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**REPORT No. 38/15**  
**PETITION 108-00**  
FRIENDLY SETTLEMENT REPORT

SEGOVIA MASSACRE  
COLOMBIA

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Colombia. July 24, 2015.

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**I. SUMMARY**

1. On March 13, 2000, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition filed by Javier Villegas Posada, alleging international responsibility on the part of the Republic of Colombia (hereinafter “the State” or “the Colombian State”) for the violent events that occurred on November 11, 1988, in the municipality of Segovia, Antioquia. The petition was submitted on behalf of 29 people who lost their lives, four people who were injured in the events, and their respective family groups. This group was later expanded to include an additional five alleged victims and their family members. The petitioner alleged the violation of Articles 1 (obligation to respect rights), 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 10 (right to compensation), 11 (right to privacy), 17 (rights of the family), 22 (freedom of movement and residence), and 25 (right to judicial protection) of the American Convention on Human Rights (hereinafter the “Convention” or the “American Convention”).

2. According to the petition, on November 11, 1988 a group of heavily armed men in trucks reached the center of the municipality of Segovia, Antioquia, opened fire and tossed grenades. This resulted in the death of 32 people, including three children, and another 50 people were injured. The petitioner alleged that the massacre was perpetrated by paramilitaries with the acquiescence of the army, and that the Colombian judicial system has sentenced five military officers and four civilians to prison terms and fines for the crime of terrorism and other crimes, based on the events related in the petition. However, the petitioner stated that not everyone responsible has been investigated and punished.

3. In addition, some of the victims filed suit for compensation with the Administrative Dispute Court of Antioquia, which resulted in a conciliation agreement wherein the State acknowledged its responsibility and ordered payment of compensation for moral damages. However, the petitioner alleges that some victims were unable to enforce their rights during that proceeding because the massacre had forced them to move away from the municipality of Segovia.

4. This friendly settlement report, as established in Article 49 of the Convention and Article 40(5) of the Commission’s Rules of Procedure, summarizes the facts alleged by the petitioner and transcribes the friendly settlement agreement signed on May 6, 2015 by the petitioner and Colombian State representatives. In addition, the agreement signed between the parties is approved and it is agreed that this report will be published in the IACHR’s Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BY THE COMMISSION**

5. The IACHR received the petition on March 13, 2000; the petition was expanded in a brief received by the Commission on August 20, 2007 to include an additional five people who lost their lives and suffered injuries. The petition was opened for processing and the Colombian State was notified on July 27, 2009. The petitioner submitted additional information on June 16, 2008; December 4, 2009; April 19, 2010; and May 31, 2010, which was forwarded to the Colombian State. The State submitted information to the Commission on October 1 and October 23; and on March 12, June 7, and September 3, 2010, which was forwarded to the petitioner.

6. On November 20, 2012, the petitioner sent a draft friendly settlement, which was forwarded to the State. On April 30, June 14, and September 19, 2013, the Colombian State requested extensions to study

the draft of the friendly settlement. On April 22, 2014, in a joint note, the parties communicated their intent to seek a friendly settlement agreement.

7. A working meeting chaired by Commissioner Jose de Jesus Orozco, IACHR Rapporteur for Colombia, was held in Colombia on May 6, 2015, during which the parties signed the friendly settlement agreement.

8. The parties jointly submitted an explanatory note on the friendly settlement agreement on July 20, 2015 and in the same way they jointly presented information on July 21, 2015 on the implementation of the commitments in the agreement.

### **III. THE ALLEGED FACTS**

9. As recounted by the petitioner, on November 11, 1988 a group of heavily armed men in trucks reached the center of the municipality of Segovia, Antioquia, where they opened fire and threw grenades, causing the death of 43 people, including three children, and leaving 50 people injured as well.

10. As alleged by the petitioner, police forces and army personnel from the XIV Brigade, Bombona Battalion watched the scene without moving, while the armed men moved freely through the municipality for more than an hour. As alleged in the petition, the entry of that group of men was facilitated by their passage through the military control posts customarily set up on the highway leading to the town. In addition, on the day of the massacre, the military had suspended the patrol they conducted daily through the town at 6:00 p.m. and the police escorts assigned to the mayor and the president of the Municipal Council never arrived. The petitioner also alleged that the security forces located in Segovia did not attempt to detain the attackers, who fled in three vehicles.

