

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Colombia
Region	Americas
Agreement name	Joint Communiqué #62, Havana
Date	17 Oct 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Colombian Conflict (1964 -))
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos
Parties	Colombian National Government; FARC – EP;
Third parties	-
Description	Short agreement outlining two provisions between FARC and the Colombian government; (1) to set in motion some initial and immediate humanitarian measures for the search, location, identification and respectable delivery of the remains of persons deemed as missing within the context and due to the internal armed conflict, which will start before the signature of the Final Agreement; and (2) the creation of a special Unit to search for persons deemed as missing within the context and due to the armed conflict.

**Agreement
document** [CO_151017_Joint Communiqué #62, Havana.pdf](#)  | [Download 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 Page 3, The UBPD will have the following functions:
Guarantee the participation of the relatives of the persons deemed as missing within the context and due to the armed conflict, in the processes for the search, identification, location and respectable delivery of remains.
... Provide the families with an official, detailed report of the information it may have obtained about what happened to the person deemed as missing, upon concluding the execution of the corresponding search plan. Remains that are unidentified or are not claimed by their relatives shall be preserved and will be at the disposal of the competent authorities in order to satisfy the victims' rights.

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 Page 1-2, Article I.1.,

Within the framework of the trust-building measures, the National Government and the FARC – EP have agreed on initial actions, immediately and with strictly humanitarian purposes, to locate, identify and respectfully deliver the remains of persons deemed as missing within the context and due to the armed conflict.

For that purpose, we have agreed to ask for the support of the International Committee of the Red Cross for the design and implementation of special humanitarian plans for the search, location, identification and respectable delivery of remains to their relatives.

The National Government and the FARC - EP undertake to provide the ICRC with the information they have available and to facilitate the execution of the special humanitarian plans. Based on the information provided by the Government and the FARC–EP, in addition to the information provided by victims' organizations, within the framework of the Dialogue Table, a working plan will be defined for the ICRC and the National Legal Medicine and Forensic Sciences Institute (National Legal Medicine and Forensic Sciences Institute) to design and set in motion the special humanitarian plans. In all cases, information and support will be requested from the Prosecutor General's Office (Fiscalía General).

The Table, in coordination with the National Legal Medicine and Forensic Sciences Institute and the ICRC, may ask for additional support from specialized organizations or institutions to carry out the process involving the search, location, identification and respectable delivery of remains.

As a first measure, the delegations of the National Government and the FARC-EP have agreed that:

The National Government will accelerate, on the one hand, the identification and respectable delivery of victims' remains and of those who have died in the course of Law Enforcement operations and buried as N.N. in cemeteries located in the zones most affected by the conflict, pursuant to the recommendations made by the National Legal Medicine and Forensic Sciences Institute; and on the other hand, the respectable delivery of the identified remains which have not been delivered yet to their relatives.

Whenever necessary, support will be requested from the ICRC for the respectable delivery of the remains to the relatives of the FARC–EP members. The FARC–EP will provide information for the location and identification of the remains of victims whose location is known to them, and will contribute to the respectable delivery of same.

In all cases, the respectable delivery will be carried out considering the will of the relatives, who will be provided with the required psycho-social support.

Page 2, Article I.2.,

In order to strengthen the institutional capacity and the participation of the victims in the search, location, identification and respectable delivery of the remains of persons deemed as missing, the National Government and the FARC-EP have agreed to ask the Commission for the Search of Missing Persons (Comisión de Búsqueda de Personas Desaparecidas) to develop, within the following four (4) months, a plan with recommendations aimed at enabling the achievement of said purpose, for which purpose it will call upon the participation of victims, specialized and human rights organizations.

Page 2-4, Article II.,

[...]

The UYPD and the processes and procedures to be carried out will be of a

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 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 Page 1, Article I.1.,
Within the framework of the trust-building measures, the National Government and the FARC – EP have agreed on initial actions, immediately and with strictly humanitarian purposes, to locate, identify and respectfully deliver the remains of persons deemed as missing within the context and due to the armed conflict.
For that purpose, we have agreed to ask for the support of the International Committee of the Red Cross for the design and implementation of special humanitarian plans for the search, location, identification and respectable delivery of remains to their relatives.
The National Government and the FARC - EP undertake to provide the ICRC with the information they have available and to facilitate the execution of the special humanitarian plans. Based on the information provided by the Government and the FARC–EP, in addition to the information provided by victims' organizations, within the framework of the Dialogue Table, a working plan will be defined for the ICRC and the National Legal Medicine and Forensic Sciences Institute(National Legal Medicine and Forensic Sciences Institute) to design and set in motion the special humanitarian plans. In all cases, information and support will be requested from the Prosecutor General's Office (Fiscalía General).
[...]

