

## The JEP and Moral Reparations for Victims of False Positive in Catatumbo

By means of Auto 125 of 2 July 2021, the JEP's Chamber for Recognition of Truth, Responsibility and Determination of Conduct presented its findings related to the murder of 120 civilians and the attempted murder of another by military units belonging to the 30th Brigade, based in Ocaña, Norte de Santander. In this Auto, the Chamber of Recognition determined that there were eleven people responsible for planning and carrying out the murders - a General, six officers, three non-commissioned officers and a civilian - and that it was done with the aim of presenting the victims in an illegal and illegitimate way, as casualties of combat. This is the second Auto that the Chamber has presented determining facts and conduct - the first was related to the framework of Case 01 which held the Secretariat of the FARC accountable for kidnapping and taking hostages - and it is the first that is related to members of the armed forces.

The Chamber also determined that these deaths correspond to the crime of the homicide of a protected person, within the customary, conventional and jurisprudential parameters of International Humanitarian Law, International Criminal Law, and the international treaties on Human Rights that Colombia has signed. Based on these international laws, the Chamber of Recognition declared that the forced disappearance and subsequent murder of the victims were crimes against humanity and war crimes, respectively.

### The Findings

According to the testimonies and documents collected by the Chamber of Recognition, these murders occurred between 21 January 2007 and 25 August 2008, and were committed by members of the army stationed in the Catatumbo



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region. Furthermore, the Chamber determined that the objective of these murders was to “respond to the pressure to produce enemy combat deaths ‘at any cost’”. This was a pressure exerted directly and continuously by the then Commander of the Army, General Mario Montoya, on those commanding army divisions, brigades, battalions and companies, who in turn rewarded their subordinates for deaths in combat as a principal operational objective.

In the information obtained it was found that commanders, operations chiefs, intelligence chiefs and the commanding officers of some of the basic units that were part of the 15th Mobile Brigade (BRIM15) and the General Santander Infantry Battalion (BISAN), belonging to the 30th Army Brigade, carried out planned, systematic and repeated actions. This led the JEP to characterise these actions as a pattern of macro-criminality.

For the Chamber of Recognition, this pattern took two forms: firstly, the murder of inhabitants of the rural area of Catatumbo, flagged as being militiamen, collaborators or sympathisers of the guerrilla groups present in the zone. Then, faced with the constant accusations of the local population and especially from victims’ families, the implicated soldiers opted to murder young people coming from other regions of the country, mainly from Bogotá and Soacha, who were lured to Catatumbo to be presented as “deaths in combat”.

In the JEP’s opinion, criminal organisations were created within the structures of the BRIM15 and the BISAN, who took advantage of their power of command, hierarchy and military facilities and procedures to commit these crimes.

## Preparing the Path for Reparations

According to the findings of the Chamber of Recognition “all the victims who were disappeared or murdered by members of the BRIM15 and the BISAN between 2007 and 2008 were young men aged between 14 and 35.” The vast majority of survivors are women: mothers, wives, and partners. In the Subcase



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of Catatumbo, the JEP has accredited 77 victims, of whom 48 are women: “76 are family members and there is one survivor. Of these victims, 14 are mothers of the murdered young men, six are fathers, six are partners or wives, 14 are daughters, six are sons, 14 are sisters and 16 are brothers.”

Auto 125 also recognises the moral and emotional effects of damage to the honour, good name and dignity of the victims and those that survive them as, due to the circumstances in which they were presented to national public opinion. Faced by this, the Chamber of Recognition emphatically declared that they had not found any evidence that proved the participation of any victim in any criminal activity.

In its declaration, the Chamber determined the manner in which the victims of extrajudicial executions were presented as guerrillas and criminals, and also how their family members were forced to undergo uncertainty and anguish, stigmatisation and re-victimisation, threats and harassment. The information compiled and provided by the representatives of the surviving victims shows how the stigmatisation affected their social relationships, which in some cases led to interruptions to their political, family and community activities.

***Embrace Dialogue reaffirms its support for the JEP and the Chamber of Recognition in their work to determine what happened in Catatumbo between 2007 and 2008. We recognise Auto 125 of June 2021 as a fundamental step towards the moral reparation of the victims of the False Positives and their family members. We hope that those highlighted in this Auto as ultimately responsible for the crimes stated comply with the requirement of the JEP to recognise their responsibility and contribute to the truth.***



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