

Case 006: Victimization of members of Unión Patriótica political party by members of the State

The Unión Patriótica (UP) political party was born out of the ceasefire, peace, and truce agreements signed between the government and FARC-EP in 1984. The UP emerged as a political movement with legal guarantees for the insurgency to participate in political scenarios through elected offices. Support for the party grew, especially in remote regions of the country, leading to the election of 19 departmental deputies, 286 local council members, and several representatives in Congress. Following this success, paramilitary groups, state agents, and some political factions carried out an offensive against UP leaders and militants amounting to political genocide of the party. In 2014, the Office of the Prosecutor-General of Colombia declared some of the crimes against members of the UP as crimes against humanity.

On 26 February 2019, the Chamber of Recognition of the Special Jurisdiction for Peace (JEP) decided to open Case 006, which seeks to investigate, judge and punish those from the State who committed crimes against UP members. The opening of this case was supported by reports from the Executive Secretariat of the JEP, the Office of the Prosecutor-General, the National Centre of Historical Memory, and the Reiniciar Collective (group of UP victims), as well as judicial decisions by national judicial bodies (Supreme Court of Justice and State Council), and international bodies (Inter-American Human Rights System).

Based on the information in those reports, the JEP established that there was a systematic and generalized violence pattern against members of the UP due to their political identity, which aimed to exterminate party members and the party itself. In addition, minimal progress of the cases in the ordinary jurisdiction demonstrates high levels of impunity that have been pointed out by the Inter-American Human Rights Court. It is these two elements together that formed the grounds to open this case in the JEP.



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Among the alleged perpetrators of crimes against the UP are members of the armed forces, state agents, civilian third parties, and members of paramilitary groups. During the process that led to the opening of this case, there were discussions to include in the preliminary investigations at least 33 parties that would appear before the JEP, including members of the armed forces of different ranks, as well as 13 agents and former officials of the former Administrative Security Department (DAS).

Progress and challenges

In March 2020, the JEP decided to accredit the UP as a victim. This recognition of the party as a collective victim represents an innovation inside the Comprehensive System of Truth, Justice, Reparation and Non-Repetition. The decision was based on the fact that the persecution against members of the UP affected the work and the organizational practices of the party, which limited its capacity to participate in the democratic process and electoral contest due to a lack of security guarantees. This reduced the electoral potential of the UP, and led to a breakdown of its network of militants, eventually resulting in the loss of political party status of the UP.

Regarding the victims of this case, the JEP has made significant progress in reaching out to victims in exile, organizing meetings with them in Canada, Argentina and Switzerland. These encounters have helped the Special Jurisdiction to acknowledge that exile by itself is a form of victimization, which must be recognized and subject to reparations.

The JEP faces an enormous challenge, with only a small number of people standing before the Special Jurisdiction for alleged participation in crimes committed against the UP. This explains why to date there has not been a single testimony given for this case. However, progress has been made in the identification of possible perpetrators



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and victims. Using judicial files, open-source documents, reports, databases, and the files of the former DAS, the JEP has been able to identify more than a hundred alleged perpetrators who will have to testify to give their version of what happened. At the same time, the JEP has identified around 8,200 victims for this case, a number higher than the estimate of any previous reports.

innovation pill

The JEP has built a strong relationship with the surviving victims of the UP. Some of them, after decades of being neglected, are being heard for the first time by an institution of the Colombian State. Given that a considerable number of these victims live in exile, the JEP and the Truth Commission have joined efforts to listen and respond to the demands of victims living abroad, putting into practice the comprehensive nature of the system. This has resulted in the acknowledgment of exile as a source of double victimization: victims carry the consequences of what they suffered in Colombia, while also living with their rights unfulfilled and limitations to their life plans in a new and unknown context.. In reaching out to victims in exile, the Comprehensive System is innovating in the transitional justice field.

Embrace Dialogue salutes the JEP's progress in Case 006 and the recent recognition of the UP as a victim. This represents an opportunity for society to know what happened, to end decades of impunity, and for the victims of the genocide of the UP, both in Colombia and in exile, to obtain justice, truth, reparation, and guarantees of non-repetition.



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