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REPORT No. 169/22
PETITION 1617-12
FRIENDLY SETTLEMENT REPORT

DOMINGO JOSÉ RIVAS CORONADO
COLOMBIA

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FRIENDLY SETTLEMENT
DOMINGO JOSÉ RIVAS CORONADO
COLOMBIA¹
JULY 25, 2022

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On September 6, 2012, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Mr. Juan Bautista Segundo Ramos acting on his own behalf and on behalf of Yesika Ornela Rivas Ramos Ramos and Ingrid Micol Ramos Díaz, (hereinafter "petitioner party" or "the petitioners"), claiming the international responsibility of the Republic of Colombia (hereinafter "State" or "Colombian State" or "Colombia"), for the violation of the human rights enshrined in Articles 4 (life) 5 (humane treatment), 8 (fair trial) and 25 (guarantees of judicial protection), in relation to Article 1 (obligation to respect) of the American Convention on Human Rights, (hereinafter "ACHR", "Convention" or "American Convention"), to the detriment of Domingo José Rivas Coronado (hereinafter "alleged victim"), for the facts related to his extrajudicial execution by members of the National Police, as well as for the lack of investigation and punishment of those responsible.

2. On July 24, 2019, the State expressed its interest in initiating a friendly settlement process and on May 13, 2020, the petitioner party expressed its willingness to move forward in the negotiation process.

3. On June 23, 2020, the Commission formally notified the parties of the initiation of the procedure and on April 5, 2021, the parties signed a memorandum of understanding for the search for a friendly settlement in which they agreed on a negotiation schedule which materialized with the signing of a friendly settlement agreement (FSA) on December 20, 2021. Subsequently, on June 17, 2022, the parties jointly submitted a progress report on compliance with the FSA and requested its homologation.

4. This friendly settlement report, pursuant to Article 49 of the Convention and Article 40.5 of the Commission's Rules of Procedure, includes a summary of the facts alleged by the petitioner along with a transcription of the friendly settlement agreement, signed on December 20, 2021 by the petitioner and representatives of the Colombian State. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

5. According to the petitioner's allegations, on June 11, 1988, the victim's brother, Carlos Jerónimo Rivas Coronado, was extrajudicially executed by agents of the National Police in the jurisdiction of the municipality of Puerto Escondido, Department of Córdoba (Republic of Colombia), in a place known as "La Apartada," allegedly by order issued by their supervisors, apparently in co-authorship with persons who at the time made up the paramilitary groups in the region, with the alleged purpose of dispossessing Mr. Carlos Jerónimo Rivas Coronado of his property.

6. The petitioner claimed that on June 14, 1988, Domingo José Rivas Coronado filed a criminal complaint with the competent authority, directly accusing two police officers of the murder of his brother, based on the testimony of direct witnesses who saw the crime and identified them as the perpetrators.

7. The petition holds that the Second Superior Criminal Court of Montería, which heard the case, issued a preventive detention order against the two agents as alleged perpetrators of the crime; this order was

¹ Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the discussion and decision of this case, pursuant to Article 17.2.a) of the IACHR's Rules of Procedure.

appealed by the defense and confirmed by the Superior Court of Monteria, in its criminal chamber. The agents were criminally and disciplinarily judged as material authors of the death of Mr. Carlos Jerónimo Rivas Coronado, and the Office of the Attorney General Delegated for the Surveillance of the National Police found merit of disciplinary responsibility.

8. On December 14, 1990, the Second Superior Criminal Judge of Monteria issued a judgment of acquittal in favor of the defendants, arguing reasonable doubt as to the criminal responsibility of the prosecuted. As indicated in the petition, in view of the court's decision and repeated threats against their lives, attorney Domingo José Rivas Coronado and other relatives of Carlos Jerónimo Rivas Coronado took refuge in the city of Bogotá and hired legal services to file a Direct Reparation Action against the Colombian Nation - National Police - in order to declare the civil and administrative responsibility for the homicide of their brother and to make the respective compensatory sentences in favor of the relatives, The claims were denied in the first instance by the Administrative Court of Córdoba, for which reason an appeal was filed and the case was heard by the Council of State of the Republic of Colombia.

9. The petitioners argued that, as a result of the criminal proceedings filed, Domingo José Rivas Coronado had received several death threats allegedly from police officers. After several homicide attempts against him and his secretary at his residence and office, he was forced to move to other cities in the country and these circumstances were reported before the competent authorities.

