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REPORT No. 272/23
CASE 14.808
REPORT ON FRIENDLY SETTLEMENT

DIEGO FELIPE BECERRA LIZARAZO AND FAMILY
COLOMBIA

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FRIENDLY SETTLEMENT
DIEGO FELIPE BECERRA LIZARAZO AND FAMILY
COLOMBIA¹
NOVEMBER 30, 2023

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On March 26, 2014, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition lodged by Liliana Lizarazo Flórez and Gustavo Arley Trejos (hereinafter the "petitioners" or the "petitioning party"), alleging 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 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention") for the extrajudicial execution of the teenager Diego Felipe Becerra Lizarazo committed by an officer of the National Police of Colombia, in Bogotá, when the young man was fleeing after having been caught drawing graffiti. They also denounced the staging subsequently organized by the institution to make it appear that the alleged victim had died after the robbery of a bus.

2. On December 1, 2021, the Commission issued Admissibility Report No. 375/21, in which it declared the petition admissible and declared its competence to hear the claim presented by the petitioners regarding the alleged violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention.

3. On December 13, 2022, the parties signed a memorandum of understanding to reach a friendly settlement in the present case, together with a work schedule that materialized with the execution of a friendly settlement agreement (hereinafter "FSA"), on May 18, 2023, in the city of Bogotá D.C. Subsequently, on September 8, 2023, the parties presented a joint report on the progress in the implementation of the FSA and requested the IACHR to homologate it.

4. In this friendly settlement report, in accordance with Article 49 of the Convention and Article 40(5) of the Rules of Procedure of the Commission, a summary of the facts alleged by the petitioners is provided and the friendly settlement agreement signed between the petitioners and the Colombian State's representatives on May 18, 2023 is transcribed. Likewise, the agreement signed between the parties and its publication in the Annual Report of the IACHR to the General Assembly of the Organization of American States is approved.

II. THE FACTS ALLEGED

5. The petitioners recounted that on the night of August 19, 2011, the 17-year-old Diego Felipe Becerra Lizarazo went out with several friends during the event known as "Bogotá Despierta" (Bogotá Awake) organized by the Mayor's Office of the Colombian capital, in which commercial establishments were to close at three in the morning. Around ten o'clock at night, the alleged victim walked with three friends along an avenue, since they could not find transportation; on the way, the young people decided to paint a graffiti on the wall of a bridge located on Boyacá Avenue and 116th Street in the Ponteviedra neighborhood of Bogotá. When the teenager was painting on the wall of the bridge, a friend warned him that a police vehicle was approaching, the four youths ran to cross the avenue and flee from the police. -The petitioner clarified that the police often beat and prosecute young graffiti artists.

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

6. They reported that a police officer got out of the vehicle and chased the young people down the avenue. Diego Felipe Becerra hid behind a tree, from where he came out because a guard told him that the police officer had detained one of his friends, in response to which the teenager voluntarily gave himself up to the police officer, pointing out that he was responsible for painting the graffiti on the bridge. The policeman walked with the alleged victim about fifteen meters along the avenue; behind them, and at a distance, they were followed by one of Diego Felipe Becerra's friends, who heard several shots at the moment when the alleged victim suddenly tried to flee from the policeman's detention. The teenager was found on the ground by his friend and was helped by a person driving by that place, who took him to the hospital together with the policeman who had shot him.

7. The petitioner stated that the alleged victim was admitted to the clinic at around 10:15 p.m., and that at the same time fifteen police officers arrived, who refused to sign the record of the adolescent's admission to the clinic. When the petitioner arrived at the hospital, she was informed that her son had died because he had two bullet wounds that had compromised his vital organs. She indicated that she remained at the hospital until the body was wrapped for fear that the police would plant something on the body. She indicated that her husband went to the scene of the crime, which had been cleaned, because he did not find blood or the firearm that allegedly appeared five hours later at the scene according to the judicial police report. The officers who cordoned off the site told him that there had been a robbery of a bus and the police had killed one of the assailants. He denounced that there were other irregularities in the scene removal such as the delay in issuing the first responder's report, which took more than five hours.

8. On Sunday, August 21, 2011, the parents of the deceased made a public complaint to the media in which they requested explanations from the police for the death of their son. That same day at night, a police general issued a statement in which he assured that following a call from a citizen to the emergency line made at 10:40 p.m., a robbery of a public service bus had been reported and that the police officer who shot the alleged victim answered the call and went in pursuit of the assailants. However, they referred that a security report of the Bogotá Despierta campaign had published that on August 19, 2011 there were no robberies, thefts, or violent deaths in the city.

