Jesus Maria Baron, (59) Luis Alfonso Giraldo Rojas, (60) Miguel Vicente Rodriguez Matallana, (61) Ruben Dario Gonzalez Agudelo, (62) Ricardo Burbano Delgado, (63) Rubiel Ider Cano Valencia, (64) Jose Alben Cano Valencia, (65) Jose Dorniel Cano Valencia, (66) Jose Albeiro Bedoya Buitrago, (67) Genaro Antonio Serna Pabon, (68) Jose Orlando Orozco Londoño, (69) Raul Peñaloza, (70) Arnulfo Peñaloza, (71) Alba Lucia Martinez, (72) Juan de Jesus Restrepo Valencia, (73) Jose Gildardo Giraldo Molina, (74) Daniel Arcila Cardona, (75) Mauricio Castañeda Giraldo, and (76) Reinel Pineda Garcia.

In the event that Investigation No. 040 being carried out into the events in the case by Office 17 of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law recognizes additional victims, they shall become beneficiaries of the measures described in sections 1 and 2 of clause 4 of this agreement.

2. MEASURES TO PROVIDE SATISFACTION OF THE RIGHT TO JUSTICE

The parties recognize the progress that has been made in terms of the delivery of justice in this case, as well as the fact that a number of difficulties persist. Accordingly, in order to continue to discharge the obligation to investigate, prosecute, and punish those responsible for the crimes and to look for and identify the disappeared and deliver their remains to their relatives in a dignified manner, the Office of the Prosecutor General shall set up a working group comprising the 17th Prosecutor of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law, a local prosecutor, two investigators, and an analyst to move forward the investigation in Case No. 040 underway into the Trujillo Massacre as a matter of priority.

3. MEASURES RELATING TO THE RIGHT TO THE TRUTH AND REMEMBRANCE

The state undertakes to adopt the following commemorative measures:

1. A commemoration ceremony led by a high-ranking government official and attended by public authorities, the relatives of the victims, and their representatives in the Municipality of Trujillo-Valle in April 2016. This measure will be the responsibility of the Victim Assistance and Comprehensive Reparation Unit.

2. A documentary film on the efforts made over the years by the victims' relatives to obtain truth and justice. The documentary shall also reclaim the memory of the victims and their relatives. The documentary shall be 45 minutes long and produced, presented, and broadcast by a national state-owned television network. This measure will be the responsibility of the Office of the Presidential Adviser on Human Rights.

3. Provide financial assistance in the amount of sixty-five million pesos (COP 65,000,000) to the Trujillo Victims' Relatives Association [*Asociación Familiares Víctimas de Trujillo - AFAVIT*] to be invested in a cultural agenda that contributes to the improvement of the Monument Park in Trujillo, Valle del Cauca, as a symbolic reparation measure to reclaim and honor the memory of the victims and their families. This measure will be the responsibility of the Ministry of Culture, which will monitor the investment of the funds. In addition, the Ministry of Culture undertakes to obtain with the Secretariat for Culture of the Departmental Government of Valle del Cauca the sum of twenty-five million pesos (COP 25,000,000) to support AFAVIT in its commemoration activities.

These measures shall take into account the relatives of the victims who died as a result of moral failures and their implementation shall be agreed upon with the victims' relatives and their representatives.

4. MEASURES TO SATISFY THE VICTIMS' RIGHT TO COMPREHENSIVE REPARATION

1. Financial reparation: The State undertakes, by means of the procedures set forth in Law 288 of 1996, to provide compensation for the material and nonpecuniary injuries found in favor of the next of kin of the victims recognized in Investigation No. 040 being conducted into the events by Prosecution Unit 17 of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law who have not yet been compensated in the administrative jurisdiction. This measure shall be carried out once this friendly settlement agreement is approved through the adoption of the report

under Article 49 of the American Convention on Human Rights and shall be the responsibility of the Ministry of National Defense.

Payment of the compensation shall be made within not more than ten (10) months counted from the judgment or order approving the conciliation.