10. On May 14, 1990, while getting out of a public transportation cab vehicle together with several colleagues, Domingo José Rivas Coronado was killed by a shot fired from behind by two individuals on a high cylinder motorcycle, under the same form of hired assassination in which his brother was killed months before and which caused his immediate death.

11. The petitioner claimed that the homicide of the lawyer, Domingo José Rivas Coronado, was committed at the same time at which the administrative process for direct reparation was underway, as well as the criminal proceedings for homicide and the disciplinary process before the Office of the Delegate Attorney General of the National Police, which was discussing the responsibility of the two police officers for the death of Jerónimo Rivas Coronado.

12. In a judgment issued by the Council of State with regard to the direct reparation proceeding, partial recognition was given to the claims raised because the evidence provided was considered insufficient.

13. The petition held that after the murder of Domingo José Rivas Coronado, Mr. Hernando Rivas Coronado, several of his family members were threatened with death and coerced not to initiate civil, criminal or administrative actions for the events that occurred, a situation which forced them to relocate to other cities in the country to protect their lives and personal integrity.

14. The petitioner held that with respect to the death of attorney Domingo José Rivas Coronado, a preliminary investigation was initiated by a criminal investigation court in the city of Montería in 1990 and that due to the constitutional creation of the Office of the Attorney General of the Nation, it was brought to the attention of this institution and was subsequently archived.

III. FRIENDLY SETTLEMENT

15. On December 20, 2021, the parties signed a friendly settlement agreement, the text of which states the following:

FRIENDLY SETTLEMENT AGREEMENT PETITION No. 1617-12, DOMINGO JOSÉ RIVAS CORONADO

On the twentieth (20th) day of December, 2021, in the city of Bogotá D.C., on the one hand, Ana María Ordoñez Puentes, Director of International Legal Defense of the National Agency for the

Legal Defense of the State, acting with due authorization on behalf and in representation of the Colombian State, and hereinafter referred to as the "State" or the "Colombian State", and on the other hand, Mr. Juan Bautista Segundo Rivas Ramos, hereinafter referred to as "the petitioner", met for the purpose of signing this Friendly Settlement Agreement under Petition No. 1617-12, Domingo José Rivas Coronado, pending before the Inter-American Commission on Human Rights.

FIRST PART: CONCEPTS

For the purposes of this Agreement, the following definitions shall apply:

IACHR or Inter-American Commission: Inter-American Commission on Human Rights.

Moral damage: Harmful effects of the facts of the case that are not of an economic or patrimonial nature, which are manifested through the pain, affliction, sadness, distress and anxiety of the victims.

Material damage: It supposes the loss or detriment of the victim's income, the expenses incurred as a result of the facts and the consequences of a pecuniary nature which have a causal link with the facts of the case².

Immaterial damage: It includes both the suffering and affliction caused to the victims, the impairment of values which are very significant for the persons, as well as the alterations, of a non-pecuniary nature, in the living conditions of the victim or his/her family³.

State or Colombian State: In accordance with Public International Law, it shall be understood as the signatory subject of the American Convention on Human Rights, hereinafter "American Convention" or "IACHR".

Satisfaction measures: Non-pecuniary measures intended to seek the recovery of victims from the harm which has been caused to them. Some examples of this type of measures are: public knowledge of the truth and acts of reparations.

Parties: State of Colombia, the victim's relatives, as well as their representatives.

Acknowledgment of responsibility: Acceptance of the facts and human rights violations attributed to the state.

Comprehensive repair: All those measures which objectively and symbolically restore the victim to the state prior to the commission of the damage.

Petitioner: Doctor Juan Bautista Segundo Rivas Ramos, acting on his own behalf and on behalf of his family.

Friendly Settlement: Alternative dispute resolution mechanism, used for peaceful and consensual settlement before the Inter-American Commission.

Victims: Ingrid Micol Ramos Díaz, Juan Bautista Segundo Rivas Ramos, Yesika Ornela Rivas Ramos and Hernando Antonio Rivas Coronado.

² IHR Court. Cases of the Serrano Cruz Sisters vs. El Salvador, (Merits, Reparations and Costs). Judgment of March 1, 2005, Series C No. 120, para. 150.

