

Colombian court does not charge ex-general for false positives

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Bogota, August 31 (RHC)-- The Supreme Court of Bogota refrained on Monday from holding the indictment hearing of former Army General Mario Montoya Uribe for his alleged responsibility in cases of extrajudicial executions at the hands of the military forces known in Colombia as false positives.

According to the ruling by Judge Fabio David Bernal Suárez, the Colombian Prosecutor's Office has limited power to make accusations before judges in Montoya Uribe's case due to the fact that the former military officer applied in October 2018 to the Special Jurisdiction for Peace (JEP).

The judge indicated that the competence in the case of the Colombian ex-general corresponds to the JEP, a Justice mechanism created after the Peace Agreement between the Government and the FARC, signed in September 2016.

Judge Bernal Suárez clarified that the parties may request that the decision be revoked before the same judge and not before his hierarchical superior.

After learning of the judge's decision, attorney Sebastián Escobar, on behalf of the victims of false positives, asked the magistrate to revoke the decision because he considers that it restricts the possibility of access to justice for his defendants.

For his part, another of the victims' lawyers, Germán Romero, denounced that former General Montoya has kept silent in the proceedings of the JEP and that the victims are asking him to reveal details of his alleged participation and of the scaffolding that made the extrajudicial executions possible within the Army.

In mid-August, the Colombian Prosecutor's Office asked the judge to allow it to indict former General Montoya Uribe for events that occurred between 2007 and 2008 when he was commander of the National Army.

The judicial body wants the ex-military officer to answer for the alleged crimes of aggravated homicide in homogeneous and successive concurrence with concealment, alteration or destruction of evidentiary material.

It is estimated that under the orders of former Army General Mario Montoya Uribe there were more than 6,500 deaths, of which more than 2,400 were civilians.

The JEP has been able to determine that 6,402 people in Colombia were victims of "false positives", almost triple the number reported in previous years by the Prosecutor General's Office. It has also indicted 26 military personnel and one civilian for war crimes and crimes against humanity.

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