2. The State undertakes to support the victims in this case so that they may obtain access to the plans, programs, and projects in the area of assistance and reparation offered by the Colombian State through the care, assistance, and comprehensive reparation system implemented by the Victim Assistance and Comprehensive Reparation Unit. The next of kin of the victims recognized in the framework of the friendly settlement shall be included in the consolidated register of victims.

Paragraph: In the event that the Victim Assistance and Comprehensive Reparation Unit should cease to exist, this measure shall be covered by the entity that assumes its functions.

3. The necessary administrative steps shall be taken to ensure the titling of the homes built. This measure shall be the responsibility of the Office of the Mayor of the Municipality of Trujillo-Valle and shall be fulfilled within six months following the signing of this friendly settlement agreement. The Office of the Presidential Advisor for Human Rights shall be responsible for monitoring compliance with this obligation.

5. GUARANTEES OF NON REPETITION

The State, through the Ministry of the Interior, undertakes to continue providing support and technical assistance to the Municipality of Trujillo-Valle in the construction, update, and follow-up on the comprehensive plan for prevention of human rights violations and infringement of international humanitarian law carried out in the Municipality of Trujillo-Valle.

REQUEST

The parties hereby request the Inter-American Commission on Human Rights to approve this agreement and adopt as a matter of priority the report under Article 49 of the American Convention and Human Rights given fact that said report is essential for implementing several of the points contained in the Friendly Settlement Agreement.

This agreement was endorsed by the entities committed to the implementation of the reparation measures

Signed on three copies on the sixth day of April 2016.

V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

23. The IACHR reiterates that, under Articles 48(1)(f) and 49 of the American Convention, this procedure has the objective of “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” The State’s consent to pursue this avenue is evidence of its good faith to honor the Convention’s purposes and objectives, based on the principle of *pacta sunt servanda*. According to that principle, States must comply in good faith with the obligations undertaken in treaties¹⁰. The IACHR also wishes to point out that, with the friendly settlement procedure provided for in the Convention, individual cases can be settled in a non-contentious manner. In cases involving a number of

¹⁰ 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 to it and must be performed by them in good faith.*

countries, the friendly settlement procedure has proven to be a useful vehicle that both parties can utilize to arrive to a solution.

24. The Inter-American Commission has closely monitored the development of the friendly settlement arrived at in the present case through various working meetings and public hearings with the aim of facilitating dialogue between the parties and providing an environment conducive to reaching consensus on the common interest of providing reparation to the victims of the violent events that occurred in Trujillo. The Inter-American Commission greatly values the efforts made by both parties in negotiating this friendly settlement, which is compatible with the object and purpose of the Convention, and is confident that the parties will participate actively in carrying out the measures agreed upon in this agreement until they are implemented in full.

25. In line with the provisions contained in the friendly settlement agreement and the contents of the joint communication from the parties of July 14, 2016, the parties have jointly requested the Commission to adopt the report envisaged in Article 49 of the American Convention with a view to initiating the procedures to provide the victims some of the reparation measures set out in the Friendly Settlement Agreement, in particular those having to do with the gradual enforcement by the State of Law 288 of 1996. The IACHR finds, based on the information supplied by the parties thus far, that it is appropriate to evaluate the fulfillment of some of the commitments set forth in the friendly settlement agreement against the progress made during the negotiations stage, in light of the obligations arising from the memorandum of understanding of September 26, 1994, that established the Commission for Investigation of the Violent Events in Trujillo, as well as the progress made in implementing that Commission's recommendations.

Regarding the second: Measures to provide satisfaction of the right to justice

26. With respect to justice, the IACHR takes note of the information supplied by the petitioners in their communication of August 12, 2013, in which they indicated that they considered that the first and second recommendations of the CISVT, relating to the criminal and disciplinary investigation of the events, had been partially met. In that connection, the petitioners said that after the investigation was assigned to the Office of the Prosecutor of the National Unit for Human Rights and International Humanitarian Law in Bogota a number of significant advances were reported, including the filing of a motion to reopen the case by the office of the prosecutor against the acquittal rulings issued by the Third Court of Public Order of Bogota on January 4, 1991, and the decision rendered by the Superior Court of Public Order on September 20, 1994, in favor of Henry Loaiza Ceballos, Diego Montoya Sanchez, Alirio Urueña Jaramillo and Diego Rodriguez Vasquez, which in their opinion "enabled their subsequent investigation, as well as the prosecution and conviction of several culprits."