³ IHR. Court, Case of Caesar vs. Trinidad and Tobago, (Merits, Reparations and Costs). Judgment of March 11, 2005, Series C No. 123, para. 125.

SECOND PART: BACKGROUND**BEFORE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM**

1. On September 6, 2012, the Inter-American Commission on Human Rights received a petition filed by Mr. Juan Bautista Segundo Rivas Ramos, due to the murder of his father, lawyer Domingo José Rivas Coronado, on May 14, 1990, in the city of Montería, department of Córdoba.

2. Regarding the background of the case, the initial petition states that on June 11, 1988, in the jurisdiction of the Municipality of Puerto Escondido, Department of Córdoba, Mr. Carlos Jerónimo Rivas Coronado, brother of Mr. Domingo José Rivas Coronado, was murdered.

3. As a result of the death of his brother, Mr. Domingo José Rivas Coronado, filed a criminal complaint on June 14, 1988, accusing Francisco Luis Giraldo González, Agent F-2 of the Colombian National Police, in complicity with Agent F-2 José Holmes Coronado, of the murder of Mr. Carlos Jerónimo Rivas Coronado^{4 5}, according to the acknowledgment made by several direct witnesses who saw the homicide⁶. Likewise, disciplinary proceedings were initiated and an action for direct reparation was filed against the Nation - National Police⁷.

4. The investigation initiated by Mr. Domingo José Rivas Coronado, as well as the other processes promoted, would have resulted in constant threats against him, which led him to move to different cities in the country⁸. According to the victims, these threats were brought to the attention of various authorities at the national level⁹, as stated in the file of the process of Direct Reparation No. 5129 L.R. 18, filed in the first instance before the Administrative Court of Córdoba and in the second instance before the Council of State¹⁰.

5. Mr. Domingo José Rivas Coronado returned to the city of Monteria, where he continued to support the investigation into the murder of his brother, becoming a civil party in the criminal proceedings. However, on May 14, 1990, he was murdered by two men who shot him from the back as he got out of a public service cab, causing his immediate death¹¹. The victims hold that the alleged perpetrators of the homicide of Mr. Domingo José Rivas Coronado were members of the security forces who were active at the time¹².

6. The initial petition also states that, as a consequence of the death of Mr. Domingo José Rivas Coronado, his brother Hernando Rivas Coronado and his permanent companion Ingrid Micol Ramos Diaz, were subjected to threats and harassment which led the family to leave the city of Monteria and move to other parts of the country¹³

7. For the victims, the threats and harassment were allegedly made by members of the security forces in order to prevent the initiation of legal action for the murder of Mr. Domingo José Rivas Coronado, which resulted in the victims not filing a direct reparation action at the domestic level¹⁴.

⁴ Initial Petition dated September 6, 2012, page. 5.

⁵ According to the judgment issued by the Council of State in the Direct Reparation Action initiated, the aforementioned agents were criminally and disciplinarily judged as perpetrators of the death of Mr. Carlos Jerónimo Rivas Coronado. Contentious-Administrative Chamber. Third Section. Judgment of June 12, 1992. Action for Direct Reparation brought by Beatriz Carmen Correa Rivas and others against the Nation - National Police.

⁶ Initial petition *cit.*, page. 5.

⁷ *Ibid.*, page 6.

⁸ *Ibidem.*

⁹ *Ibid.*, pages. 6 and 7.

¹⁰ Petitioners' brief of September 18, 2018.

¹¹ Initial petition. *cit.*, pages 6 and 7.

¹² *Ibid.*, page 8

¹³ *Ibid.*, page 30.

¹⁴ *Ibid.*, pages 9 and 40.

8. For the homicide of Mr. Domingo José Rivas Coronado, a criminal investigation was initiated *ex officio*, initially heard by the judges of Criminal Investigation of Monteria, which was archived, and subsequently, the Third Sectional Prosecutor's Office of Monteria took over, at the request of the victim's family, which issued, *ex officio*, an inhibitory resolution dated December 2, 2015¹⁵ as a consequence of the extinction of the criminal action due to the statute of limitations. This decision was not appealed.

9. On April 5, 2021, the Colombian State and the petitioners signed a Memorandum of Understanding for the Search for a Friendly Settlement, which was brought to the attention of the Inter-American Commission on April 7, 2021.