9. The parents of the deceased pointed out that on Monday, August 22, 2011, a citizen filed a complaint for the robbery of a bus that occurred on August 19, 2011, in which he claimed that he had recognized the teenager as the person responsible for the act when he saw his picture in the media. The following day, the police would release to the media an audio of a call to the emergency line with an alleged report of a bus robbery. The commander of the Bogotá Metropolitan Police allegedly gave a press conference that night introducing the complainant. The petitioners also denounced that, in the following days, police officers threatened friends of the teenager Diego Felipe Becerra because they were organizing a peaceful march for his murder, intimidating them by saying that if they continued handing out leaflets they would end up like the alleged victim. They stated that one of them was detained for three hours at a police Immediate Attention Center (hereinafter "IAC"), where he was interrogated about friends and people close to Diego Felipe Becerra. The police even went to the teenager's school to find out information about his family and friends.

10. They reported that the prosecutor's office initiated an ex officio criminal investigation into the homicide of the alleged victim. However, on October 12, 2011, the then Attorney General of the Nation referred the process to the military criminal justice system, despite the warning of the Office of the United Nations High Commissioner for Human Rights regarding the incompatibility of investigating this matter in the military jurisdiction with international standards. On October 20, 2011, the attorney for the parents of the teenager Diego Felipe Becerra filed a conflict of jurisdiction between the ordinary jurisdiction and the military criminal jurisdiction before the Superior Council of the Judiciary. On November 29, 2011, the Superior Council of the Judiciary decided that the ordinary jurisdiction, headed by the Attorney General's Office, should hear the case.

11. The petitioner stated that on October 24, 2011, she filed a new complaint with the prosecutor's office, requesting that it investigate the accomplices to the murder of the alleged victim, and the alteration of the crime scene. On November 17, 2011, the prosecutor's office informed that it had initiated proceedings for the crime of concealment, alteration or destruction of evidentiary material. The petitioners also indicated that they filed multiple complaints for subsequent events related to the execution of their son. Complaints regarding threats, and the slander and false testimony of the bus driver; as well as letters to the Ministry of the Interior; disciplinary complaints to the Attorney General's Office; and a request for postponement of the promotion of the police general

who had given the false version of the young man's murder to the press. They also reportedly filed a complaint with the director of the National Police in August 2013 about irregular conduct that was occurring in the Facatativá police detention center, due to special treatment and privileges granted to police officers accused and detained for the death of Diego Felipe Becerra.

12. They said that on February 7, 2012, a preventive detention measure was imposed and charges were brought against the police officer who had shot the alleged victim. They alleged that, for several years, the judicial defense of the police officer hindered the criminal process through dilatory maneuvers such as unjustified absences to hearings and changes of lawyers to prevent the trial hearing from taking place. In addition, the accused allegedly received several police commendations during his pretrial detention. On August 18, 2016, the 47th Criminal Trial Court granted immediate and unconditional release to the aforementioned police officer; they alleged that, in an irregular manner, since the 43rd criminal judge was supposed to issue the conviction that same day and issue a new arrest warrant against the accused; but, instead, it suspended the hearing for the reading of the judgment and rescheduled it for August 22.

13. Thus, the police officer who shot the alleged victim was released on August 19, 2016, and remained a fugitive from justice until August 2021, as reported by the State in its latest observations. The petitioners argued that the police actions to find the whereabouts of the ex-cop were deficient, as the institution did not include him on the most wanted list, nor did it offer rewards for information on his location. According to the most recent information provided by the State, the conviction was confirmed in the second instance in May 2021 by the Criminal Chamber of the Superior Court of Bogota. However, in their last communication, the petitioners alleged that the delay in the issuance of the judgment directly affected their right to access to justice and the capture of the police officer who shot the alleged victim.

14. Regarding the criminal proceeding for the cover-up of the execution of the alleged victim, the petitioners explained that both the prosecutor's office and the Office of the Attorney General determined that a weapon was planted at the crime scene and that the alleged victim was not carrying or shooting, and that there was an unwarranted delay in the delivery of the scene to the Technical Investigation Corps (hereinafter "TIC") of the prosecutor's office by the first responder. On October 23, 2012, the 295th Anti-Corruption Prosecutor's Office requested a detention order and charges for the crimes of procedural fraud, alteration of evidence, favoring homicide, illegal carrying of firearms, and falsification of public documents against three police officers; against the defense attorney of the police officer who allegedly fired the shots; and against the bus driver who reported the teenager for alleged robbery. On June 20, 2013, they were charged with the commission of these crimes, and on September 4, 2013, two police officers were sentenced to prison.

15. The petitioners complained about the delay in this process, since after eight years, the trial stage had just ended. They reported that, in January 2018, they denounced before the Superior Council of the Judiciary the constant delays and the excessive length of the preparatory stage. In 2018, all the defendants, except for one who did not request release, were free due to expiration of terms. On March 8, 2017, the court withdrew the parents of the alleged victim from the process, for which they resorted to the tutela action before the Supreme Court of Justice to participate in the process again as victims. On October 15, 2019, Criminal Judge 19 with Hearing Powers declared the crimes of false public statements and procedural fraud in favor of the bus driver, a witness and a police officer to be time-barred.