27. According to information from the petitioners, on December 16, 2009, the Buga Third Criminal Circuit Court handed down a judgment against Henry Loaiza Ceballos, alias "Alacrán", sentencing him to 30 years' imprisonment and a 10-year ban from public office for the homicide of Daniel Arcila Cardona and Mauricio Castañeda, without the possibility of a suspended sentence, house arrest, or parole. In addition, on January 2, 2012, the 17th Prosecutor's Office of the National Unit for Human Rights and International Humanitarian Law, reportedly found based on the preliminary inquiry that there was cause to indict Henry Loaiza for the crimes of aggravated criminal conspiracy, aggravated homicide, forced disappearance, and unlawful deprivation of liberty in relation to 41 victims. Subsequently, on March 22, 2013, the Buga Third Criminal Circuit Court handed down two judgments against Henry Loaiza. The first sentenced him to 20 years' imprisonment, a fine of 8,333 times the statutory minimum wage [*Salarios Mínimos Legales Mensuales Vigentes* - SMLMV] and a 10-year ban from public office for aggravated abduction of 22 individuals, aggravated homicide of 42 individuals, one count of forced disappearance, and two counts of attempted homicide. The second conviction imposed a 30-year prison sentence for the aggravated homicide of Ordonel Ospina Velez, Alberto Mejia, and Jairo Antonio Ortiz Sanchez, in addition to a fine of 1,000 SMLMV to be paid to relatives of a number of victims. Finally, the decision also imposed a 10-year banned from public office.

28. On October 7, 2010, the Bogota Fourth Circuit Court issued its judgment against Alirio Urueña Jaramillo, a major in the Army at the time of the events, finding him guilty of the aggravated homicide

of the brothers Rubiel Ider, Jose Alben and Jose Dornel Cano Valencia, as well as of Ricardo Burbano, and sentencing him to 44 years in prison, a ban from public office for the same length of time, and the payment of material and nonpecuniary damages in the amount of 20,000 grams of gold. In addition, in the disciplinary proceeding against Alirio Urueña Jaramillo for the events that occurred in Trujillo, the Internal Affairs Office issued Resolution No. 35 of 1995 by which it decided to dismiss the agent from his position as an officer in the National Army attached to the Third Artillery Battalion based in Buga, Valle del Cauca, for his official conduct in the months of March and April 1990 in the Municipality of Trujillo. The State informed on April 13, 2007, that the investigated individual lodged an appeal against that resolution, which was decided on May 28, 1996, by the same authority, which found that the administrative jurisdiction had been exhausted and, therefore, that it was not appropriate to pronounce on the appeal. The State added that the dismissal of National Army Major Alirio Antonio Urueña was finalized by Resolution No. 09183 of October 3, 1995.

29. With regard to the second clause of the friendly settlement agreement setting out the commitment to set up a “working group comprising the 17th Prosecutor of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law, a local prosecutor, two investigators, and an analyst to move forward the investigation in Case No. 040 underway into the Trujillo Massacre as a matter of priority”, the IACHR takes note of the information provided by the State in its communication of July 7, 2016, advising of the creation of that working group by Resolution No. 01991 adopted by the Office of the Prosecutor General on November 21, 2014. The group consists of one (1) assistant prosecutor, two (2) investigators, and one (1) analyst.

30. According to the State, the working group has moved forward with the preparation of a list of individuals reported as disappeared in the investigation, after which the order was given to hold a drive to take blood samples of the victims and/or their next of kin, who were also interviewed in the Municipality of Trujillo. Those activities were reportedly carried out with the assistance of the Criminalistics Department of the Forensic Investigation Corps [*Cuerpo Técnico de Investigación* – CTI]. In addition, the State informed that a tour was conducted of the municipalities that lie along the River Cauca, from Tuluá in the Department of Valle del Cauca to the municipality of Marsella in the Department of Risaralda, in order to put together a list of unidentified corpses buried in the area between March and April 1990. The investigation is also apparently coordinating with another investigation pursued by the Transitional Justice Exhumation Group with the aim of widening the search for individuals reported as disappeared.

