

TECHNICAL INFORMATION SHEET
CASE 10.205 GERMÁN ENRIQUE GUERRA ACHURI
FRIENDLY SETTLEMENT REPORT N° 53/06
TOTAL COMPLIANCE (COLOMBIA)

I. SUMMARY OF THE CASE

Victim (s): Germán Enrique Guerra Achuri

Petitioner (s): Inter-Ecclesiastical Commission for Justice and Peace, The Colombian Commission of Jurists

State: Colombia

Report on Friendly Settlement Agreement No.: 53/06 published on March 16, 2006

Related Rapporteurship: N/A

Topics: Humane Treatment/ Judicial Guarantees/ Judicial Protection

Facts: The petition stated that at the time of the events of this case, Mr. Germán Guerra was working –along with 20 other people- in livestock and lumbering jobs on the “*La Perla*” ranch in the department of Antioquia.

The petition alleged that on Sunday, February 8, 1988, at approximately 2:30 a.m., the National Army launched an armed attack on the farm workers’ camp where the workers were located. As a result of that incursion, Mr. Guerra was shot in the left leg. Two other workers were also shot. The petition asserted that in the wake of the attack, Army troops burst into the farm workers’ sleeping quarters, ordering them to lie facedown, the soldiers searched the farm workers, while shouting at them “guerrilleros bandoleros” [bandit guerrillas] and kicking them.

The petition alleged that at 7:00 a.m. the workers were taken away by truck, arriving at the municipality of Remedios around midday. There, the wounded farm workers were finally treated at a clinic, thanks to the Mayor’s intervention.

The petition alleged that as a result of these events, and despite the treatment received, Mr. Guerra lost his left leg and was permanently disabled. According to the information in the case file, the investigation into the injuries caused to Germán Enrique Guerra was conducted by the military criminal justice system.

This investigation concluded on November 3, 1993, when the Commandant of the Army’s Tenth Brigade, based in Puerto Berrío, decided to declare the criminal case closed because the only suspect in the case had died. The records also show that on June 18, 1997, the National Bureau of Prosecutors assigned the National Human Rights Unit the job of investigating the crime of the wounds inflicted on Mr. Enrique Guerra.

Rights Alleged: The petitioners allege the responsibility of the State of Colombia for violation of the rights enshrined in Articles 1 (obligation to respect rights), 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights.

I. PROCEDURAL ACTIVITY

1. On March 8, 2006, the parties signed a friendly settlement agreement and requested its formal approval by the IACHR.

2. On March 16, 2006, the Commission approved the friendly settlement agreement in Report No.53/06.

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

Agreement Clause	Status of Compliance
1. On the matter of reparations, the State undertakes to enforce Law 288 of 1996, to make compensations for the pecuniary and non-pecuniary damages sustained by Mr. Germán Enrique Guerra Achuri as a consequence of the events that occurred on February 8, 1988, in the encampment of the farm workers at “La Perla” ranch in the municipality of Remedios, Antioquia. Fulfillment of this commitment will be contingent upon approval of the terms of this agreement by the Honorable Inter-American Commission on Human Rights.	Total¹
2. On the matter of justice, the Government undertakes to submit a petition to the Office of the Attorney General of the Nation requesting that in the exercise of its authority, files an action seeking review of the January 23, 1995, ruling of the Military Criminal Court (Case File No. 4137 – 113859 – 337 of the Superior Military Tribunal). The Inter-Ecclesiastical Commission for Justice and Peace pledges to provide, within 30 days of the approval of the terms of this Agreement, the arguments that, in its judgment, will support the petition that the Government has pledged to send to the Office of the Attorney General regarding the arguments for a review of the case.	Total²

II. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2010.

III. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual Outcomes of the case:

- The State paid reparations to Mr. Guerra Achurri.

B. Structural Outcomes of the case:

- The Criminal Chamber of the Supreme Court of Justice declared as unfounded the third ground for review invoked in favor of the victims and annulled the convictions issued by the military criminal courts.

¹ See IACHR, Annual Report 2010, Chapter II, Section D: Status of Compliance with recommendations of IACHR, paras. 329-333.

² See IACHR, Annual Report 2010, Chapter II, Section D: Status of Compliance with recommendations of IACHR, paras. 329-333.