16. On the other hand, the petitioner denounced the lack of access to justice in the disciplinary proceedings against several national police officers for the murder of the young man and the subsequent cover-up of the crime. They referred that they were not recognized as victims in the disciplinary proceedings under the argument that the disciplinary investigation was initiated ex officio, and not due to a complaint; reason for which, the Attorney General's Office prevented them from appealing an acquittal resolution issued on August 29, 2016 in favor of the police commander who issued the public statements in which he pointed out the teenager of having assaulted a bus. The petitioners filed a tutela action against such determination, which was denied by the Superior Court of Bogotá and by the Supreme Court of Justice, and granted on review by the Constitutional Court on July 21, 2017.

17. Finally, the petitioners alleged that the Colombian administration of justice was not diligent and efficient in bringing to a conclusion the criminal and disciplinary proceedings initiated as a result of the death of

Diego Felipe Becerra Lizarazo in August 2011. They stated that, instead of helping the victims, the judicial bodies made their task more arduous and painful to the extent that they had to fight legal battles so that the investigative and judicial bodies would comply with their legal duties. They replied to the State's allegations to the effect that the purpose of the present petition was not economic reparation, since they filed the contentious-administrative proceeding after the filing of the complaint before the IACHR, and they have not collected the compensation granted to the State.

18. They emphasized that their main interest in the international complaint was to comply with the orders issued to the National Police to create a special distinction under the name of Diego Felipe Becerra Lizarazo in favor of whoever had stood out in the immediately preceding year for his acts in defense of human rights; and to hold a public institutional act in which the National Police offered apologies and acknowledged that the alleged victims and their friends did not participate in the assault of the public vehicle. They also argued that the police had not complied with the order to publish the contentious-administrative judgment in a newspaper of wide national circulation. They requested that the Colombian State be ordered to finalize the criminal and disciplinary proceedings that exceeded the reasonable period of time and to open the corresponding investigations to determine which officials allowed the police officer who shot the alleged victim to escape, and the statute of limitations.

III. FRIENDLY SETTLEMENT

19. On May 18, 2023, the parties signed a friendly settlement agreement, the text of which provides as follows:

FRIENDLY SETTLEMENT AGREEMENT CASE 14.808 DIEGO FELIPE BECERRA LIZARAZO

On May 18, 2023, in the city of Bogotá D.C., within the framework of the "Friendly Settlement Solutions in Colombia: A step closer to the victims", met on the one hand, Martha Lucía Zamora Ávila, General Director of the National Agency for the Legal Defense of the State, acting on behalf and in representation of the Colombian State, hereinafter "the Colombian State", and on the other hand, Messrs. Liliana Lizarazo Flórez and Gustavo Arley Trejos, who act as petitioners, hereinafter "the petitioners", together referred to as "the parties", who have decided to enter into this Friendly Settlement Agreement in the framework of Case 14. 808 Diego Felipe Becerra Lizarazo and family, ongoing 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: Injurious effects of the facts of the case that are not of an economic or patrimonial nature, which are manifested through pain, affliction, sadness, distress and anxiety of the victims.

Material damage: Refers to the detriment or violation of the economic rights of the victims and their next of kin as a result of the damage suffered by them. It is made up of the income lost and the expenses incurred and proven as a result of the harmful event².

² I/A Court H.R., Case of Serrano Cruz Sisters v. El Salvador. Merits, Reparations and Costs. Judgment of March 1, 2005. Series C No. 120, par. 150.

Non-Pecuniary damage: includes both the suffering and affliction caused to the victims, the impairment of values that 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 family.³

State or State of Colombia: In accordance with International Public Law, it shall be understood that the signatory subject of the American Convention on Human Rights, hereinafter the “American Convention” or “ACHR” is the Colombian State.

Satisfaction measures: Non-pecuniary measures that aim to ensure the victims' recovery from the harm caused to them⁴.

Parties: State of Colombia, relatives and friends of Diego Felipe Becerra Lizarazo, as well as the victims' representatives.

Acknowledgement of responsibility: Acceptance of the facts and omissions attributed to the State and that lead to human rights violations according to international human rights law.

Comprehensive reparation: All measures that objectively and symbolically restore, as far as possible, the victim to the state prior to the commission of the harm.

Representative of the victims: Liliana Lizarazo Flórez and Gustavo Arley Trejos.

Friendly Settlement: Alternative dispute resolution mechanism used for peaceful and consensual settlement before the IACHR.

Victims: Diego Felipe Becerra Lizarazo, his family members, and other beneficiaries which are detailed in the third clause of the present agreement.