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 3, Article II.,
The search for remains by the UBPD will not bar the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz) and other competent bodies from conducting the investigations they may deem necessary to elucidate the circumstances and responsibilities of the victimization of the case assumed by the UBPD.

Prisons and detention No specific mention.

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.
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Security sector

Security Guarantees	No specific mention.
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Ceasefire	No specific mention.
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Police	No specific mention.
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Armed forces	No specific mention.
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DDR	No specific mention.
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Intelligence services	No specific mention.
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Parastatal/ rebel and opposition group forces	No specific mention.
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Withdrawal of foreign forces	No specific mention.
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Corruption	No specific mention.
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Crime/ organised crime	No specific mention.
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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	<p>Page 2, Article II.,</p> <p>The National Government and the FARC-EP agree that, in order to elucidate what happened to the persons deemed as missing as the result of actions by State Agents, members of the FARC – EP or of any organization that has taken part in the conflict, and in this manner contribute toward the satisfaction of the victims’ right to the truth and reparation, the National Government will set in motion, within the framework of the end of the conflict and after the signature of the Final Agreement, a special, high-level unit with a transitory and exceptional nature, with strong participation of the victims, for the search of all the persons missing within the context and due to the armed conflict (hereinafter referred to as the UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Vended, Justicia, Reparación y No Repetición - SIVJRNR). It will have the necessary independence and administrative and financial autonomy to endure the continuity of the fulfillment of its functions over time.</p> <p>[...]</p> <p>The UBPD will have the following functions:</p> <p>[...]</p> <p>Deliver a copy of the report described in the preceding paragraph to the Commission for the Elucidation of the Truth, Coexistence and Non- - Repetition.</p> <p>[...]</p> <p>The officers of the UBPD will not be obligated to declare in judicial processes and will be exempted from the duty to report in regard to the work performed at the United. If required by the Special Jurisdiction for Peace, by other competent authorities or by the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition, those who have prepared the technical forensic reports shall ratify and explain the issues concerning those reports and the material elements associated to the corpse.</p>
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	[Summary: The agreement as a whole provides for two measures to locate, identify and deliver remains of persons deemed as missed during the armed conflict. One focuses on trust-building and the other one on the set up of a search unit. For detailed provisions see at civil society, access/mobility, reparation, past provision and judiciary.]

Missing
persons

Page 2, Article II.,

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The officers of the UBPD will not be obligated to declare in judicial processes and will be exempted from the duty to report in regard to the work performed at the United. If required by the Special Jurisdiction for Peace, by other competent authorities or by the Commission for the Elucidation of the Truth, Coexistence and Non-Repetition, those who have prepared the technical forensic reports shall ratify and explain the issues concerning those reports and the material elements associated to the corpse.

Reparations Transitional justice→Reparations→Material reparations

Page 2-4, Article II.,

The National Government and the FARC-EP agree that, in order to elucidate what happened to the persons deemed as missing as the result of actions by State Agents, members of the FARC – EP or of any organization that has taken part in the conflict, and in this manner contribute toward the satisfaction of the victims' right to the truth and reparation, the National Government will set in motion, within the framework of the end of the conflict and after the signature of the Final Agreement, a special, high-level unit with a transitory and exceptional nature, with strong participation of the victims, for the search of all the persons missing within the context and due to the armed conflict (hereinafter referred to as the UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y No Repetición - SIVJRNR). It will have the necessary independence and administrative and financial autonomy to endure the continuity of the fulfillment of its functions over time.

[...]

In every case, both the technical forensic reports as well as the material elements associated to the corpse that may be found in the site of the exhumations, may be required by the Special Jurisdiction for Peace and other competent bodies. In order to guarantee the effectiveness of the humanitarian work of the UBPD to achieve the maximum possible satisfaction of the victims' rights to the truth and reparation, and first and foremost to alleviate their suffering, the information received or produced by the UBPD may not be used for the purposes of attributing responsibilities in judicial processes or to have evidentiary value, except for the technical forensic reports and the material elements associated to the corpse

[...]

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.

Source <https://www.mesadeconversaciones.com.co/documentos-y-comunicados>
