

TECHNICAL INFORMATION SHEET
CASE 11.141 MASACRE DE VILLATINA
FRIENDLY REPORT SETTLEMENT No. 105/05
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim(s): Villatina Massacre

Petitioner(s): Colombian Commission of Jurists (*Comisión Colombiana de Juristas—CCJ*) and Interdisciplinary Human Rights Group (*Grupo Interdisciplinario por los Derechos Humanos—GIDH*)

State: Colombia

Beginning of the negotiation date: October 17, 2007

FSA signature date: July 29, 2002

Friendly Settlement Agreement Report: 105/05, published on October 27, 2005

Estimated length of the negotiation phase: 7 years

Linked Rapporteurship: Children and adolescents

Topics: Children and adolescents/ Young people/ Massacre/ Summary, extrajudicial, or arbitrary executions/ Investigation

Facts: On November 15, 1992, at around 8:30 p.m. when a number of inhabitants of the Villatina neighborhood in the city of Medellín were returning from a religious ceremony, about 12 men bearing arms for the exclusive use of security forces and driving in three passenger cars reached a corner of the neighborhood, stepped out of their cars, and ordered the children and young people that were there to lie down on the ground after which they opened fired on them. As a result, the following children died: 8-year-old Johanna Mazo Ramírez, who had one of her legs in a cast because of a recent accident; and Johnny Alexander Cardona Ramírez, Ricardo Alexander Hernández, Giovanni Alberto Vallejo Restrepo, Oscar Andrés Ortiz Toro, Ángel Alberto Barón Miranda, Marlon Alberto Álvarez, and Nelson Dubán Flórez Villa, all of them between 15 and 17 years of age. The attack against the children and young people stopped when the National Army arrived on the scene, which led to a brief clash without any deaths or detentions. The child Nelson Dubán Flórez Villa at first survived the attack and was taken alive to the closest Intermediate Health Unit, where he eventually died. While he was being taken to the healthcare center, Nelson indicated that he recognized, among the killers, members of the National Police Force, coworkers of one of his relatives. The testimony of those who accompanied Nelson is consistent with the ballistics tests indicating that the bullets used in the massacre belonged to the Departmental Police (*Policía Departamental*) and the National Army (*Ejército Nacional*).

The friendly settlement agreement incorporates the terms of an agreement originally signed on May 27, 1998 in the course of an initial attempt to reach a friendly settlement in the matter. In the agreement, the State recognizes its international responsibility for violating the American Convention, the right to justice and individual reparation for the next-of-kin of the victims, as well as an element of social reparation with components related to health, education, and a productive project. It also provides for erecting a monument in a park in the city of Medellín so as to restore the historical memory of the victims. The Commission observes that the operative part of the agreement reflects the recommendations of the Committee to Give Impetus to the Administration of

Justice (*Comité de Impulso para la Administración de Justicia*) created in the context of the agreement originally signed on May 27, 1998.

Alleged rights: The petitioning party alleged that the Republic of Colombia was responsible for the violation of the rights to life (Article 4), personal integrity (Article 5), and of the child (Article 19), as well as the generic obligation to respect and guarantee the rights enshrined in the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. The IACHR requested up-to-date information from the parties on October 2, 2013, November 25, 2014, September 3, 2015, September 27, 2016, August 29, 2017, July 20, 2018, July 9, 2019 and on August 6, 2020.

2. The State provided information on March 13 and 25, 2014, November 25, 2014, March 24, 2015, November 23, 2016, December 20, 2017, September 4, 2018 and on September 14, 2020.

3. The petitioners have not submitted any up-to-date information since approval of the friendly settlement agreement in 2005.

4. On February 11, 2020, because of unjustified procedural inactivity by the petitioners, the IACHR sent a warning of archiving to the petitioners granting them a one-month period to submit a comprehensive report on implementation of the friendly settlement agreement, though as of the date of the drafting of this report, the IACHR has not received this information.

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

Agreement clause	State of compliance
A. Recognition of responsibility and right to justice	
1. Recognition of responsibility	Total¹
2. Right to justice: The Government and the petitioners adopted as part of the agreement the review on "Judicial Protection and Guarantees" that the Inter-American Commission made in its Report No. 123/01 of November 2001. [...]In view of these considerations, it should be concluded that, in the present case, the State has not secured the necessary means to fulfill its obligation to investigate the extra-judicial execution of the victims, to bring to trial and punish those responsible, and to provide reparation to the families of the victims. The execution of the victims in the present case remains unpunished, which, as indicated by the Court, "promotes the chronic repetition of violations of human rights and the total defenselessness of the victims and their families.	Declarative clause
b) Measures to repair the damage caused to the victims and their families.	
Pecuniary reparation measures:	Total²

¹ Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005.

² Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005.