SECOND PART: BACKGROUND

1. The Inter-American Commission on Human Rights received on March 26, 2014 a petition alleging the international responsibility of the Colombian State for the extrajudicial execution of the teenager Diego Felipe Becerra Lizarazo, committed by a police patrolman, and the subsequent alteration of the scene of the events carried out by police officers, on August 19, 2011, when the young man and three (3) friends were fleeing for painting graffiti.

2. In the initial petition it was stated that in Colombia there is an unjustified delay in criminal proceedings. It was also stated that there are false public statements that were used to discredit and justify the extrajudicial execution of Diego Felipe Becerra Lizarazo and the subsequent alteration of the scene of the events by agents of the National Police.

3. The petitioners stated that the National Police patrolman shot at the young man in an action that exceeded the use of force and that the National Police carried out different actions to alter the scene of the crime, in order to frame the actions of patrolman Wilmer Antonio Alarcón in an alleged police chase.

4. In the initial petition it was also stated that the parents of Diego Felipe Becerra received threats, as well as some of the witnesses who participated in the criminal proceeding for the homicide of the alleged victim.

³ I/A Court H.R., Case of Caesar v. Trinidad and Tobago. Merits, Reparations and Costs. Judgment of March 11, 2005. Series C No. 123, par. 125.

⁴ Some examples of this type of measures are: public knowledge of the truth and acts of atonement.

5. The petitioners added that their rights to judicial protection and judicial guarantees were violated. The foregoing, since, in the petitioners' view, in the framework of the criminal and disciplinary proceedings conducted in Colombia, there were unwarranted delays, including the referral of the case file by the Office of the Attorney General of the Nation to the Military Criminal Court, all of which resulted in the statute of limitations of criminal actions, so that the criminal investigations against other participants in the events have not been conducted with due diligence.

6. By judgment issued on November 29, 2011, the Disciplinary Jurisdictional Chamber of the Superior Council of the Judiciary, decided to assign the competence to hear the investigation to the ordinary jurisdiction represented by the Attorney General's Office of the Nation.

7. On January 18, 2017, the 34th Criminal Court of the Circuit of Bogotá issued a first instance sentence in which it convicted Wilmer Antonio Alarcón for the crime of homicide. The decision was confirmed, in second instance, by the Criminal Chamber of the Superior Court of Bogotá, in May 2021. Currently, an extraordinary appeal for cassation filed by Mr. Wilmer Antonio Alarcón is being heard before the Criminal Cassation Chamber of the Supreme Court of Justice.

8. The State is currently advancing the corresponding work in the criminal and disciplinary proceedings that are active for the alleged facts.

International proceedings

9. By means of Report No. 375/21, the Inter-American Commission on Human Rights declared the admissibility of the petition regarding the alleged violation of the rights recognized in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 13 (right to freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention, to the detriment of Diego Felipe Becerra Lizarazo, and his next of kin.

10. By means of a communication addressed to the National Agency for the Legal Defense of the State, a dialogue was initiated with the petitioning party; subsequently, the parties expressed their willingness to initiate the search for a friendly settlement process.

11. Thus, on November 10, 2022, the parties held a meeting in which they decided to sign a Memorandum of Understanding in order to initiate the search for a Friendly Settlement process.

12. On December 13, 2022, the Colombian State and the representative of the victims signed a Memorandum of Understanding for the pursuit of a friendly settlement, in which they established (i) a work schedule in order to build this friendly settlement agreement and (ii) a pact for economic compensation or comprehensive reparation.

THIRD PART: BENEFICIARIES

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

Victims		
Name	ID	Kingship
Diego Felipe Becerra (RIP) ⁵	[...]	Direct victim
David Santiago Charif Gómez	[...]	Friend- Direct victim
Natalia Valdés Valero	[...]	Friend -Direct victim
Mateo Rodríguez Guillén	[...]	Friend -Direct victim
Liliana Lizarazo Flórez	[...]	Mother
Gustavo Arley Trejos	[...]	Foster father
Daniel Yovany Trejos Trejos (RIP) ⁶ .	[...]	Foster brother
Elza Flórez de Lizarazo	[...]	Grandmother
Cruz Helena Trejos Molina	[...]	Foster grandmother
Javier Lizarazo Flórez	[...]	Uncle
Isabel Cristina Lizarazo Flórez	[...]	Aunt
Nohora Clemencia Lizarazo Flórez	[...]	Aunt
Javier Andrés Lizarazo Zambrano	[...]	Cousin
Maria Alejandra Lizarazo Zambrano	[...]	Cousin
Laura Cristina Cote Lizarazo	[...]	Cousin
Estefania Cote Lizarazo	[...]	Cousin
Zamara Cote Lizarazo	[...]	Cousin
Johana Andrea Rodríguez Lizarazo	[...]	Cousin
Luz Marina Murcia Mora	[...]	Caretaker- Third party

The victims recognized in this Friendly Settlement Agreement shall benefit as long as they can prove their relationship by blood, affinity or social relationship with Diego Felipe Becerra Lizarazo.