11. As alleged in the petition, the massacre was perpetrated by the paramilitary group MRN (Muerte a Revolucionarios del Nordeste [Death to the Revolutionaries of the Northeast]), and someone in the group was allegedly recognized, by the name of Baquero Agudelo, who weeks earlier had led an identity check and who, according to testimony provided by civilians, participated in the massacre.

12. The petitioner alleged generally and without providing details that the criminal authorities initiated an investigation and were able to determine the direct participation of five military personnel and four civilians, leaving unpunished the participation of another ten military personnel and civilians.

13. As alleged in the petition, in a decision dated March 31, 1998 the Regional Court of Santa Fe de Bogota sentenced five military personnel and four civilians to prison terms of between 18 and 30 years and ordered them to pay fines between 98 and 180 current monthly legal minimum salaries (SMLMV) for the crime of terrorism and other criminal conduct. That same decision ordered the aforementioned nine people to pay for damages and injuries and prohibited them from holding public office for a period of ten years.

14. According to the information provided by the petitioner, that decision was appealed and the Appeals Chamber of the National Court of Santa Fe de Bogota amended the decision on April 14, 1999, reducing one of the civilian's sentences from 30 to 26 years in prison and the fine from 180 to 140 SMLMV. The sentences of two other civilians were reduced from 28 to 26 years in prison and the fines from 150 to 140 SMLMV. In addition, the statute of limitations was declared to have lapsed with regard to the crime of personal injuries for terrorist purposes for three of the civilians, and the remaining content of the lower court's decision was upheld. Subsequent to that decision, the Backlog Reduction Chamber of the Superior Court of the Judicial District of Santa Fe de Bogota declared on September 14, 1999 that the statute of limitations had lapsed with regard to personal injuries for terrorist purposes for one of the civilians mentioned earlier who had not benefited from the decision on appeal.

15. As alleged by the petitioner, the defense for the prosecuted military personnel filed an extraordinary cassation appeal with the Supreme Court of Justice and the Criminal Cassation Chamber decided on October 25, 2001 not to dismiss the conviction. The petitioner alleged that despite having

convicted some of the military personnel and civilians responsible, the State has still not identified and punished everyone involved in the events.

16. In addition, the petitioner alleged that various relatives of the victims filed suit for compensation with the Administrative Dispute Court of Antioquia. That proceeding concluded on May 12, 1994 with a conciliation agreement wherein the State acknowledged its responsibility and ordered the payment of compensation for moral damages. However, as alleged by the petitioner, some victims were unable to enforce their rights because the massacre had forced them to move away from Segovia. In that regard, the petitioner indicated that his clients had not been covered by the criminal decision nor had they been included in the conciliation agreement.

#### **IV. FRIENDLY SOLUTION**

17. On May 6, 2015, the petitioner represented by Sandra Villegas, attorney with the Javier Villegas Abogados law firm, and the Colombian State represented by Juanita Lopez Patron, Legal Defense Director of the National Agency for Legal Defense of the State, signed a friendly settlement agreement. They were accompanied by the Inter-American Commission on Human Rights, represented by Commissioner Jose de Jesus Orozco, IACHR Rapporteur for Colombia. The text of that agreement establishes the following:

