THE COLOMBIAN PEACE PROCESS

THE AGREEMENT regarding the victims of the conflict

A publication by The Office of the High Commissioner for Peace
There have been millions of victims of the conflict in Colombia

Colombia’s armed conflict has been going for more than 50 years, and has caused harm and suffering unmatched at any point in human history.

So far it is estimated that armed conflict has left us with 7.9 million victims, including:

### Approx. 6.7 Million Victims of Forced Displacement

- **At least 220,000 victims of homicide**
- **At least 74,000 victims of attacks on civilian populations**
- **At least 45,000 victims of forced disappearance**
- **At least 30,000 victims of kidnapping**
- **At least 13,000 victims of sexual violence**
- **At least 11,000 victims of landmines**
- **At least 10,000 victims of torture**
- **At least 9,000 victims of dispossession or forced abandonment of land**
- **At least 7,000 victims of forced recruitment**
- **At least 2,500 victims of extrajudicial executions**
- **At least 2,000 massacres**

### Colombia in comparison to other countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Victims of the armed conflict</th>
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<tbody>
<tr>
<td><strong>COLOMBIA</strong></td>
<td>Approx. 7,902,000</td>
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<tr>
<td><strong>ARGENTINA</strong></td>
<td>Approx. 8,960 disappeared</td>
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<tr>
<td></td>
<td>persons during the military</td>
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<td></td>
<td>dictatorship of 1976 to 1983</td>
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<td></td>
<td>(according to the report ‘Nunca Más’ by the National Commission on the Disappearance of Persons)</td>
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<tr>
<td><strong>PERU</strong></td>
<td>Approx. 70,000 disappeared</td>
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<tr>
<td></td>
<td>persons between 1980 and 2000</td>
</tr>
<tr>
<td></td>
<td>(Truth and Reconciliation Commission)</td>
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<tr>
<td><strong>EL SALVADOR</strong></td>
<td>Approx. 80,000 dead in the</td>
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<tr>
<td></td>
<td>civil war from 1980 to 1992</td>
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<tr>
<td></td>
<td>(International Center for Transitional Justice)</td>
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<tr>
<td><strong>SUDAN</strong></td>
<td>More than 200,000 dead, 2,700,000 displaced and 4,700,000 persons affected by the conflict since 2004 (UNHCR)</td>
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<td><strong>SIERRA LEONE</strong></td>
<td>Approx. 120,000 displaced, including 500,000 refugees in neighbouring countries following the civil war of 1991-2002 (United Nations)</td>
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<tr>
<td><strong>RWANDA</strong></td>
<td>Approx. 800,000 dead during the 1994 genocide (Human Rights Watch)</td>
</tr>
<tr>
<td><strong>GUATEMALA</strong></td>
<td>Approx. 160,000 persons executed and 40,000 deemed between 1960 and 1996 (Historical Clarification Commission)</td>
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In recognizing this national tragedy it was agreed that redressing the wrongs committed against the victims of the conflict should be at the center of any agreement and that the negotiation agenda for ending the conflict should include an entire item on victims’ rights.

**NOTE:** Data sourced from the Agency for Reparation of Victims, the National Center for Historical Memory and the Directorate for Comprehensive Action against Landmines.
The Victims are at the center of the Agreement

Since the beginning of the negotiation process in 2012, it was agreed upon that redressing victims should be at the center of the agreement between the Colombian government and the FARC-EP. As such, “the victims” became one of the six items on the Negotiation Agenda as established by the General Agreement.

Before addressing item 5 of the negotiation agenda, the Colombian Government and the FARC-EP agreed on a “Declaration of Principles”, to reflect their commitment to the victims. These principles served as a compass for the talks to ensure that the overall realization of the victims’ rights to truth, justice, reparations and non-repetition, remained at its center.

These ten principles were constantly taken into account throughout the negotiation of the victims’ item, and will continue to radiate throughout its implementation.