31. In that connection, the petitioners said that although they value the progress made in the area of justice and the appointment to the case of an assistant prosecutor and two CTI investigators, only one investigator has taken up his duties and an analyst has yet to be assigned. Accordingly, they consider that difficulties persist with respect to justice. The petitioners also stated broadly, without providing a specific date, that Henry Loaiza, alias “Alacrán” sent a letter through his lawyer to the victims in this case in which he “publicly asked for forgiveness from the relatives of the victims of the events that occurred in that municipality, in the so-called Trujillo massacre.” In response to the above, the petitioners say that AFAVIT issued a public communiqué in which they stated that “in this context of the peace accords in which we voted YES to peace, in an attitude of reconciliation with social justice, we accept the apology of Henry Loaiza as a way of restoring his human dignity and an opportunity to change and grow in life, and for the general public, who were also victims, to have a chance at real justice.” At the same time, AFAVIT demanded that Loaiza add to his statement by revealing the location of the disappeared and make his contribution to the reparations by paying the damages to which he was sentenced as part of Investigation No. 040.¹¹

32. The IACHR notes that the parties acknowledge that progress has been made with respect to justice in Case 11.007, as denoted by statements found in the text of the friendly settlement agreement, the minutes of the working meetings of May 6, 2015, and October 30, 2013, and in a number of reports provided by the petitioners. In that connection, the IACHR values the information supplied by the parties on the

¹¹ Press report, Public communiqué in response to the apology by Henry Loaiza to the Trujillo victims. Saturday, October 8, 2016, AFAVIT. Available online at: <http://www.colectivodeabogados.org/?Comunicado-publico-ante-el-perdon-de-Henry-Loaiza-a-las-victimas-de-Trujillo> (last visited on October 24, 2016).

penalties imposed on two individuals in the criminal investigations carried out into the events that occurred in Trujillo. The IACHR also considers positive the creation of the Investigation Group in accordance with the commitment made in the friendly settlement agreement, as well as the extension of the operating mandate originally established. At the same time, it should be mentioned that the IACHR does not have sufficient substantive information on the activities carried out by the investigation group, particularly with regard to a plan for searching for the disappeared and turning over the remains to the victims, or a plan with regards to the acts mentioned in Case No. 040 that have yet to be investigated. Based on the foregoing, the IACHR finds that the State has provided information showing that the second clause has been partially implemented.

Regarding the third clause: measures relating to the right to the truth and remembrance

33. As for measures relating to the right to the truth and remembrance, the IACHR values the acknowledgment of international responsibility made by then-president Ernesto Samper Pizano on January 31, 1995 at the Casa de Nariño, during the presentation of the report of the Commission for Investigation of the Violent Events in Trujillo by the Ombudsman, Jaime Cordoba Triviño. During that ceremony, president Samper said the following:

[...] Those who have closely followed the events in the Trujillo case will surely have felt the same revulsion and horror. We are and we want to be a different country from the one that we seem from those awful nightmarish events that occurred in Trujillo. A country where such things are never repeated. A country in which we are able to feel ashamed, as ordinary human beings, at such deranged and abhorrent violence. A country remembered for something other than our endless capacity to harm, mistreat, and murder one another without regard. That is why this is a historic occasion, and I say that without any sense of euphemism. For we have come here to express our sincere contrition on behalf of all Colombians for this case of ungodly violence. [...]

Recalling, in the presence of their relatives, the victims of torture and disappearance in the violent events in Trujillo:

As President of Colombia, I accept the responsibility that the Colombian State rightly bears for the acts and omissions of public servants in the violence that occurred in Trujillo between 1988 and 1990. As President of Colombia, I accept the financial liability arising from these gross acts and omissions by the State and pledge to introduce before the Congress of the Republic a bill authorizing the National Government to cover that compensation, which will be settled in accord with the relevant national and international authorities. [...]"

