



COMUNIDAD
INTERNACIONAL
EN ALERTA
POR UNA COLOMBIA EN PAZ
ESPACIO DE COOPERACIÓN PARA LA PAZ

NEWSLETTER Point 5

AGREEMENT ON VICTIMS OF THE CONFLICT:

Comprehensive System for Truth, Justice, Reparation, and Non-repetition International Community Emergency Call for a Colombia in Peace

October 2019

Summary:

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- Gender and Territorial Perspectives
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What does the 2016 Final Peace Agreement Say About Point 5:

Agreement regarding the Victims of the Conflict: “Comprehensive System for Truth, Justice, Reparation, and Non-repetition,” including the Special Jurisdiction for Peace; and Human Rights Commitments.

The text of the Peace Agreement says: “Redress for victims is at the core of the Agreement between the National Government and the FARC-EP.”

The Comprehensive System is made up by different judicial and extra-judicial mechanisms that will be put into action in a coordinated manner with the aim of achieving the greatest possible satisfaction of victims’ rights, accountability regarding what happened, legal security guarantees for those who participate in the System, and as a contribution to achieve a peaceful coexistence, reconciliation, non-repetition, and a transition from the armed conflict to peace. This is the first time that a system of this nature has been agreed upon in a peace negotiation.

PRINCIPLES:

1. **Recognition of the victims.** A reparation of victims must be at the core of the Peace Agreements.
2. **Acknowledgment of responsibility.** *We will not exchange impunity measures.*
3. **Satisfaction of victims' rights:** The rights of the victims of the conflict are non-negotiable.
4. **Victim participation:** The discussion on the satisfaction of the rights of victims of serious human rights violations and breaches of international humanitarian law during the conflict necessarily involves the participation of the victims, using different means and at different times.
5. **Clarification of the truth:** Trust can only be regained by a full elucidation and recognition of the truth.
6. **Reparation for the victims:** Restoring victims' rights and changing their lives for the better, in an end-of-conflict scenario, is a fundamental aspect of building stable and long-lasting peace.
7. **Guarantees of protection and security:** Protect the lives and personal integrity of the victims.
8. **Guarantees of non-repetition:** Guarantee non-repetition so that no future generation of Colombians will be victims or face the risk of being a victim.
9. **Reconciliation** of all Colombian citizens to move towards civility and peaceful coexistence.
10. **Rights-based approach:** The State must promote and protect all rights and fundamental liberties.

Point 5 talks about the “national tragedy” when recognizing that:

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree that is unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in the hundreds of thousands, tens of thousands of people of all kinds have been disappeared and vast numbers of families, groups, and communities have been affected throughout the length and breadth of the country, including rural communities, indigenous peoples, the Afro-Colombian, black, *palenqueras*, *raizales*, and Roma communities, persons due to their religious beliefs, political parties, social and trade-union movements, the LGBTI population, and economic associations, among others. There have also been less visible, but no less painful forms of victimization, such as sexual violence, psychological damage, or just living in fear.

Source: [High Commissioner for Peace of the Colombian Government](#)

Roadmap for the Comprehensive System for Truth, Justice, Reparation, and Non-repetition (SIVJRNR)

The System looks to be comprehensive so that the measures obtain a maximum level of justice and accountability regarding human rights violations and IHL breaches that took place during the conflict. The System's comprehensive nature also contributes to a clarification of the truth regarding the conflict and a construction of historical memory.

It emphasizes restoration and reparation measures with the aim of recovering trust, peaceful coexistence, and true reconciliation.

OBJECTIVES:

1. **Satisfaction of victims' rights**, through a combination of judicial and extra-judicial mechanisms.
2. **Accountability**: through the establishment of responsibilities, all participants in the conflict, whether direct or indirect, must assume their responsibility for grave violations committed in the context of the armed conflict.
3. **Non-repetition**, to prevent revictimization and the emergence of new forms of violence.
4. **Legal security**, through a fulfillment of the conditions of the Comprehensive System and in particular the Special Jurisdiction for Peace, with the necessary guarantees of due process.
5. **Peaceful coexistence and reconciliation**, through the construction of trust in the other parts, based on the positive transformations generated in society by the peace agreements.
6. **Legitimacy**, responding to the expectations of victims, society in general, and the Colombian State's national and international obligations, including a fulfillment of that agreed upon in the Final Agreement.