10. In the following months, joint meetings were held between the parties in order to analyze the comprehensive reparation measures to be included in the Friendly Settlement Agreement which was signed today.

THIRD PART: BENEFICIARIES

The Colombian State recognizes the following persons, all Colombian citizens, as victims of this agreement:

Name	Identification Document	Kinship
Ingrid Micol Ramos Díaz	[...]	Permanent partner
Juan Bautista Segundo Rivas Ramos	[...]	Son
Yesika Ornela Rivas Ramos	[...]	Daughter
Hernando Antonio Rivas Coronado	[...]	Brother

The victims recognized in this Friendly Settlement Agreement will benefit provided they can prove with respect to Mr. Domingo José Rivas Coronado: (i) the relationship by affinity, namely, spouse or permanent partner, or (iii) the relationship by consanguinity.

Additionally, the victims who will benefit from this Friendly Settlement Agreement will be those who were alive at the time of the victimizing event¹⁶ and are alive at the time of the signing of the Agreement.

FOURTH PART: ACKNOWLEDGEMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility by omission, for the violation of the rights recognized in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights in relation to Article 1.1. thereof (obligation to guarantee), to the detriment of the relatives of Mr. Domingo José Rivas Coronado, due to the lack of diligence in the investigation of the facts, which resulted in the absence of identification, prosecution and punishment of the perpetrators of his homicide.

¹⁵ Judgement of December 2, 2015, issued by the Third Delegated Prosecutor's Office before the Criminal Judges of the Circuit of Monteria.

¹⁶ This is in accordance with the jurisprudence of the IHR Court. See, IHR Court. Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) vs. Colombia (Preliminary Exceptions, Merits, Reparations and Costs). Judgment of November 20, 2013. Series C No. 270, para. 425.

FIFTH PART: SATISFACTION MEASURES

The parties establish that, the following satisfaction measures are to be carried out under this Agreement:

I. Act of Acknowledgment of Responsibility:

The Colombian State shall undertake an Act of Acknowledgment of Responsibility, with the participation of the petitioner and the next of kin of Mr. Domingo José Rivas Coronado at the premises of the National Agency for the Legal Defense of the State in the city of Bogotá D.C. The acknowledgment of liability to be made in the Act shall be conducted pursuant to the provisions of this Agreement.

The parties shall agree on the date for this Act and the other details of the event. The National Agency for the Legal Defense of the State shall be in charge of this measure.

II. Presentation of Plaque:

At the Act of Acknowledgment of Responsibility, the Colombian State will present the family members with a plaque¹⁷ in memory of Mr. Domingo José Rivas Coronado, which will contain the following caption:

“In memory of attorney Domingo José Rivas Coronado (July 23, 1952 - May 14, 1990). The Republic of Colombia exalts his memory as a great jurist who fought for justice even at the sacrifice of his own life.

This plaque is awarded by the Colombian Nation to his companion, children and family in a ceremonial act celebrated on ____ as an act of recognition and symbolic reparation in the framework of the Friendly Settlement signed on _____ of _____ of _____ within the international process carried out before the Inter-American Commission on Human Rights”.

This measure will be in charge of the National Agency for the Legal Defense of the State, as part of the symbolic reparation measures.

III. Publication of the Article 49 Report:

The Colombian State shall publish the pertinent parts of the friendly settlement report once it has been approved by the Inter-American Commission on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.

IV. Granting of Educational Aids:

The Colombian State shall grant educational aid to Yesika Ornela Rivas Ramos and Juan Bautista Segundo Rivas Ramos, in their status of daughter and son of Mr. Domingo José Rivas Coronado. Likewise, an educational aid will be granted to Ingrid Micol Ramos Díaz, in her status of permanent partner of Mr. Domingo José Rivas Coronado.

With respect to the constitutionally recognized university autonomy, it will be up to those who benefit from the measure to carry out the pertinent procedures to be admitted into the respective Higher Education Institution.

¹⁷ The plaque will be made of gilded bronze (brass), its dimensions will be 45.5 cm wide by 38 cm high, with the inscriptions of the indicated text embossed and in the upper part of the coat of arms of the Republic of Colombia.

Likewise, they must comply with the admission requirements established by the respective Higher Education Institutions (HEI) recognized by the Ministry of National Education, in a professional technical, technological, university or postgraduate program.

