

# There have been millions of victims of the conflict

# in Colombia

Colombia's armed conflict has been going for more than 50 years, and has caused harm and suffering unmatched at any point in human history.

So far it is estimated that armed conflict has left us with 7.9 million victims, including:

APROX.

MILLION VICTIMS of forced displacement

220,000

74,000
VICTIMS OF

45,000
VICTIMS OF
Forced disappearance

30,000
VICTIMS OF
Kidnapping

is

AT LEAST

13,000
VICTIMS OF
Sexual violence

11,000
VICTIMS OF

10,000
VICTIMS OF
Torture

9,000
VICTIMS OF
Dispossession or force

INTENSITY OF THE CONFLICT BY PROVINCE, IN RELATION TO THE NUMBER OF VICTIMS

At least 470,000

Bolivar

At least 587,000

Antioquia

At least 1,543,000

AT LEAST

7,000

AT LEAST

2.500

AT LEAST

2.000

VICTIMS OF

VICTIMS OF

Extrajudicial executions

Forced recruitment

At least 410,000

ARGENTINA
Approx. 8,960 d

persons during the military dictatorship of 1976 to 1983 (according to the report 'Nunca Más' by the National Commission on the Disappearance of Persons)

disappeared

PERU

Approx. **70,000 disappeared** persons

between 1980 and 2000 (Truth and Reconciliation Commission)

### EL SALVADOR

Approx. **80,000 dead** in the civil war from 1980 to 1992 (International Center for Transitional Justice)

Colombia in comparison to other countries

COLOMBIA |
Approx. 7,902,000
victims of
the armed conflict

### SUDAN

More than **200,000** 

dead, 2,700,000 displaced and

4,700,000 persons

**affected** by the conflict

SIERRA LEONE

Approx. **120,000** 

dead and 2,000,000
displaced, including

500,000 refugees in

neighbouring countries following the civil war of 1991-2002 (United Nations

RWANDA

Approx. **800,000 dead**during the 1994 genocide
(Human Rights Watch)

### GUATEMALA

pprox. **160,000** 

persons executed

**9**between 1960 and 1996
(Historical Clarification

Commission)

In recognizing this national tragedy it was agreed that redressing the wrongs committed against the victims of the conflict should be at the center of any agreement and that the negotiation agenda for ending the conflict should include an entire item on victims' rights.

# The Victims are at the center of the Agreement

Since the beginning of the negotiation process in 2012, it was agreed upon that redressing victims should be at the center of the agreement between the Colombian government and the FARC-EP. As such, "the victims" became one of the six items on the Negotiation Agenda as established by the General Agreement.

Before addressing item 5 of the negotiation agenda, the Colombian Government and the FARC-EP agreed on a "Declaration of Principles", to reflect their commitment to the victims. These principles served as a compass for the talks to ensure that the overall realization of the victims' rights to truth, justice, reparations and non-repetition, remained at its center.

These ten principles were constantly taken into account throughout the negotiation of the victims' item, and will continue to radiate throughout its implementation.

**NOTE:** The following summary does not seek to replace the joint draft agreement regarding the victims of the conflict. For more information, please see the text of the agreement at www.mesadeconversaciones.com.co



RECOGNITION OF THE VICTIMS



RECOGNITION OF RESPONSIBILITY



REALIZATION OF VICTIMS' RIGHTS



PARTICIPATION OF THE VICTIMS



UNCOVERING THE TRUTH ABOUT WHAT HAPPENED



REPARATIONS
FOR THE VICTIMS





GUARANTEES
OF PROTECTION
AND SECURITY



GUARANTEES OF NON-REPETITION



RECONCILIATION



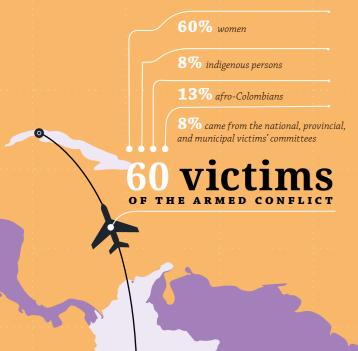
A RIGHTS-BASED APPROACH

# The victims' voices

The Negotiation Table established three key mechanisms for civil society participation in the negotiation process: written feedback, forums and direct consultations. These methods were expanded for the negotiations surrounding the victims' item. As a result, more than 3,000 victims participated in four forums in Villavicencio, Barranquilla, Barrancabermeja and Cali, and 60 victims travelled to Havana to give their testimonies and offer their recommendations directly to the Negotiation Table

achieving an agreement on the victims' item. Without their dedicated participation, genuine testimonies and

### DIRECT CONSULTATIONS



of the participation

27,000

ON THE SUBJECT OF THE VICTIMS up until March 2016

### WRITTEN FEEDBACK

1,243 IN PERSON 1,569

### FORUMS

8,659 contributions

August 2014

8,346 contributions Villavicencio Barrancabermeja July and August 2014

1,415 contributions regarding the Victims

Rural Development Political Participation Illicit Drugs

### REGIONAL WORKING GROUPS

5,014 contributions

2013 May – July

### NATIONAL SUMMIT OF WOMEN FOR PEACE

contributions

October

6%

of the contributions were about the PARTICIPATION OF VICTIMS IN THE TRANSITIONAL JUSTICE MECHANISMS