34. In relation to point 1 of the third clause, concerning the act of commemoration of the events, the parties informed the Commission in a joint note dated July 14, 2016, that a commemoration ceremony was held on April 23, 2016, the anniversary of the recovery of the mortal remains of Father Tiberio Fernandez. The ceremony was held in the Monument Park in Trujillo Valle, which pays homage to the victims of the violence in Trujillo, whose purchase was made possible by State funds, as mentioned in the text of the friendly settlement agreement above. The act of acknowledgment of responsibility was led by the then-Minister of Justice and Law, Yesid Reyes Alvarado, who read out loud the names of each of the 76 victims and the text of the agreement. He also said the following:

[...] As a State we remember those acts; we do not forget them. We emphatically repudiate them and are ashamed that they were committed against innocent people. For that reason, we ask forgiveness from you, your fathers, your mothers, your sons and daughters, your brothers and sisters, wives and friends.

We regret having made you travel such a long road to obtain justice. We know that nothing can replace your family members or make up for the grief that you have felt. However, we hope that you will take a degree of solace from these words.

We wish to express our solidarity with the families of the victims and hope that this coming together will in some way restore your confidence in our institutions, repair the social fabric, and set in motion an active process of national reconciliation.

35. The parties reported that they planned the act of commemoration together and that it entailed a program that included a tour of the park, a song, a prayer, and a floral offering. In addition, the president of the Trujillo Victims' Relatives Association, Nelson Fernandez, spoke some words, as did the mayor of the Municipality of Trujillo Valle, Gustavo Alonso Gonzalez Gallego, and the director of the National Historical Memory Center, Gonzalo Sanchez Gomez. In addition, four delegates of the relatives of the victims of the Trujillo massacre took part in the event, as did a representative of the Jose Alvear Restrepo Lawyers Collective Corporation, Eduardo Carreño, on behalf of the victims. Finally, the parties said that commemorative cultural activities were held in the afternoon. The IACHR also finds that on July 7, 2016 the State furnished documentation of the press coverage of the act of acknowledgment of responsibility by widely distributed national newspapers, including El Tiempo, El Herald, RCN, Vanguardia Liberal, El Pueblo de Cali, Noticias Caracol, El Espectador, El Pais, Caracol Radio, La Tarde de Risaralda, and El Noveno Dia del Tolima. The State also provided a photographic record of the commemoration ceremony.

36. The petitioners informed the Commission that the commemoration ceremony was attended by a large number of victims, state entities, and media organizations. They valued the presence of the Minister of Justice and other officials at the event, as well as the importance given to the memory of Father Tiberio Fernandez Mafla, the community's spiritual leader who was disappeared and murdered in the violent events in Trujillo. They especially appreciated the fact that AFAVIT and representatives of the victims were consulted on the design and of this reparation measure and how it was carried out.

37. The IACHR values the steps taken by the Colombian State with respect to the recognition of its international responsibility for the events that occurred in Trujillo Valle. At the same time, it takes note of the information provided by the parties in their joint note, as well as the photographic documentation and press reports submitted by the State. In light of the foregoing, and taking particularly into account the act of acknowledgment of responsibility for the violent events that occurred in Trujillo, which was led by the Head of Government and of the Armed Forces of Colombia, President Samper, the IACHR considers that point 1 of the third clause of the agreement concerning an act of commemoration in relation to the events has been complied with in full.

38. In relation to point 2 of the third clause, regarding a documentary film, the IACHR received information from the state and the petitioners that this measure is still at an initial stage. Accordingly, the IACHR considers that this point has not yet been met and it will continue to await additional updates by which to assess progress with its implementation. With respect to point 3 of the third clause, concerning financial assistance to AFAVIT, the petitioners stated that twenty-five million pesos (COP25,000,000) have been disbursed in keeping with the agreement, which has been used to hold cultural workshops with the "Jimmy Garcia Peña" children's group, the youth group, and the female household heads group of Trujillo. The petitioners said that they are still waiting for the disbursement of sixty-five million pesos (COP65,000,000) by the end of 2016. The IACHR takes note of the information furnished and, therefore, declares that point 3 of the third clause has been partially fulfilled and that it will continue to monitor the situation until it has been implemented in full.