David Santiago Charif Gómez, Natalia Valdés Valero and Mateo Rodríguez Guillén shall also be recognized as direct victims.

Additionally, the victims who will benefit from this Friendly Settlement Agreement will be those who were alive at the time of the victimizing event⁷.

FORTH PART: ACKNOWLEDGEMENT OF RESPONSIBILITY

The Colombian State acknowledges its international responsibility for violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to judicial guarantees), 11 (right to privacy), 13 (right to freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention in relation to Article 1. 1. of the same instrument (obligation to guarantee), to the detriment of Diego Felipe Becerra (RIP), his family and friends.

⁵ In which case, the amounts to be recognized by virtue of the economic compensation within the framework of Law 288 of 1996, will be recognized to the beneficiaries in accordance with the succession presented for such purpose.

⁶ In which case, the amounts to be recognized by virtue of the economic compensation within the framework of Law 288 of 1996, will be recognized to the beneficiaries in accordance with the succession presented for such purpose.

⁷ The foregoing, in accordance with the jurisprudence of the Inter-American Court of Human Rights. See, I/A Court H.R., Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2013. Series C No. 270, par. 425.

FIFTH PART: SATISFACTION MEASURES

The Colombian State undertakes to carry out the following measures of satisfaction:

I. Acto of acknowledgement of responsibility

The Colombian State shall carry out an act of Acknowledgment of Public Responsibility, which shall be presided over by the Minister of National Defense or the Director General of the National Police. All aspects related thereto shall be agreed upon with the victims and their representatives. The act shall be carried out in accordance with the acknowledgment of responsibility set forth in this Agreement and shall include, at least, (i) a press conference in which all national media shall be summoned, (ii) public apologies shall be offered for the extrajudicial execution and subsequent alteration of the scene of the crime and (iii) the non-repetition of similar events shall be guaranteed.

The coordination of this measure will be the responsibility of the National Agency for the Legal Defense of the State.

II. Act of remembrance

The Council of Bogotá D.C. undertakes to process and debate the Draft Agreement "Whereby the memory of Diego Felipe Becerra Lizarazo RIP is exalted and complementary provisions are issued". In the event that the referred project is filed, the Corporation commits itself to repropose and debate it with the required modifications.⁸

III. Creation of a Chair

As a guarantee of non-repetition, the Colombian State will carry out a training course on human rights, youth and urban art⁹. In addition, the case of Diego Felipe Becerra Lizarazo will be included in the curricula of training programs at all levels of the National Police, in the case study: lessons learned.

IV. Creation of an award

The Colombian State will create a human rights diploma with the name of Diego Felipe Becerra Lizarazo, as a symbol of remembrance, which will be awarded in recognition of National Police personnel, in active service, who stand out for guaranteeing, stimulating and exalting the strengthening of the social fabric, urban artists, as well as urban experiences that promote the artistic and responsible practice of graffiti framed in the promotion, respect, guarantee and protection of human rights in all units of the National Police.

Eligibility requirements:

- Not to have been criminally convicted, nor be formally linked to investigations for Human Rights or IHL violations.
- Not having a disciplinary or fiscal record in force.
- Not to have current fines in the National Registry of Corrective Measures.
- Have carried out activities, programs and differential campaigns to strengthen the right to free expression of urban artists, as well as urban experiences that promote the artistic

⁸ Proposition No 213 of March 16, 2023 Council of Bogotá.

⁹ Official Letter N 65-2023- SUDEH-GUSID 2511

and responsible practice of graffiti framed in the promotion of respect, guarantee and protection of human rights in all units of the National Police.

A deliberative board shall be formed, made up of the following officials:

- Unit Commander.
- Head of Human Resources of the Unit.
- Head of the Unit's Disciplinary Control Office.
- Head of the Unit's Human Resources Group.
- Head of Prevention of the Unit.
- Head of corrective and administrative measures of the Unit.

On August 19, date in memory of Diego Felipe Becerra Lizarazo (RIP.), the Diego Felipe Becerra Human Rights Diploma will be awarded in a ceremony presided by the Commander of the Police Unit.

V. Granting of scholarships

The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad -ICETEX-, will grant two (2) educational aids, for the mother of the direct victim, Liliana Lizarazo Flórez identified with C.C. [XXX], as well as for Mr. Gustavo Arley Trejos, father of the victim and identified with C.C. [XXX]; with the purpose of financing an academic program of professional technical, technological, university or postgraduate level in a Higher Education Institution abroad.

Within the framework of university autonomy, the Ministry of National Education will refrain from managing or requesting before any Higher Education Institution, the admission or allocation of places in academic programs. Those who benefit from the measure must carry out the relevant procedures for admission to the HEL, ensuring their permanence in the Higher Education Institution, ensuring adequate academic performance.

