



## Extrajudicial executions

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### Implementation of recommendations from the previous period

The United States and Venezuela were the only countries to make recommendations about extrajudicial executions in the 2018 UPR. The recommendations were focused on investigating and prosecuting those responsible for this crime against humanity, as well as identifying those responsible on the highest level for the orders that promoted this practice. During the administration of former President Iván Duque, no progress was made to implement these recommendations. On the contrary, there were setbacks with the implementation of programs or measures to eradicate this practice within the Armed Forces. An example was the appointment of military officers to leadership positions who had previously been implicated in cases of extrajudicial executions and ties to the paramilitary structure. These include former Army Commander General (r) Nicasio Martínez, (1) and General (r) Eduardo Zapateiro, who was the Army Commander between 2019 and 2022. (2)

The limited advances to investigate and punish this crime has been achieved by the Special Jurisdiction for Peace (JEP) in the framework of Case 03. However, there is still no progress to identifying highest level state officials who are responsible for planning, directing, and executing the commission of this crime, as recommended by the United States and Venezuela. The status of investigations into extrajudicial executions in the Attorney General's Office is concerning, as this entity has delegated these functions to the transitional justice system that arose out of the Final Peace Agreement. No significant progress has been made within its jurisdiction.

Finally, it should be noted that this practice continues in Colombia, using different methods, such as bombings, (3) homicides in the context of social protests, and the disproportionate and excessive use of force by state agents.

(1) "Between October 2004 and January 2006, the National Army commander, Nicacio de Jesús Martínez Espinel, was in command of a brigade that the Attorney General's Office accused of being the authors of at least 283 alleged extrajudicial executions. Martínez Espinel was commander of the 10th Brigade between October 2004 and January 2006. During this period, at least 23 cases were registered of civilians casualties falsely presented as combatants." Fundación Paz y Reconciliación, (5 June 2019). El general de cuatro soles señalado de graves crímenes.

<https://www.pares.com.co/post/el-general-de-cuatro-soles-se%C3%B1alado-de-graves-cr%C3%ADmenes>

(2) ...In relation to the enforced disappearance of Jaime Enrique Quintero Cano, father of Colombia National Football Team midfielder Juan Fernando Quintero. Mr. Quintero Cano began his obligatory military service in 1995. According to his brother, Carlos Quintero, who spoke with the local radio station Caracol Radio, the last time they heard from his brother was on 1 March 1995, when he was transferred from the 4th Brigade in Medellín to the 17th Brigade in the municipality of Carepa, in the Urabá sub-region of Antioquia, where Zapateiro was a captain. AA Mundo, (30 December 2019) Los hechos que enredan al nuevo comandante del Ejército colombiano. <https://www.aa.com.tr/es/mundo/los-hechos-que-enredan-al-nuevo-comandante-del-ej%C3%A9rcito-colombiano/1686507>

(3) ...Last Tuesday, 29 March, the organization denounced that the attack against FARC dissidents in Puerto Leguizamo (Putumayo), in which the Minister of Defense, Diego Molano, reported the death of nine alleged dissidents, was really a case of extrajudicial executions, commonly known as "false positives." El Espectador, (30 March 2022). "Eran civiles, no guerrilleros", organización indígena que denuncia falsos positivos. <https://www.elespectador.com/judicial/eran-civiles-no-guerrilleros-lider-indigena-que-denuncia-presuntos-falsos-positivos/>

### Current status

Guarantee real participation for victims, given that Special Jurisdiction for Peace proceedings have been centralized in the city of Bogotá, which means that participation is an obstacle for victims living in rural areas.

A call should be made to Colombia's high courts, in particular the Council of State and the Constitutional Court, which have issued regressive rulings declaring that the statute of limitations applies to serious human rights violations. These decisions are contrary to the principle of conventionality. It is urgent that Colombian courts adopt relevant international standards, which establish that these serious crimes are not subject to the statute of limitation, in accordance with case law standards from the Inter-American Court.

More coordinated and inter-institutional actions are required from the Attorney General's Office and the JEP. This will help establish roadmaps and procedures for ruling on cases that have not been prioritized by the JEP. The latter has only prioritized cases in seven regions, while the remaining cases are frozen in the ordinary justice system without any progress in their investigations.

### Recommendations

1. Roadmaps for inter-institutional and methodological coordination between the Special Jurisdiction for Peace (JEP) and the Attorney General's Office to prosecute the highest responsible parties responsible for extrajudicial executions, ensuring that there is no ambiguity in relation to the concept of highest responsible party.
2. Guarantee the full and effective participation of victims of extrajudicial executions in JEP hearings, complying with the principle of disclosure in all proceedings. Confidentiality of proceedings or restrictions on access to information should be an exception and not the general rule, as has been previously advised.
3. The Attorney General's Office must continue to investigate extrajudicial executions so that the ordinary justice system can respond to cases that the JEP did not prioritize.