Regarding the fourth clause: measures to satisfy the victims' right to comprehensive reparation

39. With respect to the fourth clause concerning measures to satisfy the victims' right to comprehensive reparation, it is notable that on January 31, 1995, during the presentation of the Final Report of the Commission for Investigation of the Violent Events in Trujillo President Samper pledged to "introduce before the Congress of the Republic a bill authorizing the National Government to cover that compensation, which will be settled in accord with the relevant national and international authorities." In that regard, the documents contained in the record of the case, as well as the statements of the parties in the friendly settlement agreement itself, indicate that as part of the process of negotiation of the friendly settlement

agreement and implementation of the recommendations of the CISVT, the Colombian State enacted Law 288 of 1996, establishing mechanisms to provide compensation for injuries to victims of human rights violations based on decisions of international human rights organs.

40. The Commission has highlighted that law as a best practice in the area of legislative mechanisms to enable compliance with decisions of the organs of the Inter-American system, including friendly settlements agreements.¹²

41. In particular, in relation to the universe of victims in Case 11.007, the petitioners mentioned in their communication of August 12, 2013, that in accordance with Law 288 of 1996 financial compensation was made to the relatives of 34 victims initially recognized in the final report of the CISVT, pursuant to its recommendations. The petitioners also mentioned that a group of 105 victims availed themselves of the administrative compensatory procedure established by Decree 1290 of 2008, in which some 70% obtained a response. However, the petitioners indicated that in view of the fact that additional victims have been discovered over the years in which the proceeding before the IACHR has been underway, it is necessary that they be recognized in order to benefit from Law 288 of 1996. Finally, the petitioners also noted in their communication of October 19, 2005, that the Colombian State had paid compensation for material and moral injuries in the first round of conciliation before the Council of State as well as subsequently before the Valle del Cauca Administrative Tribunal, and they provided a detailed breakdown of that compensation, which came to a total of eight hundred ninety-nine million nine hundred forty-eight thousand two pesos (COP 899,948,002). The petitioners said that they had disseminated the right of the next of kin of victims to reparation as broadly as possible through the victims' relatives' organization, and that very few relatives had not yet activated the relevant mechanisms.

42. The State, for its part, informed the Commission on June 22, 2006, that in addition to the information provided by the petitioners, other additional financial reparation payments had been made to other victims included in the Final Report of the CISVT, with the result that the total amount paid in financial compensation as of that date came to one billion one hundred seventy-nine million nine hundred fifty-seven thousand three hundred eighty-three pesos (COP 1,179,957,383).

43. The IACHR notes that in the initial petition the petitioners alleged the existence of 52 victims, a number that subsequently rose to 63, whereas the Final Report of the CISVT identified a total of 107 victims, 63 of whom were included in the petition lodged with the Inter-American Commission on Human Rights, and that the friendly settlement agreement included a total of 76 victims, the majority of whom were identified in the Final Report of the CISVT (11 of them were not). The IACHR also notes that according to the first clause of the agreement, the universe of victims in the case has not yet been finalized, and therefore, in the context of the advances made in Investigation No. 040, the total number of victims who could benefit from the friendly settlement agreement remains open. In that regard, the IACHR finds that the clause on compensation for "next of kin of the victims recognized in Investigation No. 040 being conducted into the events by Prosecution Unit 17 of the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law who have not yet been compensated in the administrative jurisdiction" is broad and subject to determination. Thus, for purposes of monitoring fulfillment of the friendly settlement agreement, the Commission considers that the universe of victims in the Trujillo case comprises the 76 included in the list of victims recognized in clause 1 of the Final Friendly Settlement Agreement, plus any additional persons who may be identified as such in the framework of Investigation No. 040. The latter is according to what the parties agreed in that clause.