#### **FRIENDLY SETTLEMENT AGREEMENT P-108-00 1988 SEGOVIA MASSACRE V. STATE OF COLOMBIA**

##### **ONE: ACKNOWLEDGEMENT OF RESPONSIBILITY**

The Colombian State acknowledges its international responsibility for violation of the rights established in Articles 4 (right to life) of Carlos Enrique Restrepo ePrez (Deceased), Carlos Enrique Restrepo Cadavid (Deceased), Gildardo Antonio Restrepo Cadavid (Deceased), Pablo Emilio oGmez Chaverra (Deceased), Maria del Carmen Idarraga Orrego (Deceased), Alberto Lozano Ruiz (Deceased), Luis Eduardo Sierra (Deceased), Jesus Emilio Calle Guerra (Deceased), Diana Maria Velez (Deceased), Regina del Socorro Muñoz Giraldo (Deceased), Jairo de Jesus Rodriguez Pardo (Deceased), Erika Milena Marulanda (Deceased), Guillermo Dario Escudero (Deceased), Jesus Antonio Garcia Quintero (Deceased), Henry Albeiro Castrillon (Deceased), Francisco William Gomez Monsalve (Deceased), Guillermo de Jesus Viana (Deceased), Jesus Anibal Gomez Garcia (Deceased), Jose Abelardo Osorno Betancur (Deceased), Orlando de Jesus Vasquez Zapata (Deceased), Shirley Cataño Patino (Deceased), Robinson de Jesus Mejia Arenas (Deceased), Roberto Antonio Marin Osorio (Deceased), Rosa Angelica Mazo Arango (Deceased), Luz Evidalia Orozco Saldarriaga (Deceased), Oscar de Jesus Agudelo Lopez (Deceased), Libardo Antonio Cataño Atehortua (Deceased), Jesus Danilo Amariles Ceballos (Deceased), Carlos Enrique Mazo López (Injured), Juan de Dios Palacio (Deceased), Jesus Antonio Benitez (Deceased), Manuel Fernandez (Injured). Article 5 (Right to Humane Treatment) to the detriment of Simplicio Yopez (Injured), Maria Emilse Restrepo Cadavid (Injured), Jairo Alonso Gil (Injured), Leonel Vahos Villa (Injured), Joaquin Emilio Montoya Monsalve (Injured), Jose Alberto Marulanda Valencia (Injured) for the events that occurred on November 11, 1988, in the municipality of Segovia, Antioquia, which led to petition P-108-00 1998 Segovia Massacre.<sup>1</sup>

##### **TWO: JUSTICE RENDERED**

The parties recognize the progress made in terms of rendering justice in this case. However, the State agrees to continue with its obligation to investigate, prosecute, and punish those responsible.

<sup>1</sup> The condition of Carlos Enrique Mazo López and Manuel Abelardo Fernández Contreras was changed from "Deceased" to "Injured" by decision of the Commission dated December 9, 2017, according to the joint request of the parties of October 12, 2017.

### **THREE: SATISFACTION AND REHABILITATION MEASURES**

The State agrees to implement the following satisfaction measures:

- A public apologies ceremony in the municipality of Segovia, Antioquia Department, led by a senior government official, with the participation of public authorities and the victims' family members. In the ceremony, the State's responsibility will be acknowledged in accordance with the terms established in this agreement. This measure will be carried out within a period of one year following the signing of this agreement; the Unit for the Support and Integral Reparation of Victims will be responsible for this.
- The State agrees to follow up with the victims in this case, to ensure that they gain access to the reparations plans, programs, and projects offered by the Colombian State through the victims' support, assistance, and integral reparation model implemented by the Unit for the Support and Integral Reparation of Victims. The following will be provided as part of the actions implemented within the context of this course of integral reparation: i) physical, mental, psychosocial, and social rehabilitation measures; and ii) symbolic reparation measures such as historical memory and commemorative actions to be developed in concert with the victims and their representatives.

### **FOUR: GUARANTEES OF NON-REPETITION**

The Colombian State agrees to continue educational programs on human rights and international humanitarian law within the Colombian armed forces. It also agrees to include the facts in this petition as a subject of study and analysis in extracurricular human rights training events in the various instruction and training schools.

### **FIVE: MONETARY REPARATION**

Once this friendly settlement agreement is approved through the issuance of the report pursuant to Article 49 of the American Convention on Human Rights, the State agrees to enforce Law 288 of 1996 for the purpose of repairing the moral or materials damages that come to be proven in favor of the direct relatives of the victims, who certify their legitimacy and that they have not been compensated through the Administrative Dispute Jurisdiction.

### **SIX: APPROVAL AND MONITORING**

The parties ask the Inter-American Commission on Human Rights to approve this agreement and to prioritize the issuance of the report under Article 49 of the American Convention on Human Rights, given that the report is necessary for the execution of several of the points contained in the Friendly Settlement Agreement.

This agreement was endorsed by the State entities involved in executing reparation measures.

Signed in three copies in the city of Bogota, D.C., on May 6, 2015

### **V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE**

18. The IACHR reiterates that according to Articles 48(1)(f) and 49 of the American Convention, the purpose of this proceeding is "to reach a friendly settlement of the matter on the basis of respect for the human rights recognized in the Convention." The State's agreement to pursue this option is evidence of its good faith to observe the Convention's purposes and objectives based on the principle of *pacta sunt servanda*.

