

Country/entity	Colombia
Region	Americas
Agreement name	Joint Communiqué # 60 regarding the Agreement of the Creation of a Special Jurisdiction for Peace
Date	23 Sep 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Colombian Conflict (1964 -)

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'self-defence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.

Close
Colombian Conflict (1964 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos
Parties	Government of the Republic of Colombia; the FARC-EP

Third parties	-
Description	This short agreement provides for the development of a Comprehensive System of Truth, Justice, Reparation and Non-Repetition, including creating a Commission for the Elucidation of Truth, Coexistence and Non-Repetition, a Special Jurisdiction of Peace, and agreements on reparations for victims.

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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

Women, girls and gender Page 1, Article 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.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform Governance→Political parties reform→Rebels transitioning to political parties
Page 2, Article 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.

Civil society Page 2, Article 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.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Article 4,
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Bill of rights/similar No specific mention.

Treaty incorporation Page 1, Article 4,
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Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.

Judiciary and courts	Page 1, Article 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.
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[Summary] The Special Jurisdiction for Peace deals with judicial accountability in the post-war setting. See Judicial Accountability.

Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds	No specific mention.
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Business	No specific mention.
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Taxation	No specific mention.
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Banks	No specific mention.
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Land, property and environment

Land reform/rights	No specific mention.
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Pastoralist/nomadism rights	No specific mention.
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Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces Page 2, Article 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.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 1, Article 4,
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Courts

Transitional justice→Courts→National courts

Page 1, Article 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.

Page 2, Article 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.

Page 2, Article 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.

Page 2, Article 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.

Mechanism

Page 1, Article 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.

Prisoner release

No specific mention.

Vetting

No specific mention.

Victims

Page 1, Article 2,

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Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 1, Article 2,
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Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
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