In order to operate the measure in Colombia, the educational aid will cover the value of the tuition of the semesters of an academic program of professional technical, technological or university level, for a value of up to eleven (11) SMMLV (minimum wages) and a semester support resource of two (2) SMMLV if the Higher Education Institution is located in the municipality of residence of the beneficiary or four (4) SMMLV if the Higher Education Institution is outside the municipality of residence of the beneficiary.

Those who study abroad must be admitted to a Higher Education Institution recognized by the country of residence in a formal undergraduate or graduate education program.

The ceiling for educational aid abroad will be as follows: Tuition at Higher Education Institutions in undergraduate or graduate programs will be up to one hundred and twenty-eight (128) SMMLV per person in total and a support of one (1) SMMLV of the country of residence. In all cases, the support will be paid on a semester basis.

It is important to point out that it is the sole responsibility of those who benefit from this measure to maintain their student status in the Higher Education Institution they have chosen. If they lose their student status due to poor academic performance or disciplinary misconduct, the measure will be deemed to have been fulfilled by the State.

The use of the educational support must begin to be used within a term no longer than seven (7) years from the signing of this agreement, otherwise the State will be deemed to have complied with the measure.

This measure will be implemented by the Ministry of Education and the Colombian Institute of Credit and Technical Studies (ICETEX)¹⁸.

SIXTH PART: HEALTH AND REHABILITATION MEASURES

The Ministry of Health and Social Protection, in exercise of the powers described in Law Decree 4107 of 2011, shall coordinate health rehabilitation measures consisting of medical, psychological and psychiatric care through the General System of Social Security in Health and its members, which guarantees adequate, timely and priority treatment and for as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter.

Additionally, if necessary and under the criteria of willingness and prioritization, the Ministry of Health and Social Protection will guarantee the victims the implementation of the rehabilitation measure through psychosocial care, through the components of comprehensive health and psychosocial care, within the Psychosocial and Comprehensive Health Care Program for Victims - PAPSIVI.

By virtue of the principle of territoriality, this reparation measure will be implemented in the terms indicated for the beneficiaries who are in the national territory. For those persons residing outside the country, its scope will only include psychosocial care.

Access to psychosocial care for persons who are outside the national territory will be guaranteed through the virtual tools which may be available to them, subject to their

¹⁸ Ministry of National Education. Official letter No. 2021-EE-254091 of July 01, 2021.

expressing their will and in accordance with the guidelines issued by the Ministry of Health and Social Protection on the matter.

These measures will be implemented as from the signing of the friendly settlement agreement¹⁹.

SEVENTH PART: JUSTICE MEASURES

The National Agency for the Legal Defense of the State will request the Office of the Attorney General of the Nation to study the feasibility of filing an action for review of the criminal proceeding brought for the events of May 14, 1990, in the city of Monteria, Department of Cordoba, in which Mr. Domingo José Rivas Coronado lost his life.

EIGHTH PART: COMPENSATION MEASURES

The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations pursuant to the provisions of certain international human rights bodies", once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the affectations generated by the facts of the present 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.

NINTH PART: HOMOLOGATION AND FOLLOW-UP

The parties request the Inter-American Commission to homologate this Agreement and to follow up on it.

This Agreement having been read and the parties being aware of its scope and legal content, it is signed on the twentieth (20th) day of the month of December, 2021.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

16. The IACHR reiterates that according to Articles 48.1.f and 49 of the American Convention, the purpose of this procedure is to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention. The acceptance to undertake this procedure expresses the good faith of the State to comply with the purposes and objectives of the Convention by virtue of the principle *pacta sunt servanda*, by which the States must comply in good faith with the obligations assumed in the treaties²⁰. It also wishes to reiterate that the friendly settlement procedure contemplated in the Convention allows for the termination of individual cases in a non-contentious manner, and has proven, in cases involving several countries, to offer an important vehicle for settlement, which can be used by both parties.

17. The Inter-American Commission has closely followed the development of the friendly settlement reached in the present case and highly appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

18. In accordance with the agreement signed by the parties whereby they requested the Commission to homologate the friendly settlement agreement pursuant to Article 49 of the American

¹⁹ Ministry of Health and Social Protection. Official letter No. 202116101119731 of July 15, 2021.

