

## **Case 003: Unlawful killings presented as deaths in combat by State agents, or “false positives”**

Despite the hostile environment in which the Special Jurisdiction for Peace (JEP) worked during 2019, it was a year that brought hope to the victims and civil society. Two cases show significant progress in terms of truth, the participation of victims and the testimonies of alleged perpetrators before the JEP. Case 001 about kidnapping (see TJS 4) and Case 003 about unlawful killings, have each expanded knowledge about the responsibility of the former FARC-EP and the Armed Forces, respectively, regarding those crimes. As of December 2019, 12,234 people have been voluntarily included under the jurisdiction of the JEP, among them 9,721 former FARC-EP combatants and 2,429 members of the Public Forces, according to reports published by the JEP. This TJS focuses on Case 003.

### **Case 003 and the International Criminal Court**

The Office of the Prosecutor of the International Criminal Court (ICC) has an open preliminary investigation into the Colombian State for crimes against humanity since 2004. One of those crimes, allegedly committed by members of the Armed Forces of Colombia, is the unlawful killing of civilians to present them as members of illegal armed groups killed in combat, known as “false positives”.

Since the signing of the 2016 Peace Agreement, the Prosecutor of the ICC, Fatou Bensouda, has publicly backed the peace accord, and in particular the JEP. She has also expressed her constant attention to following developments in Colombia regarding justice and impunity.

The possibility of a case before the ICC, the vulnerable position of the victims, and the seriousness and scope of these crimes within the country were some of



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32 Colombian departments. Among them, Antioquia has the highest number of cases. Out of the eight Divisions within the Army, the First, Second, Fourth, and Seventh, account for 60% of the cases; and high ranking military officials have been reported as allegedly responsible for those crimes.

As of December 2019, out of the 1,944 members of the Army that have been voluntarily included under the JEP's jurisdiction, 202 have given testimony, including three Generals. The SRVR, through Decision no. 261 of 2019, ordered General (r) Mario Montoya Uribe – former commander of the Army (2006-2008) and included in the JEP's jurisdiction since 2018 – to give testimony on 12 February 2020. This is in response to various reports submitted to the JEP and at least 11 testimonies by members of the Public Forces that name the General.

## Achievements

As a result of the testimonies given before the JEP, on 9 December 2019 the first procedure was carried out to exhume 45 bodies that had been buried between 2005 and 2007 in the cemetery of Dabeiba, Antioquia. This procedure was done in the presence of magistrates of the JEP and members of the armed forces who stood before them and offered a detailed account of their actions while the procedure took place. This phase of contrasting testimonies with the evidence that has been collected will allow the truth to be reached about crimes that have been part of a culture of impunity until now.

***Embrace Dialogue (ReD) acknowledges the important developments in Case 003, the hard work of the JEP towards truth and justice throughout 2019, and reaffirms its commitment to support and make visible the work of the JEP in 2020.***



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