44. Furthermore, the Commission finds that, according to the petitioners, the great majority of the victims have received compensation, that few of the next of kin have not yet activated the appropriate mechanisms, and that between eight hundred ninety-nine million nine hundred forty-eight thousand two pesos (COP 899,948,002) and one billion one hundred seventy-nine million nine hundred fifty-seven

¹²See IACHR, *Impact of the Friendly Settlement Procedure*, OEA/Ser.L/V/II. Doc. 45/13 of December 18, 2013. Original: Spanish. pars. 155 and ff.

thousand three hundred eighty-three pesos (COP 1,179,957,383) have been paid. Therefore, the IACHR finds that the State has partially fulfilled its obligation to provide compensation to the victims in this case and it calls on the parties to furnish detailed information on access to compensation by the next of kin of the victims recognized in the friendly settlement agreement who have not yet obtained comprehensive reparation.

45. In relation to point 2 of clause 4 of the agreement, concerning the “support [for] the victims in this case so that they may obtain access to the plans, programs, and projects in the area of assistance and reparation offered by the Colombian State through the care, assistance, and comprehensive reparation system implemented by the Victim Assistance and Comprehensive Reparation Unit”, the State told the Commission that the petitioners were asked to provide the identities of the relatives of the victims that would take part in the orientation for victims in the case in the Municipality of Trujillo that would be held in the near future, so as to identify those relatives and determine if they were in the Consolidated Register of Victims [*Registro Único de Víctimas- RUV*], as well as to establish the status of their individual reparation processes. At present, the victims unit is reportedly checking its database to examine the situation of each victim and is including in the RUV those who are not registered as such. The petitioners, for their part, said that not all the victims have been included in the Consolidated Register of Victims (RUV) and that 53 productive projects for the victims had been submitted to the UARIV. They also said that that entity had rejected the applications, saying that it lacked the authority to process them, indicating that the Ministry of Labor and the Ministry of Agriculture are the entities responsible for approving program proposals. The petitioners considered that the response of the UARIV is restrictive of the content of point 2 of the fourth clause of the friendly settlement agreement. In that connection, the IACHR finds that fulfillment of the measure is still incipient and, therefore, that it is still too early to assess it. Accordingly it will wait for additional updated information by which to evaluate progress in that regard. The IACHR takes this opportunity to urge the parties to work together to define the content of point 2 of the fourth clause, in order to establish concrete commitments for the UARIV as regards supporting victims in obtaining access to plans, programs, and projects in the area of reparation.

46. With respect to point 3 of the fourth clause, concerning the “necessary administrative steps [...] to ensure the titling of the homes built”, the IACHR values the improvement of 105 homes and the construction of 36 new homes for the families of the victims during the negotiation phase, in line with the recommendations of the CISVT. The details of the construction project for the 36 homes were explained by the State in its communication of March 16, 2010, in which it indicated that as a result of an interagency agreement between FONADE and the erstwhile INURBE it was possible to carry out the home building projects within a time frame of approximately 6 months and that those works were delivered on January 18, 2010. In that connection, the petitioners said in their communication of August 12, 2013, that while it was true that the buildings had been delivered in a material sense, the State had yet to move forward with their titling and registration with a view to their eventual official delivery. Furthermore, on October 21, 2016, the petitioners said that as of that date there had been no reply from the Office of the Mayor of Trujillo as regards progress with the titling process. The IACHR understands that this point was immensely important for the inhabitants of Trujillo and takes satisfaction from the fact that the parties managed to agree on the delivery of the titles within the framework of the friendly settlement agreement. However, owing to the fact that since the agreement was signed the IACHR has not received information from the parties regarding titling of the homes built, it finds that at this time this social rehabilitation measures has only been partially fulfilled. The IACHR will continue to await additional updates by which to assess progress in the implementation of this point.