COMPONENTS:

- **Commission for the Clarification of the Truth, Coexistence, and Non-repetition (CEV):** Temporary body with an extra-judicial character.
- **Search Unit for People Assumed to be Disappeared (UBPD):** Special high-level unit with a humanitarian and extra-judicial character. Search, location, identification, and dignified return of the remains of people assumed to have been disappeared in the context of and within the conflict.
- **Special Jurisdiction for Peace (JEP):** Made up by a series of legal chambers, including the Amnesty and Pardon Chamber and a Peace Tribunal. This does not imply a substitution of the ordinary jurisdiction.
- **Comprehensive reparation measures for peace-building:** Acts of early acknowledgment of responsibilities and concrete actions that contribute to reparation; comprehensive and collective reparation measures for peace-building; psychosocial rehabilitation; collective return processes for individuals in a situation of displacement and reparation for victims abroad; land restitution measures; strengthening of the Policy for Attention and Comprehensive Reparation for Victims.
- **Guarantees of Non-repetition:** Promotion of a culture that respects human rights; strengthening of protection mechanisms for the work of human rights defenders and their organizations; and a national human rights plan.

Other agreed-upon measures:

- Programs to clear and decontaminate the regions of anti-personnel landmines (APM), improvised explosive devices (IED) and unexploded ordnance (UXO), or explosive remnants of war (ERW).

Differential, gender, and territorial perspective

All of the Comprehensive System's mechanisms and measures look for the greatest possible satisfaction of rights for the over 3.9 million women victims to access truth, justice, comprehensive reparation, and guarantees of non-repetition. Hence, the Comprehensive System will have a differential and gender approach that is adapted and responds to the specific characteristics of the victimization in each region and for each population group and recognizes the armed conflict's disproportion impact on children and women.

In reference to the justice component of the Comprehensive System for Truth, Justice, Reparation, and Non-repetition, the Agreement states:

- The consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including, indigenous peoples, Afro-Colombian communities, and other ethnically distinct groups, religious communities, rural communities, the poorest, the disabled, the displaced and refugees, children and adolescents, the LGBTI population, and the elderly.
- Reparations must be in line with the United Nation's call for all peace agreements to adopt a gender focus, recognizing reparative and restorative measures, the special suffering of

women, and the importance of their active and fair participation in the judicial component of the CS.

ON SEXUAL VIOLENCE

Women have been especially victimized during the conflict in Colombia.

The System excluded amnesty and pardon for sexual violence, at the same time that it created an investigation team for these cases in the Investigation and Accusation Unit of the Special Jurisdiction for Peace.

- The Truth Commission will have a gender working group to guarantee that its work methodologies have a gender perspective.
- The collective reparation plans will have a participation mechanism for women.
- The Commission, the Peace Tribunal, the Chambers, and the Investigation and Accusation Unit of the Special Jurisdiction for Peace will have a composition that responds to gender equality criteria.

The Investigation and Accusation Unit of the JEP stated in a May 2019 [press release](#) that:

The reestablishment of rights and the guarantee of non-repetition for victims of sexual violence is a priority, for that reason, and as was stipulated in the Final Agreement, the entity has a special investigation team for these cases, made up of professionals in psychology, medicine, law, and investigation.

(@UIA_JEP)

WOMEN AROUND THE WORLD TALKING ABOUT COLOMBIA...



Ellen Johnson Sirleaf

Presidenta de Liberia y Premio Nobel de Paz
 ABRIL 28, 2013

Cuando recibí el Nobel de Paz se lo dediqué a las incontables mujeres y niñas que han sufrido, cuyas luchas no son conocidas, pero que moldean nuestro mundo. A quienes derramaron lágrimas y sangre y perdieron su dignidad, les dije: "Hermanas, hijas, encuentren sus voces". Ese es mi mensaje a ustedes: rechacen la violencia sin sentido, encuentren sus voces y trabajen por un mejor futuro en Colombia.