Resolution number 06/02 of July 22, 2002 of the Committee of Ministers established by Law 288 of 1996 and the commitment of the Director General of the National Police Force to estimate by conciliation the amounts of the compensations for the families of the victims who have not been fully compensated are part of the present friendly settlement agreement.	
Measures of collective reparation involving health: 1. The parties agreed, in February 1996, on the development of a project aimed to improve basic health care for the inhabitants of Villatina. 2. As part of the obligation of the Colombian State to commemorate the victims and make moral amends and provide reparations to their families, the State pledged to place a memorial plaque in the Health Center, which shall be installed prior to the next regular session of the Inter-American Commission on Human Rights.	Total³
Collective reparation measures related to education: The Government of Colombia pledged to remodel the San Francisco de Asís Primary School so that it could also provide basic secondary education services. The Government of Colombia, in compliance with the recommendations contained in Report 123/01 of the Inter-American Commission, pledges to continue without interruption the process of opening grades up to eleventh grade.	Total⁴
Collective reparation measures involving the implementation of a productive Project: The parties have agreed to include the new productive project in the PARE Program headed by the Archdiocese of Medellín.	Total⁵
Collective reparation measures to commemorate the victims: The parties agreed to define the following items regarding the building of the monument, after the National Government discussed it with the Municipality of Medellín: (1) The monument will be built in one of the three parks of the city of Medellín: Parque del Periodista (Maracaibo & Girardot), Parque San Antonio (Av. Oriental) or Plazuela del Teatro Pablo Tobón Uribe (Av. La Playa). The Municipality of Medellín shall choose from among these alternatives. The Office of the Mayor of Medellín, in turn, has five days as of the date of the signing of the inter-administrative agreement to obtain the necessary permits issued by Municipal Planning. (2) The petitioners and the Office of the Mayor of Medellín shall each submit two names of artists to invite them to present proposals, in accordance with the terms of reference that the Administrative Department of the Office of the President will be providing in due time. (3) The parties agreed that the petitioners would have the right to suggest some parameters in the terms of reference for hiring the artist. In conformity with the above, the petitioners have requested that the following be taken into account: a) that the work of art be made of	Total⁶

³ Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005.

⁴ Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005,

⁵ Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005,

⁶ Report No. 105/05, Case 11.141, Villatina Massacre, Colombia, October 27, 2005,

<p>bronze, b) that the work of art be comprised of 9 elements which should be clearly identifiable as the 9 victims, c) that the project include the complete remodeling of the public space that will be used, and d) that the artist have some personal or professional experience in the field of human rights or in similar or related areas. The parties agree that the Ministry of Foreign Affairs shall transmit to the DAPRE the suggestions of the petitioners, which shall be taken into account in due time, as part of the contracting process.</p> <p>(4) The contracting process will be conducted directly by the Administrative Department of the Office of the President, which will also supervise implementation of the contract, without detriment to the collaboration of the Ministry of Foreign Affairs and the petitioners in the latter activity. In this hiring process, on the basis of what was agreed, a proposal evaluation committee will be set up with the participation of a person designated by the Ministry of Foreign Affairs, one by the petitioners in coordination with IACHR, and one by the Office of the President of the Republic.</p>	
<p>Publication and distribution of the agreement:</p> <p>Taking into account that the present Friendly Settlement Agreement contributes substantially to full reparation for the victims of the violations of human rights, and constitutes as well a mechanism to promote in the future the speedy, timely, and effective implementation of judicial investigations to prevent crimes of this nature to remain unpunished, we the parties agree that the National Government shall publish and disseminate, in coordination with the petitioners, five hundred copies of the complete text of the agreement, including the documents that are part of it and its annexes.</p>	<p>Total⁷ Case Archive 2020</p>

IV. LEVEL OF COMPLIANCE OF THE CASE

5. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in the 2020 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The payments pertaining to the compensation amounts agreed upon by the parties for the benefit of the next-of-kin of the victims were made.
- A memorial plaque was installed in the Villatina Health Center.
- As for the collective reparation measures pertaining to the implementation of a productive project, the State fulfilled the terms of compliance regarding support for the productive project, including payment of damages for forcible unemployment.

B. Structural outcomes of the case:

- A project aimed at improving basic healthcare services for the inhabitants of Villatina was developed.

⁷ See IACHR, 2020 Annual Report, Chapter II, Section F. Negotiation and Implementation of Friendly Settlement Agreements.

- A Health Center operating in Villatina was built.
- The San Francisco de Asís Elementary School was refurbished in order to provide basic secondary education services. The physical premises were satisfactorily remodeled and classes have gradually started.
- In connection with building a work of art aimed at honoring the memory of the children and making amends and providing moral reparation to the next-of-kin of the victims, on July 13, 2004, a ceremony was held to inaugurate the Monument Park in the Square of the Journalist (*Plaza del Periodista*) in the city of Medellín, which was attended by the mothers of the victims, the Vice-President of the Republic, the Minister of Defense, the Deputy Minister of Foreign Affairs, the Director of the National Police Force, officials from the Municipality of Medellín, Church leaders, the petitioners in the case, and the IACHR, represented by Commissioner Susana Villarán and Executive Secretary Santiago Cantón.