NOTE: The following summary does not seek to replace the joint draft agreement regarding the victims of the conflict. For more information, please see the text of the agreement at www.mesadeconversaciones.com.co
The victims’ voices

The Negotiation Table established three key mechanisms for civil society participation in the negotiation process: written feedback, forums and direct consultations. These methods were expanded for the negotiations surrounding the victims’ item. As a result, more than 3,000 victims participated in four forums in Villavicencio, Barranquilla, Barrancabermeja and Cali, and 60 victims travelled to Havana to give their testimonies and offer their recommendations directly to the Negotiation Table.

All of the victims’ proposals were fundamental in achieving an agreement on the victims’ item. Without their dedicated participation, genuine testimonies and sincere proposals, it would not have been possible to create this agreement.

DIRECT CONSULTATIONS

Under the framework of the participation mechanisms created by the Negotiation Table, the United Nations and the National University of Colombia, with the support of the Episcopal Conference.

60% women
8% indigenous persons
13% Afro-Colombians
8% came from the national, provincial, and municipal victims’ committees

60 victims of the armed conflict

FORUMS

<table>
<thead>
<tr>
<th>FORUMS</th>
<th>NATIONAL FORUM</th>
<th>REGIONAL FORUMS</th>
<th>OTHER FORUMS</th>
<th>REGIONAL WORKING GROUPS</th>
<th>NATIONAL SUMMIT OF WOMEN FOR PEACE</th>
</tr>
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<tr>
<td></td>
<td>8,659 contributions</td>
<td>8,346 contributions</td>
<td>1,415 contributions</td>
<td>5,014 contributions</td>
<td>240 contributions</td>
</tr>
<tr>
<td>Date</td>
<td>Cali, August 2014</td>
<td>Barrancabermeja, July and August 2014</td>
<td>Rural Development, Political Participation, Illicit Drugs</td>
<td>October – November 2013</td>
<td>October 2013</td>
</tr>
</tbody>
</table>

27,000 contributions received on the subject of the victims up until March 2016

WRITTEN FEEDBACK

<table>
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<tr>
<th>WRITTEN FEEDBACK</th>
<th>1,243 in person</th>
<th>1,569 by email</th>
</tr>
</thead>
</table>

In accordance with this commitment to place victims at the center of the Agreement and in response to victims’ testimonies, proposals and expectations, it was agreed upon that a Comprehensive System for Truth, Justice, Reparations and Non-Repetition will be created.

6% of the contributions were about the participation of victims in the Transitional Justice mechanisms

“In regards to truth commissions, experience confirms the importance of the direct participation of victims, organizations and civil society’s participation in the design, the selection of commissioners and key staff, the carrying out of its work, the ongoing evaluation of its work and in the monitoring of the recommendations of a truth commission.” Network of communities and organization in the conflict areas of Antioquia, Atlántico, Cauca, Chocó, Putumayo, Magdalena, Meta, Nariño and Valle

16% of the contributions were about the Right to the Truth

“The truth commission should be run as an independent mechanism of judicial function, whose value in itself is to guarantee the right to the truth.” Organisation of displaced women and sexual violence victims in Montes de María

34% of the contributions were about the Right to Reparations

“As a contribution to the constructive knowledge of the conflict and as a means of symbolic reparation, all armed participants in the conflict, including the state security forces and the FARC, should recognise the seriousness of the crimes they committed (…) through public acts of apology for their direct actions and omissions during the conflict, and for the actions of their subordinates. Mechanisms should be implemented so that these armed participants can clearly express that they are sorry.” Network of women’s organisation

11% Proposals on the Right to Justice

“One of the state’s obligations is to investigate and punish serious human rights violations, whilst prohibiting any general or unconditional amnesties. But this obligation also admits the existence of exceptions, in order to resolve tensions with the duty to achieve peace. Situations involving severe violations of human rights demand the establishment of selection criteria for the prosecution of the most serious crimes and of those most responsible, with the ability to apply punitive benefits.” Member of the National Committee of Victims

In July and August 2014, 60 victims of the armed conflict came from the national, provincial, and municipal victims’ committees.

6% of the contributions received on the subject of the Right to the Truth, Justice, Reparations and Non-Repetition were about the participation of victims in the transitional justice mechanisms.