Rigoberta Menchú

Líder indígena de Guatemala y Premio Nobel de Paz
 MARZO 13, 2014

Las mujeres hemos liderado muchas luchas sociales en nuestros países y, como en Colombia, muchas mujeres trascendieron su condición de víctimas para ser líderes en derechos humanos, activistas femininas, de los campesinos y otras iniciativas. Eso nos dio liderazgo para facilitar procesos de paz o de reconciliación.



Phumzile Mlambo-Ngcuka

Directora de ONU Mujeres
 JUNIO 23, 2016

Contrario a la mayoría de negociaciones de paz en la historia, en Colombia las mujeres han tenido una presencia significativa (...) Su éxito subraya la evidencia de que la participación de las mujeres aumenta la probabilidad de que se logre un Acuerdo de paz. Y que una negociación incluyente no es sólo un imperativo moral ni una meta de largo plazo, sino una necesidad apremiante y operativa.

<p>Ellen Johnson Sirleaf</p> <p>President of Liberia and Noble Peace Prize Winner</p> <p>April 28, 2013</p> <p>When I received the Nobel Peace Prize, I dedicated it to the innumerable women and girls who have suffered, whose struggles are unknown but they have shaped our world. To those who have shed tears and blood; and who have lost their dignity I said, "Sisters, daughters, find your voice." This is my message to you: reject the senseless violence, find your voice, and work for a better future in Colombia.</p>	<p>Rigoberta Menchú</p> <p>Guatemalan Indigenous Leader and Noble Peace Prize Winner</p> <p>March 13, 2014</p> <p>As women, we have led many social struggles in our countries and, like in Colombia, many women have transcended their condition as a victim to become human rights leaders, activists on women's peasant, and other initiatives. This gave us a leadership role to facilitate peace and reconciliation efforts.</p>	<p>Phumzile Mlambo-Ngcuka</p> <p>Director of UN Women</p> <p>June 23, 2016</p> <p>Contrary to the majority of peace negotiations throughout history, in Colombia women have had a significant presence(...) Their success highlights the evidence that women's participation increases the probability that the Peace Agreement will be achieved. An inclusive negotiation is not only a moral imperative or a long-term goal but an urgent and operational need.</p>
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THE ETHNIC TRUTH



Inter-ethnic Truth Commission of the Pacific Region (CIVP-Comisión Interétnica de la Verdad del Pacífico), is an effort to construct their own narrative about what happened during the armed conflict along the Colombian Pacific Region. The CIVP officially appeared before the Truth Commission in May 2019, in the capital of Chocó, Quibdó.

Territory is a defining element for the identity of the region's inhabitants and, therefore, Territory and Identities are the governing principles of the Inter-ethnic Truth Commission of the Pacific region.

Aim of the **CIVP**:

- Seek the truth from the victims' perspective, without reaching the level of judicial truth.
- Take into account individuals, communities, and territories as victims of the armed conflict. For example, the Atrato River as a subject-victim.
- Study the impacts caused to the territory by mining, cattle ranching, agribusiness, infrastructure projects, deforestation, or hydrocarbons.
- Contribute to the social transformation of the Pacific region.

<https://www.facebook.com/verdadpacifico>

Advances and obstacles

With a mandate established by the signatory parties of the Final Agreement, the Kroc Institute is responsible for monitoring the implementation process.

Main advances

- Sessions were held to collect input for the institutional design and methodologies of the CEV, UBPD, and UIA. This includes initiating a joint process of prior, free, and informed consultation with the ethnic communities and peoples regarding the work methodologies and interaction protocols for the entities of the Comprehensive System for Truth, Justice, Reparation, and Non-Repetition (SIVJRNR).
- Launching of the CEV.
- Initiation of a territorial presence from the CEV and UBPD, and an expansion of the JEP teams.
- The JEP's Chamber to Acknowledge the Truth has information on seven cases.

Main DIFFICULTIES

- Serious delays in the effective implementation of the Independent Counsel and Defense System to guarantee the right to counsel for those appearing before the JEP and for the victims' legal counsel.
- Budgetary cuts to the CEV, UBPD, and JEP.
- A persistent lack of resources to finance the policy for the reparation of victims.
- Nonexistent regulatory adjustments to the policy for the comprehensive reparation of victims to extend its duration and so that it is in line with Legislative Act 01 of 2017.