According to that principle, States must comply in good faith with the obligations undertaken in treaties.<sup>2</sup> The IACHR also wishes to underscore that the friendly settlement procedure provided for in the Convention allows individual cases to be settled in a non-adversarial manner. In cases involving a number of different countries, the friendly settlement procedure has proven to be a useful vehicle that both parties can utilize to arrive at a solution.

19. The Inter-American Commission has followed closely the development of the friendly settlement reached in this case and appreciates highly the efforts made by both parties while negotiating the agreement in order to arrive at this friendly solution that is compatible with the object and purpose of the Convention.

20. As established in the friendly settlement agreement, the parties have jointly asked the Commission to adopt the report indicated in Article 49 of the American Convention, in order to initiate the processes for granting the victims some of the reparation measures included in the friendly settlement agreement, particularly those referring to the State's enforcement of Law 288 of 1996.

21. The Inter-American Commission appreciates the Colombian State's recognition of international responsibility, established in the friendly settlement agreement, for the failure to guarantee the right to life of the victims executed during the events that occurred in the 1988 Segovia massacre. It also appreciates its recognition of responsibility for violation of the right to humane treatment with respect to the individuals who were injured. These rights are established in the American Convention of Human Rights.

22. The IACHR notes the parties' joint recognition of the various areas of progress made in terms of rendering justice for the massacre that took place in the municipality of Segovia, Antioquia, particularly actions taken to investigate, prosecute, and punish five military personnel and four civilians with prison terms of 18 to 26 years and fines between 98 and 140 SMLMV, as the persons criminally responsible for the massacre. The IACHR also urges the State to continue implementing all the actions necessary to fully comply with its obligation to investigate, prosecute, and punish others responsible for these crimes, specifically those who during the process conducted under the Justice and Peace Law acknowledged their participation in the massacre, as well as those public servants who have been identified as being responsible based on actions and omissions.

23. In addition, the IACHR highlights the other reparation measures established in the friendly settlement agreement, especially the agreement made by the State to incorporate the events that occurred in Segovia as part of the subject of study in training programs for the armed forces, which will help to improve the delivery of public security service and at the same time will be a measure dignifying the memory of the deceased victims.

24. Finally, the Commission takes note of the joint communication from the parties dated July 20, 2015, through which they presented the following statement on the compliance with the friendly settlement agreement: "[R]egarding the measures of satisfaction and rehabilitation, specifically those to address the physical, mental and psychosocial rehabilitation, these will be implemented through the Program of Psychosocial Attention and Integral Care of Victims (in Spanish Programa de Atención Psicosocial y Salud Integral a Víctimas PAPSIVI), which is under the responsibility of the Ministry of Health and Social Protection".

25. The Commission also takes note of the report submitted jointly by the parties on July 21, 2015 on the implementation of some of the points of the friendly settlement agreement in which they provide information on the beginning of the execution of individual reparations to the victims, to which they have already conducted orientation sessions with the beneficiaries on 1 and July 3, 2015 in Segovia and Medellín.

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<sup>2</sup> 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 on the parties and must be performed by them in good faith.*

In the same communication the parties reported to have agreed on the content and date of the acknowledgment of responsibility; initiated to collect documents for the archive in the House of Memory as a measure of symbolic reparation; and have established the dates and contents of the training to law enforcement officials.

26. Based on the foregoing, the IACHR believes that these commitments are being implemented, and it will thus continue to supervise that process, and urges the State to act as quickly as possible to implement the reparation measures provided in the friendly settlement agreement signed by the parties.

## **VI. CONCLUSIONS**

27. Based on the preceding considerations and in accordance with the procedure provided in Articles 48(1)(f) and 49 of the American Convention, the Commission wishes to reiterate its profound appreciation for the efforts made by the parties and its satisfaction with the achievement of a friendly solution in this case, based on respect for human rights and compatible with the object and purpose of the American Convention.

28. 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 May 6, 2015.
2. To continue to supervise compliance with the pending obligations undertaken by the State of Colombia. To this end, to remind the parties of their commitment to report periodically to the IACHR regarding compliance.
3. To make this report public and include it in its Annual Report to the OAS General Assembly.