47. Finally, regarding the fifth clause on non-repetition the State informed the Commission that a workshop for updating the Comprehensive Prevention Plan [*Plan Integral de Prevención - PIP*] of the Municipality of Trujillo was held on October 14, 2015, with technical support provided by the Office of the Director for Human Rights of the Ministry of the Interior and with the participation of representatives of the Office of the Presidential Adviser on Human Rights, the Victims Unit, the Land Restitution Unit, the Valle Regional Protection Unit, the National Legal Defense Agency of the State, Red Unidos, the Red Cross, the fire department, members of the Civil Defense Corps, the mayor's office, Santa Cruz Hospital, Trujillo victims' organizations, the National Army, the National Police, and other municipal and departmental entities and organizations. After the workshop there was a reported process of consolidation of the information gathered with the aim of preparing a PIP for the Municipality of Trujillo Valle 2015, which was shared with the victims'

representative on March 17, 2016. According to the State, the PIP is an instrument for implementing a public prevention policy for addressing risk factors and reducing their impact on the community. The State added that the tool would enable criteria to be defined to guide interagency linkage and coordination at the national, departmental, and municipal level with the aim of establishing a framework of action and the prevention guidelines that should be adopted by the subnational entity. The State underscored that the PIP is formulated, defined, validated, and legitimized with the participation of subnational authorities, representatives of civil society, leaders of ethnic groups, the victims, the security forces, and other stakeholders responsible for establishing the framework of action in the area of prevention. Finally, the State said that on June 29, 2016, it had shared the information on the PIP with different entities at the national and subnational level in order to secure specific commitments from each within the limits of their authority.

48. The IACHR values the information provided by the Colombian State and finds that this measure has been partially fulfilled. It also urges the parties to continue working together on building a public policy to prevent a repetition of the violence that occurred in Trujillo. To that end, the IACHR calls on the parties to establish clear communication mechanisms with the community, media, and the PIP supervision and control channels, with the assistance of the bodies envisaged in national regulations for that purpose, such as citizen watchdogs, ombudsmen, and regional internal affairs offices, among others.

49. Finally, the IACHR considers that the friendly settlement agreement signed by the parties is of historical importance and contains exemplary aspects in terms of the reconstruction of the historical truth of the events, memory, and the social fabric, as well as dignifying the victims of Case 11.007.

50. The IACHR concludes that **point 1 of the third clause** of the agreement concerning an act of commemoration of the events has been implemented in full. The IACHR further concludes that **the second clause** on the creation of a working group that includes the 17th Specialized Prosecutor attached to the Office of the Director of the Specialized National Prosecution Unit for Human Rights and International Humanitarian Law has been partially fulfilled. Similarly, the IACHR concludes that **point 3 of the third clause** concerning the provision of financial assistance in the amount of sixty-five million pesos (COP 65,000,000) to the Trujillo Victims' Relatives Association (AFAVIT) has been partially fulfilled, as has **point 1 of the fourth clause** regarding financial compensation and **point 3 of the fourth clause** referred to titling of the new homes built. Finally, the IACHR considers that the measure to prevent repetition envisaged in the **fifth clause** of the agreement has been partially implemented.

51. The IACHR considers that implementation is still pending of **point 2 of the third clause**, concerning a documentary film, and **point 2 of the fourth clause** of the agreement, to do with supporting the victims in this case in obtaining access to the plans, programs, and projects in the area of assistance and reparation offered by the Colombian State.

VI. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

2. Based on the considerations and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement that the parties signed on April 6, 2016.

2. On the basis of the analysis contained in this report, to declare point 1 of the third clause of the friendly settlement agreement implemented in full.

3. On the basis of the analysis contained in this report, to declare the second clause, point 3 of the third clause, points 1 and 3 of the fourth clause, and the fifth clause of the friendly settlement agreement to be partially fulfilled.

4. On the basis of the analysis contained in this report, to declare point 2 of the third clause and point 2 of the fourth clause of the friendly settlement agreement to be partially fulfilled.

5. To continue to monitor the commitments in respect of which compliance on the part of the State of Colombia remains pending. To that end, to remind the parties of their commitment regularly to inform the IACHR on compliance with the measures established in the friendly settlement agreement.

6. To make the present report public and include it in its Annual Report to the General Assembly of the OAS.

Done and signed in the city of Panama, on the 30th day of the month of November, 2016. (Signed): James L. Cavallaro, President; Francisco José Eguiguren, First Vice President; Margarette May Macaulay, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi and Esmeralda E. Arosemena Bernal de Troitiño, Commissioners.