²⁰ 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.*

Convention, and taking into consideration the request of the parties of June 17, 2022 to proceed by this means, it is appropriate at this time to assess compliance with the commitments established in this instrument.

19. The Commission considers that the first (Concepts), second (Background), third (Beneficiaries) and fourth (Acknowledgement of Responsibility) clauses of the agreement are of a declarative nature, and therefore it is not applicable to supervise their execution. In this regard, the IACHR values the fourth declarative clause, in which the Colombian State recognizes its international responsibility for the violation of the rights enshrined in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights, with regard to Article 1.1 (obligation to respect) thereof, due to the lack of investigation and determination of the material truth of the facts and the determination and punishment of those responsible.

20. With regard to numeral I of the fifth clause, concerning the holding of an act of acknowledgment of responsibility, as reported to the IACHR, it was held on May 2, 2022 at 11:00 a.m. through the Streamyard platform, with live transmission through a private channel created on the YouTube platform. In the compliance report received, it was reported the existence of a permanent and fluid communication between the State and the petitioners, with whom they agreed on each of the details for the compliance of the measure, such as date, time, program and logistics required for the development of this. In this regard, a copy was provided of the invitation extended to the petitioner and the victim's next of kin to attend the event, with the participation of the Commissioner and Rapporteur for Colombia, Joel Hernández García, the relatives of Domingo José Rivas Coronado and the National Agency for the Legal Defense of the State.

21. Likewise, the parties reported on the contents of the program, which included the presentation of a video made by the relatives of Mr. Domingo José Rivas Coronado, the intervention of Mr. Juan Bautista Rivas Ramos, son of Mr. Domingo José Rivas Coronado and petitioner in the case, and the intervention of the Director of International Legal Defense of ANDJE who, on behalf of the Colombian State, apologized to the victims and their relatives for what happened, and acknowledged responsibility in the terms set forth in the Friendly Settlement Agreement signed between the parties.

[...]

Dr. Domingo José's search for truth and justice demonstrates his commitment, tenacity, and tireless struggle to ensure that the acts of violence and pain through which our country has suffered do not go unpunished.

The Colombian State understands the pain that his family has had to go through all these years. You have shown that only through resilience, tenacity, unity and strength can we fight against hopelessness, disbelief and even nostalgia. You rebuilt your life and continued to pursue your dreams despite your loss.

It is precisely in recognition of the profound damage caused to the family of Dr. Domingo José Rivas Coronado, that today the Colombian State asks for your forgiveness through this private act of acknowledgement of responsibility.

[...]

The State recognizes that the administration of justice must ensure the vindication of the rights of the victims and the reestablishment of the positions affected by the act caused within a reasonable period of time. The due administration of justice constitutes a guarantee for the victims who have suffered the violation of their rights, which must be comprehensively redressed through various measures aimed at the redignification of the person, including the right to justice, truth and non-repetition.

Therefore, on behalf of the State of Colombia, I acknowledge international responsibility for the violation of the rights to a fair trial and judicial protection, recognized in the American Convention on Human Rights, in relation to the general obligation to respect and guarantee

established in said instrument, to the detriment of the next of kin of Domingo José Rivas Coronado.

[...]

22. On his part, Commissioner Joel Hernández, IACHR Rapporteur for Colombia, stated the following:

[...]

The Commission salutes the Colombian State and appreciates the recognition of its international responsibility for the failure to investigate and punish those responsible for the events surrounding the murder of Mr. Domingo José Rivas Coronado on May 14, 1990, in the city of Montería.

The life of Mr. Rivas Coronado must be remembered as that of a tireless man, who fought to know the truth about the murder of his brother Carlos Jerónimo and to achieve the so longed for and elusive justice. A search that he sustained until his last breath and that today we remember with the highest respect and admiration. His struggle to find justice is the struggle of thousands of people in our continent and also the great debt for the effective protection of human rights in the Region.

From the Commission, we emphasize the importance of the recognition of responsibility that summons us here today, since it is a central measure, which is the first step towards the compensation of the damage caused and is a sign of the commitment to effectively provide full reparation to the relatives of Mr. Domingo José Rivas Coronado. Likewise, we hope that the completion of this act of acknowledgment of responsibility will contribute to the building of trust between the parties and that such collaboration will extend until the resolution of the matter pending before the Commission, reaching the total fulfillment of the obligations that the Colombian State has assumed under the agreement.