240 contributions

34% of the contributions received on the subject of the Right to Reparations were about the contributions of women.

See below the ways in which victims will participate in each mechanism.
Comprehensive System for Truth, Justice, Reparations and Non-Repetition

The Comprehensive System will consist of different judicial and non-judicial mechanisms, that will be implemented in a coordinated manner, in order to achieve the greatest possible realization of victims’ rights and accountability for what happened, ensure legal certainty for those involved, help achieve coexistence, reconciliation and non-repetition, and assist with the transition from armed conflict to peace. It is the first time a system of this nature has been agreed upon directly out of a peace negotiation process.

Special Jurisdiction for Peace

The various organs of the Special Jurisdiction for Peace will undertake criminal justice proceedings and comply with the state’s duty to investigate, prosecute and punish crimes committed in the context of and due to the armed conflict, particularly those that are most serious and representative.

See page 18

Special Search Unit for Persons reported as Missing

A special unit of humanitarian and extra-judicial nature, which will work with independence and autonomy in seeking to establish what happened to persons deemed as missing in the context of and due to the armed conflict.

See page 14

The end of the conflict represents a unique opportunity to strengthen the programs of comprehensive victim reparation that are being implemented by the Colombian government, as well as to adopt new measures and promote the commitment of everyone to repair the damage that has been done.

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Guarantees of Non-Repetition

The guarantees of non-repetition will result from the coordinated implementation of the various mechanisms of the Comprehensive System, and the measures agreed under item 3 of the Negotiation Agenda (“End of the Conflict”) which includes the surrender of weapons, the reintegration of guerrillas into civilian life and other security guarantees.

See page 12

Truth, Coexistence and Non-Repetition Commission

An impartial and independent mechanism, of transitory and extra-judicial character, with a territory-based approach, which will seek to contribute to the realization of the right to the truth for victims and society as a whole.

See page 12

The fight against impunity

Accountability

Realization of victims’ rights

Comprehensive Reparation Programs for Peacebuilding Purposes

The end of the conflict represents a unique opportunity to strengthen the programs of comprehensive victim reparation that are being implemented by the Colombian government, as well as to adopt new measures and promote the commitment of everyone to repair the damage that has been done.

See page 12

Comprehensiveness

The various mechanisms and measures will be interconnected in a coherent and articulated manner. No mechanism will take precedence over another. The necessary cooperation protocols will be established for such ends.

Conditionality

In order for a person to access, and proceed with, the special judicial procedures in the Comprehensive System, they must contribute to the truth, reparation and non-repetition measures within the different mechanisms of the Comprehensive System. The Special Jurisdiction for Peace will verify compliance with these conditions.

Objectives

The different measures and mechanisms of the Comprehensive System will contribute, as a whole, to the fulfillment of these objectives.

Anti-discrimination and gender-based approaches

The Comprehensive System will address the particular characteristics of victimization in the affected territories and populations.

Legal certainty

Ending the conflict

Reinstalling trust, coexistence, peace and reconciliation across the country

8 9
Who will participate in the Comprehensive System?

The following groups will participate in the Comprehensive System: the victims, people who committed crimes in the context of and due to the armed conflict, and people from the affected communities. The Comprehensive System shall be applied in a ‘differentiated way’, meaning it will have specialized processes to ensure it can provide simultaneous and equitable treatment to the different groups of people participating in the system. This will include all those who participated directly or indirectly in armed conflict, and committed crimes in the context of and due to the armed conflict, provided that they meet the conditions of the Comprehensive System. The whole Comprehensive System will promote community participation in all of its different mechanisms and measures.

VICTIMS

The victims will participate in all of the mechanisms and entities in the Comprehensive System, as an essential guarantee for the realization of their rights to the truth, justice, reparations and non-repetition.

DEMOBILISED PARAMILITARIES

The Comprehensive System will help to establish the facts on the phenomenon of paramilitarism, and will assist with the full reparation of its victims. The members of paramilitary groups that have already demobilized and are participating in the criminal justice processes under the Justice and Peace Law, and Law 1424, will not fall under the jurisdiction of the Special Jurisdiction for Peace. Nonetheless, these processes will be strengthened by the Comprehensive System.

