

TECHNICAL INFORMATION SHEET
CASE 12.756 EL ARACATAZZO BAR MASSACRE
REPORT ON FRIENDLY SETTLEMENT N° [10/15](#)
TOTAL COMPLIANCE
(COLOMBIA)

I. SUMMARY OF THE CASE

Victim (s): El Aracatazzo Bar Massacre
Petitioner (s): Luis Felipe Viveros Montoya, José Luis Viveros Abisambra, and Juan Esteban Montoya Hincapié
State: Colombia
Beginning of the negotiation date: September 29, 2010
FSA signature date: December 12, 2014
Friendly Settlement Agreement Report No.: [10/15](#), published on January 30, 2015
Admissibility Report No.: [47/10](#), published on March 18, 2010
Estimated length of the negotiation phase: 5 years
Related Rapporteurship(s): Memory, Truth, and Justice Unit
Topics: Summary, extrajudicial, or arbitrary executions / Right to life / Massacre / Right to a fair trial / Right to judicial protection guarantees / Investigation

Facts: The case refers to incidents that occurred on August 12, 1995, when members of paramilitary groups killed 18 persons in the bar “Estadero El Aracatazzo,” municipality of Chigorodó, Antioquia, with the acquiescence of law enforcement officers who were at a checkpoint of Infantry Battalion No. 46 of the National Army. In that respect, the officers neglected their duty to adopt protection measures in response to gunshots that were heard and to rescue the civilian population, despite their close proximity to the bar and hearing the gunshots. Subsequent to the incidents, there was neither a criminal nor a disciplinary investigation regarding those involved, and more than 10 years elapsed without any punishment given to the alleged persons responsible for the above-mentioned incidents.

Rights declared admissible: The Commission concluded that it was competent to hear the case of the filings and that the petition was admissible with respect to Articles 2 (duty to adopt domestic law provisions), 4 (right to life), 8 (right to a fair trial), and 25 (right to judicial protection guarantees) of the American Convention in connection with its Article 1.1, in compliance with the requirements set forth in its Articles 46 and 47, and decided to notify the parties and publish its report in its Annual Report.

II. PROCEDURAL ACTIVITY

1. On December 12, 2014, the parties signed a friendly settlement agreement.
2. On January 30, 2015, the Commission approved the agreement signed by the parties, by means of Report No. 10/15.

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

Agreement clause	State of compliance
<p>FIRST: RECOGNITION OF RESPONSIBILITY</p> <p>In view of the events transpiring on August 12, 1995 at the restaurant "El Aracatazo", located in the neighborhood El Bosque of the municipality of Chigorodó- Antioquia, when a group of outlaws murdered Jorge Luis Julio Cárdenas, Luis Alberto Guisao Ríos, Mélida María Jiménez Borja, Leonardo Minota Mosquera, Francisco Leonardo Panesso Castañeda, Willinton de Jesús Tascón Duque, Héctor Alonso Tascón Duque, Libia Úsuga Úsuga and Jorge Iván Zúñiga Becerra; the Colombian State recognizes its international responsibility for failing in its duty to ensure the rights recognized in Articles 4 (right to life) and 5 (right to humane treatment) of the American Convention on Human Rights, in connection with the general obligation set forth in Article 1.1 of the same instrument. Additionally, the Colombian State recognizes its international responsibility for violation of the right to humane treatment (Article 5) with respect to the victims' next of kin.</p>	
<p>SECOND: ON THE SUBJECT OF JUSTICE</p> <p>The parties recognize the progress made in the area of justice in the instant case. However, the State undertakes to continue to honor its obligation to investigate, try and punish those responsible for the crimes.</p>	Total¹
<p>THIRD: MEASURES OF SATISFACTION AND REHABILITATION</p> <p>The State undertakes to support and assist the victims in the present case, in order to help them to gain access to reparation plans, programs and projects offered by the Colombian State using a model of comprehensive care, assistance and reparation of victims, as implemented by the Unit for Comprehensive Victim Support and Reparation.</p>	Total²
<p>FOURTH: GUARANTEES OF NON-REPETITION</p> <p>The Colombian State undertakes to continue human rights and international humanitarian law education programs within the Colombian armed forces. It further undertakes to include case 12.756, the Massacre of Estadero "El Aracatazo," as a case study at extracurricular training events on human rights at different academies and training schools.</p>	Total³
<p>FIFTH: MONETARY REPARATION</p> <p>The State undertakes to enforce Law 288 of 1996 once the instant friendly settlement agreement is approved by means of the issuing of an Article 49 report under the American Convention, for the purpose of redressing the following damages:</p> <ul style="list-style-type: none"> • The moral damages directly caused to victims Jorge Luis Julio Cárdenas, Luis Alberto Guisao Ríos, Mélida María Jiménez Borja, Leonardo Minota Mosquera, Francisco Leonardo Panesso Castañeda, Willinton de Jesús Tascón Duque, Héctor Alonso Tascón Duque, Libia Úsuga Úsuga and Jorge Iván Zúñiga Becerra, by the events occurring at the restaurant "El Aracatazo" in the neighborhood of El Bosque of the municipality of Chigorodó - Antioquia. • Any moral damages that may be proven to have been suffered by Jorge Eliecer Julio Gutierrez, Luis Alfonso Julio Gutierrez, Ana Paola Julio Amaya, in their status as the children of victim Jorge Luis Julio Cárdenas. Additionally, any moral damages that may be proven to have been suffered by Arleiber de Jesús Barrientos Usuga, Jorge Andrés Barrientos Úsuga, Adolfo Enrique Gómez Usuga and Daniel Jose Gómez Usuga, the children of victim Libia Úsuga Úsuga. 	Total⁴

