

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

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

**Third parties**

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**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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**Agreement document**

[CO\\_150923\\_Joint Communiqué #60 regarding the Agreement for the creation of a Special Jurisdiction for Peace.pdf \(opens in new tab\)](#) | [Download PDF](#)

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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.

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## 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.

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## **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.

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## **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.

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## 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.

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## **Rights related issues**

|                                |                      |
|--------------------------------|----------------------|
| <b>Citizenship</b>             | No specific mention. |
| <b>Democracy</b>               | No specific mention. |
| <b>Detention procedures</b>    | No specific mention. |
| <b>Media and communication</b> | No specific mention. |
| <b>Mobility/access</b>         | No specific mention. |
| <b>Protection measures</b>     | No specific mention. |
| <b>Other</b>                   | No specific mention. |

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## **Rights institutions**

|  |                      |
|--|----------------------|
| <b>NHRI</b>  | No specific mention. |
| <b>Regional or international human rights institutions</b> | No specific mention. |

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## **Justice sector reform**

|   |                      |
|---|----------------------|
| <b>Criminal justice and emergency law</b> | No specific mention. |
| <b>State of emergency provisions</b>      | 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.

[Summary] The Special Jurisdiction for Peace deals with judicial accountability in the post-war setting. See Judicial Accountability.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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### **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.

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### **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.

**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.

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## **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.

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## **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**

Mesa De Conversaciones

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

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