To make the measure effective, the beneficiaries must be admitted to a Higher Education Institution recognized by the country of residence in a formal education program at a professional technical, technological, university or postgraduate level. The maximum for each of the educational subsidies will be as follows:

Tuition at Higher Education Institutions in undergraduate or graduate programs will be up to one hundred twenty-eight (128) SMMLV per person in total and, an additional support of one (1) SMMLV of the country of residence. In all cases, the support will be for one semester and the tuition will only cover the subjects corresponding to the curriculum of the chosen academic program.

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

To access the financial aid, the beneficiaries must submit the following through their representatives to the National Agency for the Legal Defense of the State:

1. Receipt of payment of tuition of the academic program where the value of the semester is stated.
2. Photocopy of identity document
3. Contact telephone number
4. Residence address
5. Name
6. Last name
7. Date of birth
8. Date of issue of document
9. Stratum
10. Country of residence
11. Department of residence
12. City of residence
13. Cell Phone
14. Home Phone
15. Residence Address
16. E-mail address

The aid must begin to be used within a term no longer than five (5) years counted from the signature of this agreement, otherwise the State's efforts to obtain it shall be deemed to have been fulfilled.

VI. Psychosocial care

The Ministry of Health and Social Protection will implement health rehabilitation measures constituting medical, psychological and psychosocial care through the General Social Security Health System (GSSHS) and the Psychosocial Care and Comprehensive Health Program for Victims (PCCHPV).

Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for as long as necessary. In providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment, according to what is agreed with each of them and after an individual assessment.

For access to comprehensive health care, the beneficiaries of the measures are guaranteed timely and quality access to the medicines and treatments required (including physical and mental health), in accordance with the provisions governing the SGSSS, while they will have priority and differential attention by virtue of their status as victims.

For the above, a comprehensive health management channel will be guaranteed through the different territorial operators of the PAPSIVI, the referents of victims in the territorial entities and the Benefit Plan Administration Entities and the Ministry of Health and Social Protection.

This reparation measure will be implemented in the terms indicated for persons who are in the national territory.

VII. Publication of the Article 49 report

The Colombian State shall publish the pertinent sections 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.

SIXTH PART¹⁰: COMPENSATION MEASURES

The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". This shall be initiated once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of fully repairing the damages caused to the beneficiaries included in the third clause of the present agreement as a consequence of the affectations generated by the facts of the present case, in the terms previously defined, according to the memorandum of understanding subscribed on December 13, 2022.

The Ministry of National Defense shall be the entity in charge of assuming the procedure of Law 288 of 1996.

For the purposes of the compensation of damages and its verification, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.

SEVENTH PART: HOMOLOGATION AND FOLLOW-UP

The parties request the Inter-American Commission the homologation of this Agreement and its follow-up.

This Agreement having been read and the parties being aware of its scope and legal content, it is signed on May 18, 2023.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

20. The IACHR reiterates that in accordance with 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 pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.¹¹ It also wishes to reiterate that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

21. The Inter-American Commission has closely followed the development of the friendly settlement reached in this case and 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.

22. In accordance with the agreement signed between the parties whereby they requested the Commission to homologate the friendly settlement agreement contemplated in Article 49 of the American Convention, and taking into consideration the parties' request of September 8, 2023 to move forward in this way, it is appropriate at this time to assess compliance with the commitments established in this instrument.

23. The Inter-American 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 appropriate to supervise their compliance. In this regard, the Commission values the fourth declarative clause, in which the Colombian State recognizes its international responsibility for violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 11

¹⁰ In the original FSA this clause was listed as the seventh clause, but the Commission understands that this is a material error and adjusts the numbering according to the corresponding sequence to facilitate its monitoring.

¹¹ 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.*

(right to privacy), 13 (freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention in relation to Article 1. 1. of the same instrument (obligation to guarantee), to the detriment of Diego Felipe Becerra (RIP), his next of kin and friends.

24. In relation to numeral (i) act of recognition of responsibility, of the fifth clause on satisfaction measures, according to what was jointly reported by the parties, the same was held on August 31, 2023, in the park El Renacimiento in Bogotá D.C. The parties 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 fulfillment of the measure, such as the date, time, agenda and logistics required for its development. In this regard, the parties provided a simple copy of the invitations circulated for said event and photographs of the event, in which the guests and relatives of Diego Felipe Becerra Lizarazo and his representative participated, as well as the President of the Republic of Colombia, the Minister of Defense, the Director General of the National Police, the Mayor of the city of Bogotá in charge, and the Director of the National Agency for the Legal Defense of the State.