¹ See IACHR, 2022 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: [4-IA2022_Cap 2_EN.pdf \(oas.org\)](http://www.oas.org/en/iachr/docs/annual/2022/Cap2-EN.pdf)

² See IACHR, *Annual Report 2021*, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

³ See IACHR, *Annual Report 2017*, Chapter II, Section D: Status of Compliance with the Recommendations of the IACHR, paras. 105-117.

⁴ See IACHR, *Annual Report 2018*, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, Available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap2-en.pdf>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2022 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State formally acknowledged its responsibility.
- The Third Criminal Court of the Specialized Circuit Court issued a judgment of conviction against Álvaro Géz Mesa.
- The State registered the victims in the Consolidated Victims Registry (RUV).
- In the framework of the procedure established in Law 288/96, the State –Ministry of Defense of the Nation- made payment of compensation to the beneficiaries of the friendly settlement agreement, through resolution No. 1528, of March 8, 2018, for a total amount of COP \$1,387,204,479.20 in favor of 16 direct victims and/or family members recognized in the FSA, through their legal representative.

B. Structural outcomes of the case

- The State carried out extracurricular training programs held in various sessions between 2015 and 2017, coordinated by the Head Office for Continuing Education and Joint Doctrine, encompassing various military and police units in the country's territory. The training used the case-study methodology applied in the Inter-American Human Rights System, the State's international human rights obligations, and the friendly settlement mechanism as an effective alternative for the settlement of complaints filed with the IACHR.
- The State criminally sanctioned, within the framework of the ordinary jurisdiction, one of those responsible for the events.
- The investigations continue, outside the framework of the supervision of this friendly settlement agreement, in macro-Case 04 before the JEP, in the framework of which six groups of armed forces members (one as a result of the events in the El Aracatazzo case) were summoned to give voluntary testimony. In this group, the testimony was taken of three military members, and their cases closed. Also, one person died before his testimony could be taken. Subsequently, a second group of military members was summoned to give voluntary testimony. In that context, the case of one person was closed and the proceedings regarding another two were rescheduled.
- The JEP Office took 131 voluntary statements from a number of deponents, among them, 69 former military members assigned to military units.
- In the framework of macro-Case 04, 45,333 victims were formally accredited (340 individuals and 44,993 corresponding to 116 groups). The 340 individuals include 14 victims from the El Aracatazzo case.