STATE AGENTS

The Comprehensive System will apply to state agents who have committed crimes in the context of and due to the armed conflict, whilst recognizing that their role in the conflict was to be guarantors of security, and that there was a presumption that they legitimately had a monopoly on the holding of weapons.

THIRD PARTIES

The Comprehensive System will apply to third party civilians that have participated indirectly in the armed conflict and may hold some responsibility for certain criminal acts that have occurred. Those people who were not part of illegal armed groups, but nonetheless had an uncoerced relationship of funding or collaborating with these groups, and in doing so are connected to crimes committed in the context of and due to the armed conflict, may also be called upon to appear before the Special Jurisdiction for Peace.

GUERRILLAS

The Comprehensive System shall apply to members of those guerrilla groups that sign a final peace agreement with the government and whose participation is conditional upon the surrender of their weapons.
Truth, Coexistence and Non-Repetition Commission

The Truth, Coexistence and Non-Repetition Commission is an extrajudicial and temporary body, alike those that have historically been created in transitions to establish the facts about patterns of violence that have occurred. It is not a mechanism for administering justice, but rather seeks to contribute to the establishment of the truth about what happened and to recognize the rights of victims.

**OBJECTIVES**

- Contribute to the clarification of what happened and provide a full explanation of the complexity of the armed conflict
- Promote and contribute to the recognition of the victims, of the responsibility of those that participated directly and indirectly in the armed conflict, and of the whole society for what happened
- Foster coexistence across the country’s territories, through promoting a climate of open dialogue and the creation of spaces to hear different voices

**CREATION OF SPACES**

The Commission will undertake processes fostering broad and pluralistic participation in order to hear different voices and views. This will involve creating spaces at national, regional and territorial levels, in particular through public hearings, in order to listen to different voices and promote the participation of different sectors of society. This will include victims, those who participated directly or indirectly in the conflict, and those belonging to the various affected communities across the country.

**VICTIMS PARTICIPATE!**

- Nominating candidates for commissioners
- Providing information about what happened
- Participating in public hearings
- Being part of the Monitoring and Follow-up Committee, which will track the implementation of the Commission’s recommendations

**Obligatory report**

- The truth commission will be chosen by an independent and impartial Selection Committee.
- The commissioners will be nominated in a broad and pluralistic way, ensuring the participation of all sectors of society.

**MANDATE**

Amongst other things, the Commission’s mandate will be to establish the truth surrounding, and promote the acknowledgment of:

- The practices and acts constituting serious violations of human rights and grave breaches of international humanitarian law, that took place during the conflict
- Collective responsibilities for the undertaking of these practices and acts
- The human and social impacts of the conflict on society and on different cultural and social groups
- The impact of the conflict on the operation of politics and the functioning of democracy
- The historical context, origins and multiple causes of armed conflict
- The factors that facilitated or contributed to the continuation of the conflict

**PROACTIVE OUTREACH AND RELATIONSHIP-BUILDING STRATEGY**

The commission will implement a strategy of information dissemination, outreach and active relationship-building with various groups including victims, social organizations, the media and affected communities in general, in order to be held accountable for the performance of its functions and to ensure the greatest possible degree of public participation.

**FINAL REPORT**

The Commission will prepare a final report that will take into account the different contexts of the conflict, reflect on the various investigations undertaken in relation to its mandate, and contain its final conclusions and recommendations.

The Commission will ensure that the spaces which it creates serve to strengthen respect, tolerance, and public trust in each other and in public institutions, and at the same time create the necessary conditions for peaceful coexistence within and across the various communities in Colombia.
Establishing the universe of persons deemed as missing

The Special Search Unit for Persons reported as Missing in the context of and due to the conflict will be a special high-level unit mandated to direct, coordinate and contribute to the implementation of humanitarian and extra-judicial measures for the search for, and identification of, missing persons who are alive, and in the case of deceased persons, for the location and dignified return of their remains, where possible. For this purpose, the Unit will undertake the following 6 steps:

1. **Information Gathering**
   - The Unit will have access to various databases, both governmental and non-governmental. It will analyze all the available information, from various sources, including from confidential interviews, and will adopt procedures to compare and analyze the quality of information collected.