25. Likewise, the parties presented the contents of the agenda, which was presided over by the Minister of National Defense, Mr. Iván Velásquez Gómez, who on behalf of the Colombian State acknowledged responsibility in the terms established in the Friendly Settlement Agreement and apologized to the family and friends of Diego Felipe Becerra for the extrajudicial execution and subsequent alteration of the scene of the events, and called on the entire security forces to ensure that these events would not be repeated. Following this, the intervention of the Director General of the National Police, General William René Salamanca Ramírez, the intervention of Mr. Gustavo Arley Trejos and Mrs. Liliana Lizarazo Flórez, father and mother of Diego Felipe Becerra, the symbolic delivery of the agreement 907 of 2023 by the Mayor of Bogotá, Mr. José David Riveros Namen, and the intervention of the President of the Republic, Dr. Gustavo Petro Urrego.

26. Likewise, the parties indicated that during the ceremony an artistic tribute was made by the Secretariat of Culture, the Philharmonic Orchestra and the District Institute of the Arts "IDARTES" of the city of Bogotá D.C., and provided the link to the video published on the YouTube channel of the National Agency for the Legal Defense of the State in which interviews were conducted with Mrs. Liliana Lizarazo, Mr. Gustavo Trejos (parents of Diego Felipe), his representative, urban artists, police officers and the General Director of the National Agency for the Legal Defense of the State, as well as the entire development of the act of recognition of responsibility.

27. In accordance with the provisions of the friendly settlement agreement, in the joint compliance report the parties indicated that, once the Act of Acknowledgment of Responsibility was concluded, a press conference was held, in which the following media participated: RCN, RTVC, Caracol, CM&, Señal Colombia, among others. The Director General of the National Agency for the Legal Defense of the State, Dr. Martha Lucía Zamora Ávila, and the Director General of the National Police, William René Salamanca Ramírez, participated in the interviews. In this regard, links to the YouTube channel of the National Agency for the Legal Defense of the State, through which this press conference was made public, were provided.

28. In its request for forgiveness and acknowledgement of responsibility, the Colombian State, through the Minister of National Defense, indicated:

[...]

As Minister of National Defense and in the name of the Nation, I come today to this, which for me in particular is a very important act, to apologize to the family and friends of Diego Felipe Becerra, murdered by members of the National Police 12 years ago. But also to Colombian society as a whole, because these events, these violations of human rights and the right to life, not only stain the name of the police institution, but also deeply affect the exercise of democracy and security. (...)

And we remember the facts and we describe them, because we have to put on everyone's mind, on everyone's conscience, how this event took place, which we still repudiate, such a serious crime, and the Police report was altered. The officers who cordoned off the site where the events occurred, indicated that a robbery had taken place on a bus, and the Police had killed one of the assailants. The members of the National Police involved in the events were convicted by the ordinary justice system and sanctioned by the Attorney General's Office. (...)

The mother of Diego Felipe Becerra Lizarazo, Liliana Lizarazo, and his foster father, Gustavo Arley Trejos, have advanced a struggle for truth and justice regarding the murder of their son, which went as far as the Inter-American Commission on Human Rights, and as a consequence of this, and due to a new policy that this government has developed regarding Human Rights, the Ministry of Defense and the National Police decided to celebrate a friendly settlement agreement on May 18, 2023 (...).

And in this agreement, the following text was agreed upon: The Colombian State recognizes its international responsibility for violation of articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 14 (right of reply), 19 (rights of the child) and 25 (right to judicial protection) of the American convention in relation to article 1.1 of the same instrument (obligation to guarantee), to the detriment of Diego Felipe Becerra, his family and friends.

[...]

We are committed as the Ministry of Defense, as is the General Directorate of the Police under General William René Salamanca, to promote honesty, integrity, absolute respect for rights, and once again we say: no tolerance for the violation of human rights, no tolerance for corruption.

To Mrs. Liliana and Mr. Gustavo, Diego Felipe's father, to his friends and colleagues, and in general to the whole Colombian society, I reiterate this request for forgiveness that I offer on behalf of the Ministry of Defense.

[...]

29. For her part, Commissioner Esmeralda Arosemena de Troitiño, in her capacity as IACHR Rapporteur on the rights of children and adolescents, participated virtually in said space and indicated the following:

[...]

The Commission highlights the transcendence of this event and the impact that this case has had on the Becerra Lizarazo family and on Colombian society as a whole. This accentuates the importance of this space, in which the State starts from a frank acceptance of the facts and their effects, and from a profound reflection on the shortcomings in the functioning of its institutions. This institutional framework is necessary to achieve a re-signification of what happened and to seek formulas that allow the reconstruction and reconciliation of the social fabric with the institutions that should function for the protection of those who are part of it.

We emphasize that, within the framework of this agreement, the components of memory and dignity that seek to remember the name of Diego Felipe and the artistic work of Trípido as he was recognized and modifying the structural, institutional and cultural conditions that give legitimacy or reproduce the forms of violence against children and adolescents.

