

The JEP Protects the Remains of the Victims of the Armed Conflict

On 11 August 2020, the Special Jurisdiction for Peace (JEP) prohibited any kind of tampering in two places - La Escombrera (The Dump) and La Arenera (Sandpit), both located in the Comuna 13 area of Medellín - where victims of forced disappearances are thought to be buried. The JEP can order precautionary measures where there are good reasons for doing so in the framework of its cases. This snapshot presents the progress that the JEP has made in protecting the remains of those who disappeared during the armed conflict in Colombia.

What are Precautionary Measures?

Precautionary measures for cemeteries and other areas are ordered by the JEP to protect and preserve unidentified human remains that are presumed to belong to victims of the armed conflict. It is important to protect those remains in order to identify them and return them to their loved ones in a dignified manner. To do this, the JEP orders the competent authorities to stop the handling, burial, movement, or exhumation of the remains in the area concerned.

Precautionary measures seek to prevent irreversible damage to people or groups of people. They also aim to guarantee access to information that is in imminent danger of being destroyed or damaged. The measures are ordered by the JEP's First Section for Cases where there is no Recognition of Truth or Responsibility. For these cases, the Investigation and Accusation Unit (UIA) of the JEP intervenes, with its Technical Forensic Team overseeing exhumations and the handling of the remains.

Some precautionary measures arise directly from cases that the JEP handles. One such case is Case 003, which involves the cemetery in Dabeiba. Measures can also arise from third party petitions.



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Progress in Precautionary Measures

On 29 August 2018, two representatives from the National Movement of Victims of State Crimes (MOVICE) and seven relatives of forced disappearance victims asked the JEP to order precautionary measures. The petition demanded that the JEP protect 16 areas where forced disappearance victims could potentially be buried. The JEP responded by asking for the cooperation of the Unit for the Search of Disappeared Persons (UBPD) in devising a joint plan to protect those sites. As part of that petition, La Escombrera and La Arenera sites have been issued with precautionary measures by the JEP, as well as El Universal cemetery in Medellín, and Los Pobres cemetery in Aguachica, Cesar.. Bone remains in the osteology laboratory of the University of Antioquia, and in the indigenous reserve of San Lorenzo, Caldas, have also been protected by the JEP.

The JEP has also ordered precautionary measures for a cemetery in El Copey, Cesar, following a request from the Commission of Colombian Jurists (CCJ) that warned that the cemetery could have remains of victims of extrajudicial killings. The JEP's First Section determined that the cemetery is an area of broader interest, since other victims of the armed conflict could also be buried there.

The CCJ also made a request for the cemetery in El Salado, Bolívar. Through video footage, they showed bone remains being held in open air and tombs kept in a poor state, both of which put at risk the preservation and return of remains to relatives. Given that the JEP considers plausible that the cemetery contains the remains of victims of forced disappearances during the El Salado massacre (perpetrated by paramilitaries in 2000), it has tasked the UBPD with the receipt and handling of the remains, once they are recovered by the Forensic Technical Team of the UIA.

Precautionary measures were also requested by the community council of La Esperanza neighbourhood in Yopal, Casanare, for the old cemetery in that city. With the implementation of the new land development plan of the city, which allows for



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the soil of the old cemetery to be used for other purposes, some 150 non-identified remains have been relocated. Only some of the remains were moved to the new cemetery, with the rest sent to other locations. For this process, which could include victims of forced disappearances, the JEP requested the support of the UBPD, further strengthening joint efforts by these institutions.

key innovation

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The JEP has implemented precautionary measures in several areas of the country to respond to the sanitary emergency brought about by COVID-19. Amid the disposal of bodies of COVID-19 deaths in places without access to cremation, these measures aim to prevent unidentified remains (or identified remains that have not been claimed) from being relocated by mistake or without the proper procedures. The Interdisciplinary Forensic and Psychosocial Assistance Colombian Working Group and MOVICE warned about the risk this would pose to future efforts to locate, identify and return those remains to their loved ones. In those areas where there is reason to believe that remains of victims of forced disappearances are located, the UBPD will oversee the handling of the bodies.

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Embrace Dialogue recognises the efforts made by the JEP to protect the remains of victims of forced disappearances that took place during the armed conflict. We invite you to support this work that forms part of the comprehensive reparations and truth process.



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