[...]

23. Therefore, taking into consideration the elements of information described above, the Commission considers that paragraph I of the fifth clause of the agreement is fully complied with and so declares it as such.

24. On the other hand, with regard to numeral II of the fifth clause, concerning the delivery of a plaque, the parties informed the Commission that, given the restrictions on contracting for state entities derived from the presidential elections in Colombia as provided for in Law 996 of 2005, it was not possible to deliver the plaque as planned at the time of the act of acknowledgment of responsibility held on May 2, for which reason the parties agreed that the aforementioned plaque would be delivered to the next of kin in the second half of 2022, in a small private ceremony to be held at the premises of the National Agency of Legal Defense of the State. The Commission observes that this end of the agreement shall be complied with after the publication of this report, therefore, it considers that it is pending compliance and so declares it as such.

25. Regarding numeral IV of the fifth clause, related to educational aid, the Commission was informed that the parties met to explain the characteristics and requirements of the measure both in Colombia and abroad and to know the studies that the beneficiaries wish to pursue. According to what was informed, the National Agency for the Legal Defense of the State will take the respective steps before the Entities concerned, once the beneficiaries start the corresponding procedure for the admission of the educational programs they choose to undertake. Taking into account the foregoing, the Commission considers that this end of the agreement is pending compliance and so it declares it as such.

26. Regarding the sixth clause of the agreement, referring to health and rehabilitation measures, the Commission was informed that the National Agency for the Legal Defense of the State transmitted to the Ministry of Health and Social Protection the friendly settlement agreement signed, as well as the petitioner's information so that the Ministry could contact the petitioner. In accordance with what was reported to the Commission, the ANDJE will inform the Commission on the progress made in compliance with the measure; therefore, the Commission considers that this aspect of the agreement is pending compliance and so declares it as such.

27. On the other hand, in relation to paragraph III of clause five (publication of the report art. 49), clause seven (justice measures) and clause eight (compensation measures) of the friendly settlement agreement and, by virtue of the joint request of the parties to proceed with the homologation of the agreement prior to its execution, the Commission observes that these measures must be fulfilled after the publication of this report, and therefore considers that these measures are pending compliance and so declares it as such.

28. In view of the above, the Commission concludes that item I of the fifth clause (act of acknowledgement) has been fully complied with and so declares it as such. On the other hand, the Commission considers that clauses (II) (delivery of the plaque), (III) (publication of the Article 49 report) and (IV) (educational assistance) of clause five (measures of satisfaction) as well as clauses six (health and rehabilitation measures), seven (justice measures) and eight (compensation measures) are pending compliance. In this regard, the Commission considers that the friendly settlement agreement has a level of partial compliance and it so declares. Finally, the Commission considers that the rest of the content of the friendly settlement agreement is of a declarative nature, and therefore, the IACHR would not be responsible for supervising its compliance.

V. CONCLUSIONS

1. Based on the foregoing considerations and pursuant to the procedure provided for in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its deep appreciation for the efforts made by the parties and its satisfaction with the achievement of a friendly settlement in the present case, based on respect for human rights and compatible with the object and purpose of the American Convention.

2. By virtue of the considerations and conclusions set forth in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement signed by the parties on December 20, 2021.
2. To declare full compliance with paragraph (I) of clause five (act of acknowledgment of responsibility) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare clauses (II) (delivery of the plaque), (III) (publication of the art. 49 report) and (IV) (educational assistance) of clause five (satisfaction measures), as well as clauses six (health and rehabilitation measures), seven (justice measures) and eight (compensation measures) of the friendly settlement agreement as pending compliance, according to the analysis contained in this report.
4. To continue monitoring clauses (II) (delivery of the plaque), (III) (publication of the Article 49 report) and (IV) (educational assistance) of clause five (measures of satisfaction) as well as clauses six (health and rehabilitation measures), seven (justice measures) and eight (compensation measures) of the friendly settlement agreement, according to the analysis contained in this report. To this end, to remind the parties of their commitment to report periodically to the IACHR on their compliance.
5. To make this report public and include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on July 25, 2022. (Signed): Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice President; Margarete May Macaulay, Second Vice President; Esmeralda E. Arosemena de Troitiño; Joel Hernández García and Roberta Clarke Members of the Commission.