

Auto 019: The JEP Attributes Responsibility for the First Time

On 26 January 2021, the Chamber for the Recognition of Truth, Responsibility and Determination of Conduct (SRVR) of the Special Jurisdiction for Peace (JEP) issued its first ruling: [Auto 019 of 2021](#). This sets out the crimes and practices committed by former members of the FARC-EP Secretariat, and explicitly makes them accountable for the crimes investigated in [Case 001](#). This order (Auto) represents the JEP's first formal ruling that attributes responsibility. It highlights the participation of victims, and how information has been collected and verified in order to establish the truth about the former FARC-EP's methods and practices in Case 001.

This snapshot analyses some of the key points within *Auto 019* that are essential for the peace process to progress, for comprehensive reparation to be made to victims, and for Colombian society to be reconciled.

The Recognition of War Crimes and Crimes Against Humanity

The SRVR places the practices investigated in Case 001 within the International Criminal Law framework, recognising the former FARC-EP as responsible for war crimes and crimes against humanity. As a result, the SRVR decided to amend the name of Case 001, initially opened under the name "Illegal detention of people by the FARC-EP", to "Hostage-taking and other severe deprivations of freedom".

For the SRVR, to have deprived people of their freedom, and put conditions on their release as well as their well-being, their integrity, and their lives, was a war crime. Additionally, the systematic and consistent nature of these practices means they are classifiable as crimes against humanity.

The name change for Case 001 is fundamental because it positions the crimes under the jurisdiction of the International Law framework. This requires the Colombian state to comply with its international obligations to investigate and bring to justice the primary actors responsible for war crimes and crimes against humanity.



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Recognising "Kidnapping" as a Policy

In the exhaustive process of verifying the information collected, the JEP has identified patterns of macro-criminality, including what the former FARC-EP refer to as "retentions" (retenciones). This practice had three specific objectives: 1) to finance the organisation, 2) to exchange members of the state forces for captured guerrilla fighters, and 3) to establish territorial control in the regions where the FARC-EP operated.

Similarly, by putting in dialogue the different statements given by FARC members with those provided by victims, there emerged the existence of specific kidnapping policies. Although these were never formally imposed by the Secretariat in its National Conferences, they did form a systematic and comprehensive practice across the regions.

The Key Principle of Victims' Participation

The JEP recognises a total of 21396 victims of Case 001, 2456 of whom have been formally accredited. Victims have participated through contributions given as part of their accreditation, observations made on the accounts given by perpetrators, and the submission of reports by victims' organisations.

During the collective and individual hearings, former FARC members that appeared before the JEP committed to providing information to the victims concerning the location of their missing loved ones, details of what happened and why, and the partial acknowledgement of their responsibilities concerning acts of sexual violence, torture, cruel and inhuman treatments. Initially, these acts had all been denied by the FARC-EP.

The principle of the centrality of victims in this process has allowed truth-seeking to go beyond only issuing a sanction, and instead extend to performing a restorative function.



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Progress Against Impunity

In understanding the structure of the former FARC-EP, the development of their war strategy, and the differences in how practices have been applied at the national and regional level, it has also become clear the need for the JEP to investigate the responsibility of middle-level officials at the regional level. In doing so, the JEP can continue to progress in establishing the truth of what happened.

The analysis and verification of different sources has allowed years of work already undertaken in the search for justice to be drawn together and progressed by the JEP. By discovering patterns of macro-criminality, the JEP has been able to identify and attribute responsibility for these crimes to members of the former FARC-EP Secretariat. Some of these members had not been included in any previous investigations related to these crimes.

What Next?

Auto 019 provides 30 days for the former FARC-EP's Secretariat to acknowledge or deny its responsibility concerning these crimes. If these individuals accept their responsibility, the JEP is able to issue its own sanctions. These are sanctions that will be agreed with the victims and must be reparative, respecting the principle of the victims' centrality in the process.

If the Secretariat refuses to take responsibility for these crimes, the case will be remitted to the Investigation and Accusation Unit, which will investigate these practices. In this case, ordinary sanctions of up to 20 years of prison will apply.

Embrace Dialogue recognises the crucial step taken by the JEP to establish truth and realise justice. We will continue to follow the challenges for the JEP of bringing the main perpetrators of these crimes to justice as a special tribunal, establishing sanctions, searching for the truth, and making sense of connections between Case 001 and the other regional cases under investigation.



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