2. **Establishing the Universe of Persons Deemed as Missing**
   - The Unit will implement search plans for locating those persons who are alive, and in cases of deaths, the Unit will conduct the necessary exhumations.

3. **Active Search Efforts**
   - The Unit will design and implement search plans at both national and regional levels, and will actively seek out those deemed as missing.

4. **Location of Persons**
   - The Unit will implement search plans for locating those persons who are alive, and in cases of deceased persons, the Unit will conduct the necessary exhumations.

5. **Identification**
   - People who died at the hands of illegal armed organizations
   - People who have been victims of enforced disappearance during the armed conflict
   - Civilians that, because of the conflict, may have been separated from their families
   - People who have participated in hostilities and whose fates have not been established

6. **Provision of Reports and, in the Case of Deaths, Dignified Return of Remains**
   - The Unit will provide family members with a detailed official report which will contain all the information that has been obtained on what has happened to the missing person, and, where relevant and possible, the Unit will undertake the dignified return of their remains.

Victims Participate!

- Making recommendations on the operational design of the Unit
- Providing input into the implementation of the Unit’s priority plans
- Assisting with search, identification, location, and dignified return of remains efforts
- Accessing psychosocial assistance, where needed
Comprehensive Reparation Programs for Peacebuilding Purposes

The end of the armed conflict represents a unique opportunity to strengthen the programs of comprehensive victim reparation being implemented by the Colombian government, and to ensure that all those who participated, directly or indirectly, in the conflict and that have caused damage, contribute to the reparation of their victims.

**Concrete Contributions to Reparations**

These acts, to be carried out by those who caused damage during the conflict, will seek to contribute to the reparation of the affected communities. They include the undertaking of community development projects, as well as direct monetary compensation.

**Acts of Recognition of Responsibility**

These formal, public and solemn acts, which shall take place in the early stages of the implementation of the Comprehensive System, will seek to acknowledge responsibility, at both national and territorial levels, and will include the recognition of collective responsibility for the damage caused to affected communities and corresponding requests for forgiveness.

**Collective Reparations for the End of the Conflict**

Collective reparation processes will be strengthened, ensuring coordination and mutual reinforcement between the programs devised as part of the agreement on Comprehensive Rural Reform and the measures contemplated in the Comprehensive System.

**Collective Processes of Return and Restitution**

Processes of bringing displaced persons back home will be coordinated at a territorial level with policies for the comprehensive reparation of victims and other measures contemplated by the Comprehensive Rural Reform program.

**Repatriation of Victims Abroad**

Plans will be put in place for the accompanied and assisted repatriation of victims living abroad, including those that are refugees and political exiles.

**Land Restitution**

The land restitution processes will be coordinated with other processes, that involve the collective reparation programs, the return of displaced persons to their homes, territory-based development projects, and the Comprehensive Rural Reform program.

**Psychosocial Rehabilitation**

There will be enhancements to the level of coverage, territorial deployment and the quality of psychosocial care for victims, and community-based rehabilitation strategies will be put in place, in order to aid in the reconstruction of the country’s social fabric.

**Modification and Strengthening of the Comprehensive Reparation and Assistance Programs for Victims**

Special events will be convened, drawing on broad public participation from victims, academic experts, specialized organizations, and human rights defenders, to refine public policies to the needs and opportunities of the end of the conflict.
The Special Jurisdiction for Peace is the judicial component of the Comprehensive System. It will seek, above all, to realize the victims’ rights to justice, to fight against impunity, to comply with the state’s duty to investigate, prosecute and punish criminal acts, and to make decisions that give complete legal certainty to those involved in the mechanisms of the Comprehensive System. Follow the possible paths of those participating in the Special Jurisdiction for Peace, starting in the Judicial Panel for Acknowledgement of Responsibility:

