

## **Joint Communiqué # 60 regarding the Agreement for the creation of a Special Jurisdiction for Peace**

Havana, Cuba, September 23, 2015

1. The Government of the Republic of Colombia and the FARC - EP reaffirm their commitment to the agreements reached to date: "Toward a New Colombian Countryside: Comprehensive Rural Reform", "Political Participation: Democratic Openness to Build Peace", and "Solution to the Illicit Drug Problem".
2. In turn, we reaffirm our commitment to a justice formula that should satisfy the rights of the victims and contribute to the construction of a stable and long-lasting peace. With that purpose, we are developing a Comprehensive System of Truth, Justice, Reparation and Non-Repetition. Within that framework, we have agreed to the creation of a Commission for the Elucidation of Truth, Coexistence and Non-Repetition and we have reached important agreements regarding reparation for the victims.
3. In regard to the justice component, we have agreed to create a Special Jurisdiction for Peace, which will be made up of Chambers of Justice and a Tribunal for Peace. The Chambers and the Tribunal will be comprised mainly by Colombian magistrates, with a minority participation of foreign citizens who meet the highest requirements. The essential duty of the Chambers and the Tribunal for Peace is to end impunity, obtain the truth, contribute to the reparation of the victims and prosecute and impose convictions to those responsible for the grave crimes committed during the armed conflict, particularly the most serious and representative, ensuring non-repetition.
4. The justice components foresees that upon the termination of hostilities, pursuant to IHL, the Colombian State will grant the broadest possible amnesty for political and related/connected crimes. An amnesty law will determine the scope and extent of the relation/connection. In any case, no amnesty or pardon will be granted for the conducts typified in the national legislation as corresponding to crimes against humanity, genocide, and grave war crimes, among other serious crimes such as the taking hostages or other serious deprivation of liberty, torture, forced displacement, forced disappearance, extra-judicial executions and sexual violence. These crimes will be subject to investigation and prosecution by the Special Jurisdiction for Peace.
5. The Special Jurisdiction for Peace will have competency with respect to all those who have directly or indirectly participated in the internal armed conflict, including the FARC – EP and the State agents, for crimes committed in the context and by reason of the conflict, especially regarding the most serious and representative cases.

6. The Special Jurisdiction for Peace contemplates two kinds of proceedings: one for those who recognize the truth and their responsibility, and another one for those who fail to do so or do it belatedly. The first ones will be sentenced based on the recognized conducts, after contrasting them with the investigations of the Prosecutor General's Office (*Fiscalía General de la Nación*), the penalties imposed by other State bodies, the existing judicial convictions, as well as the information provided by victims and human rights organizations. The second ones will face a contested trial before the Tribunal.
  
7. The penalties imposed by the Tribunal will have the essential purpose of satisfying the rights of the victims and consolidating peace, and shall seek the highest possible restoration and reparation of the damages caused. For all those who recognize responsibilities for crimes under the competency of the System, the penalty will have a component involving the restraint of liberties and rights, ensuring the fulfillment of the reparation and restoration functions thereof through the engagement in jobs, works and activities and, in general, the satisfaction of the victims' rights. The penalties or those who recognize very serious crimes will have a minimum duration of 5 years and a maximum of 8 years of effective restraint of liberty, under special conditions. The people who recognize their responsibility before the Tribunal in a belated fashion will be sentenced to serve prison terms of 5 to 8 years, under ordinary conditions. In order to be entitled to the alternative penalty, the beneficiaries will be required to commit to contribute with their resocialization through work, training or studies during the term of their restraint of liberty. The people who fail to recognize their responsibilities for such crimes and are found guilty, will be sentenced to prison terms of up to 20 years, under ordinary conditions.
  
8. In order to have access to any special treatment within the Special Jurisdiction for Peace, it will be necessary to provide the whole truth, repair the victims, and guarantee non-repetition.
  
9. In the case of the FARC – EP, the participation in the comprehensive system will be contingent on the laying down of arms, which shall begin latest within 60 days after the signature of the Final Agreement.
  
10. The transformation of the FARC – EP into a legal political movement is a shared purpose, which will receive the full support of the Government pursuant to the terms to be agreed.