

Country/entity	Colombia
Region	Americas
Agreement name	Acuerdo Parcial sobre la Evaluación Jurídica de la Situación de Presos Políticos y Personas Privadas de la Libertad Reconocidas como Miembros del ELN Recluidos en las Prisiones y Centros de Detención del País
Date	4 Sep 2023
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/territory
Peace process	Colombia VII - Petro Peace Dialogues with ELN

Parties

Government of the Republic of Colombia Delegation:

José Otty Patiño Hormaza (Head of the Government Delegation)
Iván Danilo Rueda Rodríguez (High Commissioner for Peace)
Iván Cepeda Castro
Adelaida Jiménez Cortés
Horacio Guerrero García
Olga Lillia Silva López
Orlando Romero Reyes
Rosmery Quintero Castro
Rodrigo Botero García
Carlos Alonso Rosero
Dayana Paola Urzola Domicó
José Félix Rentería Lozano
Nigeria Rentería Lozano
Álvaro Matallana Eslava
María José Pizarro Rodríguez

Ejército de Liberación Nacional (ELN) Delegation:

Pablo Beltrán (Head of the ELN Delegation)
Aureliano Carbonell
Bernardo Téllez
Nicolás Rodríguez Bautista
Isabel Torres
Simón Pabón
Manuel Aponte
Fabián Sepúlveda
Omar Vásquez

Third parties

Guarantor Countries Representatives:

Glivânia Maria de Oliveira (Federative Republic of Brazil)
Raúl Vergara Meneses (Republic of Chile)
Alejandro Malmierca Castaño (Republic of Cuba)
Roberto de León Herta (United Mexican States)
Jon Otto Brødholt (Kingdom of Norway)
Carlos Martínez Mendoza (Bolivarian Republic of Venezuela)

Permanent Companions:

Carlos G. Ruiz Massieu (Special Representative of the Secretary-General of the United Nations in Colombia)
Mons. Héctor Fabio Henao Gaviria (Delegate for Church–State Relations, CEC)

Description	This partial agreement establishes a Legal Commission to identify legal mechanisms for addressing the rights situation of ELN political prisoners and persons deprived of liberty in Colombian prisons. The agreement specifically focuses on improving detention conditions, enabling sentence redemption through peace-building activities, and facilitating prison transfers to allow collective detention. It also formalizes a Commission for Monitoring prison relief measures and recognizes procedures to appoint 10 ELN prisoners as peace promoters.
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Agreement document	CO_230904_Acuerdo_Parcial_sobre_la_Evaluación_Jurídica_de_la_Situación_EN (opens in new tab) Download PDF
Agreement document (original language)	CO_230904_Acuerdo Parcial sobre la Evaluación Jurídica de la Situación (opens in new tab)
Source of document	https://delegacionelpaz.org/wp-content/uploads/2023/09/Acuerdo-Parcial.pdf

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 No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family 1.3. Transfers, for security, family proximity, and procedural purposes, of political prisoners and persons deprived of liberty recognised as members of the ELN, taking into account conditions of detention aimed at allowing them to remain collectively in designated wings, corridors, or specific prison facilities.

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	No specific mention.
Civil society	No specific mention.
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	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights	Human rights and equality→Civil and political rights→Humane treatment in detention 1.1. The immediate favourable differentiated treatment for political prisoners and persons deprived of liberty recognised as members of the ELN, in order to modify the current security classification applied by INPEC. ... 1.3. Transfers, for security, family proximity, and procedural purposes, of political prisoners and persons deprived of liberty recognised as members of the ELN, taking into account conditions of detention aimed at allowing them to remain collectively in designated wings, corridors, or specific prison facilities.
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 No specific mention.

Prisons and detention

1.1. The immediate favourable differentiated treatment for political prisoners and persons deprived of liberty recognised as members of the ELN, in order to modify the current security classification applied by INPEC.

...

1.3. Transfers, for security, family proximity, and procedural purposes, of political prisoners and persons deprived of liberty recognised as members of the ELN, taking into account conditions of detention aimed at allowing them to remain collectively in designated wings, corridors, or specific prison facilities.