The right of children and adolescents to live a life free from violence requires that the States promote changes in these structural conditions, in the role of institutions, in the enforcement of laws and norms. It is also necessary to address the socio-cultural patterns that legitimize and reproduce forms of violence against children and adolescents. It is the duty of the State to guarantee the application of laws, to eradicate impunity for criminal acts committed against the integrity of children.

[...]

Therefore, freedom of expression is protected by the Inter-American instruments and in this case the State failed to criminalize Diego Felipe's artistic expression. That is why today, we recall that art is an opportunity to exercise cultural rights, to promote democracy, to provide spaces for a deliberative citizenship and that it can undoubtedly be a form of expression.

[...]

30. Finally, the Commission was informed of the coverage of the act of acknowledgment of responsibility in the media and in the social networks of the State institutions, verified the publications made and received the photographic record of the activities carried out in the framework of the ceremony. In view of the foregoing and taking into account the information provided jointly by the parties, it considers that item (i) of clause five of the friendly settlement agreement on measures of satisfaction has been fully complied with and so declares.

31. Regarding item (ii) act of remembrance of clause five of the agreement, the parties indicated that the Council of Bogotá D.C. issued Agreement 907 of June 26, 2023 "Whereby the memory of Diego Felipe Becerra Lizarazo RIP is exalted and complementary provisions are issued", whereby the bridge located on Calle 116 with Boyacá Avenue in Bogotá D.C. was named "Diego Felipe Becerra Lizarazo". Likewise, it was informed that Agreement 907 established the following remembrance measures: i) virtual museum of urban art; ii) civil order of merit Diego Felipe Becerra Lizarazo; iii) urban art day; iv) district call Diego Felipe Becerra Lizarazo and v) pedagogical actions.¹² In view of the foregoing, the parties indicated that they considered that this aspect of the agreement was fulfilled and requested the Commission to evaluate it as such. Taking into consideration the elements of information described above, the Commission considers that item (ii) act of remembrance, of the fifth clause on satisfaction measures, is fully complied with and so declares it.

32. With respect to items (iii) (Creation of a Chair), (iv) (Creation of an award), (v) (Granting of scholarships), (vi) (Psychosocial care) and (vii) (Publication of the Article 49 report) of clause five (satisfaction measures) and clause six (compensation measures) of the friendly settlement agreement, by virtue of the joint request of the parties to move forward with the homologation of the agreement prior to its execution, the Commission observes that said measures shall be fulfilled after the publication of this report, and therefore considers that these measures are pending compliance and so declares it.

33. Based on the foregoing, the Commission concludes that items i (act of acknowledgment of responsibility) and ii (act of remembrance) of clause five (measures of satisfaction) have been fully complied with and so declares. On the other hand, the Commission considers that items iii. (creation of a chair), iv. (creation of an award), v. (granting of scholarships), vi. (psychosocial assistance) and vii. (publication of the Article 49 report) of clause five (measures of satisfaction) and clause six (compensation measures) of the friendly settlement agreement are pending compliance and so declares. In this sense, the Commission considers that the friendly settlement agreement has a partial level of compliance and so declares. The Commission will continue to monitor the implementation of the aforementioned execution clauses until they are fully implemented.

¹² It should be noted that the parties agreed that the memory measures established in Agreement 907 would be the responsibility of the Office of the Mayor of Bogota and would be understood to be outside the IACHR's monitoring of the friendly settlement agreement. Therefore, the Commission will not pronounce on said measures.

34. Finally, the Commission considers that the rest of the content of the friendly settlement agreement is of a declarative nature and therefore does not fall under its supervision.

V. 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 signed by the parties on May 18, 2023.
2. To declare full compliance with items i. (act of acknowledgment of responsibility) and ii. (act of remembrance) of clause five (satisfaction measures) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare items iii. (creation of a chair), iv. (creation of an award), v. (granting of scholarships), vi. (psychosocial care) and vii. (publication of the report of article 49) of the fifth clause (satisfaction measures) and the sixth clause (compensation measures) of the friendly settlement agreement to be pending, according to the analysis contained in this report.
4. To declare partial compliance with the friendly settlement agreement.
5. To continue with the supervision of items iii. (creation of a chair), iv. (creation of an award), v. (granting of scholarships), vi. (psychosocial care) and vii. (publication of the report of article 49) of clause five (satisfaction measures) and clause six (compensation measures) of the friendly settlement agreement, until their full compliance according to the analysis contained in this Report. To this end, remind the parties of their commitment to report periodically to the IACHR on their compliance.
6. 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 the 30th day of the month of November, 2023. (Signed:) Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, Vice President; Roberta Clarke, Second Vice President; Julissa Mantilla Falcón, Stuardo Ralón Orellana and José Luis Caballero Ochoa, Commissioners.