- Degradation of security conditions in several regions of the country, making the presence of the System's entities more difficult in those areas and discouraging participation from individuals and organizations in these mechanisms.
- A need to adapt and extend the pedagogical sessions on the SIVJRNR, and the mechanisms, means, and timelines to access the different entities.
- Guarantee accompaniment for the civil society organizations in the writing of reports to be presented before the CEV, UBPD, or JEP.
- Guarantee the Special Jurisdiction for Peace's independence and autonomy.
- Guarantee the entire SIVJRNR's financial sustainability, as well as inter-institutional coordination agreements with the State to execute its mandate.

The eyes of the world are on the Colombian system for Truth, Justice, and Reparation that was agreed upon in the Peace Agreements. A comparison made by Kroc shows that:

The comparative experience shows that, in general, the fulfillment or implementation of the mandate for the truth commissions is taking more time than was initially stipulated. 35% of the comprehensive peace agreements in the Peace Accords Matrix (PAM) include commitments related to truth or reconciliation mechanisms. Two years after the signing of the agreement, 75% of the agreements had not begun implementation of the commitments or they had a minimal level of implementation. Only two countries (Liberia and Guatemala) had achieved an intermediate implementation level in this area and only one (El Salvador) had achieved full implementation.

The Centro de Investigación y Educación Popular /Program por la Paz. (CINEP) also monitors the implementation process.

On the ethnic approach:

Concerning the implementation of the ethnic approach, advances in the implementation of commitments derived from the prior consultation carried out by the SIVJRNR with indigenous, black, Afro-Colombian, raizal, and palenquera populations are emphasized. On reparation and human rights commitments, only some strategies were identified that involve ethnic peoples, but they lack clear indicators that make it possible to monitor the impact of the measures during the quadrennial; in addition, the Plan included the creation of an execution rate for prior consultations, which must be assumed by the communities that request the consultation, which could be unconstitutional and be contrary to the fundamental rights granted to ethnic peoples.

On the gender approach:

The CEV, UBPD, and JEP continue to advance in their efforts to mainstream the gender approach, by means of support from organizations that have expertise in this area; recognition of the differential impacts experienced by women and LGBTI populations within the context of the conflict; emphasizing the development of strategies on a territorial level that responds to children and women victims; and the realization of events and spaces that make it possible to delve deeper into the reach and needs for this approach in the context of transitional justice. On reparation (...)

advances in the implementation of the approach in PA commitments have not been identified. Regarding human rights commitments, significant advances have not been identified and instead setbacks have been seen from the government relating to a recognition of rights for the LGBTI population.

Obstacles and pending issues:

A **Kroc Institute table** shows the implementation levels for the 90 commitments in point 5 since December of 2016. Graphic 11 Point 5 Agreement regarding the Victims of the Conflict:

Not initiated - **Minimal** - **Intermediate** - **Complete**



What is the campaign #PorUnaColombiaEnPaz (ForAColombiaInPeace) asking for?

- Share information from the campaign on your social networks.
- Encourage your contacts to talk about the critical situation faced by those who defend the Colombian Peace Agreement.
- Follow the campaign to be well informed... because #ConUnaFirma NoBasta (ASignatureIsn'tEnough)
- Follow the campaign to be well informed... because #ConUnaFirma NoBasta (ASignatureIsn'tEnough)
- Share information - Share the campaign
- Share what EspacioPazenCol shares with you
- Learn what the Colombian Peace Agreement says and share the information: if you are a teacher, if you are a student, if you travel to Colombia, if you have a radio program, blog, podcast, a community TV program...
- Let's talk about Colombia, learn what is going on.
- Be in solidarity and ask your government to support peace in Colombia
- Propose solidarity actions in your neighborhood or organization #PorUnaColombiaEnPaz (For a Colombia in Peace)

Follow the campaign at:

T. @EspacioPazenCol - I. @EspacioPazenCol - FB <https://www.facebook.com/EspacioPazenCol> The ECPP's organizational webpage and social media accounts.