...

5. The ongoing procedure undertaken by the Office of the High Commissioner for Peace is recognised, with a view to issuing the resolutions appointing 10 political prisoners or persons deprived of liberty recognised as members of the ELN, included in the humanitarian prison relief lists, as peace promoters, so that their health needs may be addressed and they may take part in peace process education activities, thereby facilitating progress on what has been agreed.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

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	1.1. The immediate favourable differentiated treatment for political prisoners and persons deprived of liberty recognised as members of the ELN, in order to modify the current security classification applied by INPEC. 1.2. The redemption or commutation of time for peace-building activities undertaken by political prisoners and persons deprived of liberty recognised as members of the ELN who are serving sentences or involved in criminal proceedings. 1.3. Transfers, for security, family proximity, and procedural purposes, of political prisoners and persons deprived of liberty recognised as members of the ELN, taking into account conditions of detention aimed at allowing them to remain collectively in designated wings, corridors, or specific prison facilities. ... 5. The ongoing procedure undertaken by the Office of the High Commissioner for Peace is recognised, with a view to issuing the resolutions appointing 10 political prisoners or persons deprived of liberty recognised as members of the ELN, included in the humanitarian prison relief lists, as peace promoters, so that their health needs may be addressed and they may take part in peace process education activities, thereby facilitating progress on what has been agreed.
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	No specific mention.
Courts	No specific mention.

Mechanism	1. To establish a Legal Commission composed of at least four (4) legal advisers, two from each delegation, whose purpose shall be to identify legal avenues, mechanisms and alternatives to address the following matters: 1.1. The immediate favourable differentiated treatment for political prisoners and persons deprived of liberty recognised as members of the ELN, in order to modify the current security classification applied by INPEC. 1.2. The redemption or commutation of time for peace-building activities undertaken by political prisoners and persons deprived of liberty recognised as members of the ELN who are serving sentences or involved in criminal proceedings. 1.3. Transfers, for security, family proximity, and procedural purposes, of political prisoners and persons deprived of liberty recognised as members of the ELN, taking into account conditions of detention aimed at allowing them to remain collectively in designated wings, corridors, or specific prison facilities. 2. The Legal Commission shall be temporary in nature and shall commence its work on 8 September 2023 in the city of Bogotá; its functioning and working arrangements shall be defined in that session. 3. The Legal Commission shall present its report at the start of the Fifth Cycle of the Peace Dialogue Roundtable, which must include its findings and recommendations. 4. The Parties agree on the formalisation of the dialogue space of the Commission for Monitoring, Support and Management of Prison Relief Measures, dependent on the Roundtable, established in the joint assessment of 10 May 2023 (point 5.4.4.1), which shall present reports at the beginning of each cycle. 5. The ongoing procedure undertaken by the Office of the High Commissioner for Peace is recognised, with a view to issuing the resolutions appointing 10 political prisoners or persons deprived of liberty recognised as members of the ELN, included in the humanitarian prison relief lists, as peace promoters, so that their health needs may be addressed and they may take part in peace process education activities, thereby facilitating progress on what has been agreed.
Prisoner release	1.2. The redemption or commutation of time for peace-building activities undertaken by political prisoners and persons deprived of liberty recognised as members of the ELN who are serving sentences or involved in criminal proceedings.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	As Witnesses and Depositaries ... Permanent Companions Carlos G. Ruiz Massieu, Special Representative of the Secretary-General of the United Nations in Colombia
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Other international signatory	As Witnesses and Depositaries Guarantor Countries Glivânia Maria de Oliveira, Federative Republic of Brazil Raúl Vergara Meneses, Republic of Chile Alejandro Malmierca Castaño, Republic of Cuba Roberto de León Herta, United Mexican States Jon Otto Brødholt, Kingdom of Norway Carlos Martínez Mendoza, Bolivarian Republic of Venezuela
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Referendum for agreement	No specific mention.
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International mission/force/similar	No specific mention.
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Enforcement mechanism	No specific mention.
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