**JUDICIAL PANEL for determination of legal situations**

This Judicial Panel will determine the legal status of those who are not subject to amnesty or pardon, and have not been sent to the Tribunal for Peace. It will determine whether those committing crimes capable of being amnestied or pardoned, and other crimes subject to special judicial proceedings are two potential pathways:

- **A** Those that have committed crimes capable of being amnestied or pardoned
- **B** Those that have committed crimes not capable of being amnestied or pardoned, or other crimes subject to special judicial proceedings

**JUDICIAL PANEL for acknowledgement of responsibility**

This Judicial Panel will receive all relevant information, as well as the acknowledgments of responsibility. It will first compare and contrast this information, and will then go on to issue a ‘Resolution of Conclusions’, in which it will identify the most serious and representative cases to be prosecuted, as well as the relevant individualized attributions of responsibility. From here, there are two potential pathways:

- **A** Those who acknowledge responsibility before the Judicial Panel of Acknowledgment of Responsibility
- **B** Those who do not acknowledge responsibility and are convicted

**JUDICIAL PANEL for amnesty and pardon**

This Judicial Panel will grant amnesties or pardons to persons investigated for, or convicted of, political crimes and other related offences, by applying the specifically created Amnesty Law.

**Victims Participate!**

- Sending reports to the Judicial Panel for Acknowledgment of Responsibility
- Being heard in the procedures for prioritization and case selection
- Requesting extraordinary remedies due to violations of their fundamental rights
- Being consulted regarding development programs, of restorative nature, that may be ordered as part of a sentence
- The procedural regulations of the Jurisdiction will ensure the participation of victims in its processes

**FOR THOSE who have committed crimes not capable of being amnestied or pardoned, or other crimes subject to special judicial proceedings**

**THERE ARE TWO POTENTIAL PATHWAYS**

- Alternative sanctions
  - Under ordinary prison conditions
  - Special arrangements for alternative punishments, extrajudicial sanctions, execution of a sentence
  - Effective restriction of liberty
  - Penal deprivation of liberty

- Ordinary sanctions
  - Under ordinary prison conditions

**FOR THOSE** who have committed crimes not capable of being amnestied or pardoned, or other crimes subject to special judicial proceedings, and who have had significant involvement in the most serious and representative crimes

**THERE ARE TWO POTENTIAL PATHWAYS**

- Crimes against humanity
- Genocide
- Gross violations of human rights
- Extrajudicial executions
- Severe deprivation of liberty
- Hostage taking
- Enforced disappearance
- Sexual violence
- Recruitment of minors
- Forcible displacement
- Crimes against humanity
- Genocide
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- Extrajudicial executions
- Severe deprivation of liberty
- Hostage taking
- Enforced disappearance
- Sexual violence
- Recruitment of minors
- Forcible displacement

**Investigation and Prosecution Unit**

This Unit will investigate, and where there exists merit, prosecute cases before the Tribunal for Peace.
Never before has the world seen, as a result of peace negotiations, an agreement for a Comprehensive System, which includes both judicial and extra-judicial mechanisms, aiming to achieve the greatest possible realization of victims’ rights to truth, justice, reparations and non-repetition.

Many peace agreements around the world have been concluded, without directly creating an investigation mechanism aimed at establishing the truth about what happened, and also without distinct guarantees for justice that apply directly to the negotiating parties. This has happened in countries such as Lebanon, Madagascar, Angola, Afghanistan, Bosnia, Nigeria, Mali and Ukraine.

Other countries have ended armed conflicts with agreements that did establish mechanisms to investigate and uncover the truth of what happened, but did not provide any guarantees for justice. This was the case in El Salvador, Guatemala, Haiti, Northern Ireland, Nepal, Burundi and Kenya.

However, in the case of Colombia, the government and the FARC-EP have reached an agreement regarding the victims, that has both investigation and truth mechanisms, and guarantees for justice.

The only time in history that a country has tried to do something similar to this was in Uganda, almost 10 years ago. However, this attempt failed in the negotiations stage, before a final agreement was reached.

This aspect of the Colombian peace agreement is unprecedented. Here we have two parties – without mediation or arbitration – that have agreed upon not only a mechanism for uncovering the truth about what happened, but also a special court and corresponding sanctions that will apply directly to the parties.

There is no paralleled precedent in the history of peace negotiations, anywhere across the world.
10 ideas for understanding the Agreement regarding the Victims

THE VICTIMS ARE AT THE CENTER OF THE PROCESS

The principal objective of the agreement regarding the victims is to realize the rights of the victims to truth, justice, reparations and non-repetition. The victims have participated in the construction of the agreement, and will participate in its implementation.

IT CREATES AN INTEGRATED SYSTEM, NOT A SERIES OF ISOLATED MECHANISMS

National and international experience shows us the effectiveness of a system of judicial and extra-judicial measures for truth, justice, reparation and non-repetition is stronger if applied in a coordinated and complimentary manner, without trying to replace the state’s duty to investigate, prosecute and punish through the creation of a truth commission, and without trying to overload criminal proceedings with all of the demands for truth and reparation. The comprehensiveness of the system will depend on the setting out of clear rules regarding sequencing, distribution of functions, and exchange of information between the mechanisms.

THIS IS A PROCESS WITHOUT IMPUNITY

The Colombian government and the FARC-EP agreed in the ‘10 Principles regarding the victims’ that they were not going to exchange impunities. Therefore, they created a Comprehensive System that prohibits amnesties for international crimes and serious violations of human rights, and created a special Tribunal for Peace to investigate, prosecute and punish, and ensure accountability for the most serious and representative crimes, whilst at the same time creating complementary extra-judicial mechanisms in order to best realize the rights of victims and society as a whole to truth and reparation.

IT INCENTIVIZES RECOGNITION OF RESPONSIBILITY AND ACCOUNTABILITY

The acknowledgment of responsibility by all those who have caused damage, in the context of and due to armed conflict, is the basis of the entire system. For this reason, the most favourable special criminal proceedings are reserved for those willing to recognize, from the outset, their own responsibility.

Without truth and reparations, there will be no special criminal proceedings

In order for someone to gain access and participate in special criminal proceedings, they must also contribute to truth, reparations and non-repetition measures in the various mechanisms of the Comprehensive System. Fulfilment of these conditions will be verified by the Special Jurisdiction for Peace.

NOT JUST RESTORATIVE, NOT JUST RETRIBUTIVE

The Comprehensive System incorporates retributive and restorative measures, whilst at the same time aiming to achieve the realization of victims’ rights, fulfilment of the state’s international obligations and a transition from armed conflict to peace.

THE INVESTMENT IS IN LONG-TERM LEGAL CERTAINTY

The Comprehensive System seeks to ensure legal certainty for those involved in the various mechanisms, as an essential element of the transition to peace. Such guarantees of legal certainty are drawn from, firstly, the state’s international obligations, and secondly, the legitimacy of the agreement.

ENSURING THAT SUCH VIOLATIONS DO NOT RECUR

Ending the armed conflict is the best guarantee that there will be no further victims, and that the human rights of all Colombians will be protected. The realization of victims’ rights, along with the implementation of the other agreements and the consolidation of the rule of law throughout the country, are the best guarantees for non-repetition.

IN THE END, IT IS ABOUT ENSURING PEACEFUL COEXISTENCE AND RECONCILIATION ACROSS THE COUNTRY

The Comprehensive System seeks to rebuild trust between citizens and institutions, promote respect and tolerance, and invest in rebuilding the country’s social fabric. It does so through community-based, psychosocial care efforts. The end aim is to ensure that the truth, justice and reparations measures contribute effectively in putting an end to the historical cycles of violence, and contribute to building a stable and lasting peace.

IT’S A SYSTEM COMPOSED OF IMPARTIAL AND INDEPENDENT MECHANISMS

All of the mechanisms in the Comprehensive System will be carried out by highly qualified staff, who will be selected through transparent processes that garner confidence from all sectors of society and offer full guarantees of impartiality and independence.
We hope that with the implementation of this agreement, and all of the other agreements, we will ensure the dignity of the victims, ensure justice is served, and ensure we create a basis to end, once and for all, the violence which this country has seen, such that never again will someone in Colombia be a victim.