**16%** 

were about

of the contributions

THE RIGHT TO

THE TRUTH

"In regards to truth commissions, experience confirms the importance of the direct participation of victims, organizations and civil society's participation in the design, the selection of commissioners and key staff, the carrying out of its work, the ongoing evaluation of its work and in the monitoring of the recommendations of a truth commission." Network of communities and organization in the conflict areas of Antioquia, Atlántico, Cauca, Chocó, Putumayo, Magdalena, Meta, Nariño and Valle

"The truth commission should be run as an

independent mechanism of judicial function,

whose value in itself is to guarantee the right

to the truth." Organisation of displaced women

and sexual violence victims in Montes de María



See below the ways in which victims will participate in each mechanism



Truth, Coexistence and Non-Repetition Commission see page 12



Special Search **Unit for Persons** reported as Missing see page 14

of the contributions were about THE RIGHT TO REPARATIONS

"As a contribution to the constructive knowledge of the conflict and as a means of symbolic reparation, all armed participants in the conflict, including the state security forces and the FARC, should recognise the seriousness of the crimes they committed (...) through public acts of apology for their direct actions and omissions during the conflict, and for the actions of their subordinates. Mechanisms should be implemented so that these armed participants can clearly express that they are sorry." Network of women's organization



Comprehensive Reparation Programs for **Peacebuilding Purposes** see page 16



% Proposals on the RIGHT TO JUSTICE

"One of the state's obligations is to investigate and punish serious human rights violations, whilst prohibiting any general or unconditional amnesties. But this obligation also admits the existence of exceptions, in order to resolve tensions with the duty to achieve peace. Situations involving severe violations of human rights demand the establishment of selection criteria for the prosecution of the most serious crimes and of those most responsible, with the ability to apply punitive benefits." Member of the National Committee of Victims

**Special** <u>Jurisdiction</u> for Peace see page 18

In accordance with this commitment to place victims at the center of the Agreement and in response to victims' testimonies, proposals and expectations, it was agreed upon that a Comprehensive System for Truth, Justice, Reparations and Non-Repetition will be created.

# **Comprehensive** System for Truth, Justice, Reparations and Non-Repetition

The Comprehensive System will consist of different judicial and non-judicial mechanisms, that will be implemented in a coordinated manner, in order to achieve the greatest possible realization of victims' rights and accountability for what happened, ensure legal certainty for those involved, help achieve coexistence, reconciliation and non-repetition, and assist with the transition from armed conflict to peace. It is the first time a system of this nature has been agreed upon directly out of a peace negotiation process.

### Special Search **Unit for Persons** reported as Missing

A special unit of humanitarian and extrajudicial nature, which will work with independence and autonomy in seeking to establish what happened to persons deemed as missing in the context of and due to the armed conflict.

See page 14

### **Special Jurisdiction** for Peace

The various organs of the Special Jurisdiction for Peace will undertake criminal justice proceedings and comply with the state's duty to investigate, prosecute and punish crimes committed in the context of and due to the armed conflict, particularly those that are most serious and representative.

See page 18



**Accountability** 

Realization of victims' rights

### Comprehensive Reparation **Programs for Peacebuilding Purposes**

The end of the conflict represents a unique opportunity to strengthen the programs of comprehensive victim reparation that are being implemented by the Colombian government, as well as to adopt new measures and promote the commitment of everyone to repair the damage that has been done.

See page 16

### **Guarantees of** Non-Repetition

Truth, Coexistence and

**Non-Repetition Commission** 

An impartial and independent mechanism, of transitory and extra-judicial character, with

a territory-based approach, which will seek to contribute to the realization of the right to the

truth for victims and society as a whole.

See page 12

Reinstalling trust,

coexistence, peace

and reconciliation

across the country

The guarantees of nonrepetition will result from the coordinated implementation of the various mechanisms of the Comprehensive System, and

item 3 of the Negotiation Agenda ("End of the Conflict") which includes the surrender of weapons, the reintegration of guerillas into civilian life and other security guarantees.

the measures agreed under

### KEY

### **OBJECTIVES**

The different measures and mechanisms of the Comprehensive System will contribute, as a whole, to the fulfilment of these objectives.

### COMPREHENSIVENESS

The various mechanisms and measures will be interconnected in a coherent and articulated manner. No mechanism will take precedence over another. The necessary cooperation protocols will be established for such ends.

### truth, reparation and nonrepetition measures within the different mechanisms of

### **ANTI-DISCRIMINATION AND** GENDER-BASED APPROACHES

The Comprehensive System will address the particular characteristics of victimization in the affected territories and populations.



# CONDITIONALITY

In order for a person to access, and proceed with, the special judicial procedures in the Comprehensive System, they must contribute to the the Comprehensive System. The Special Jurisdiction for Peace will verify compliance with these conditions.



**Ending the** conflict

Legal certainty



# Who will participate in the

**Comprehensive System?** 

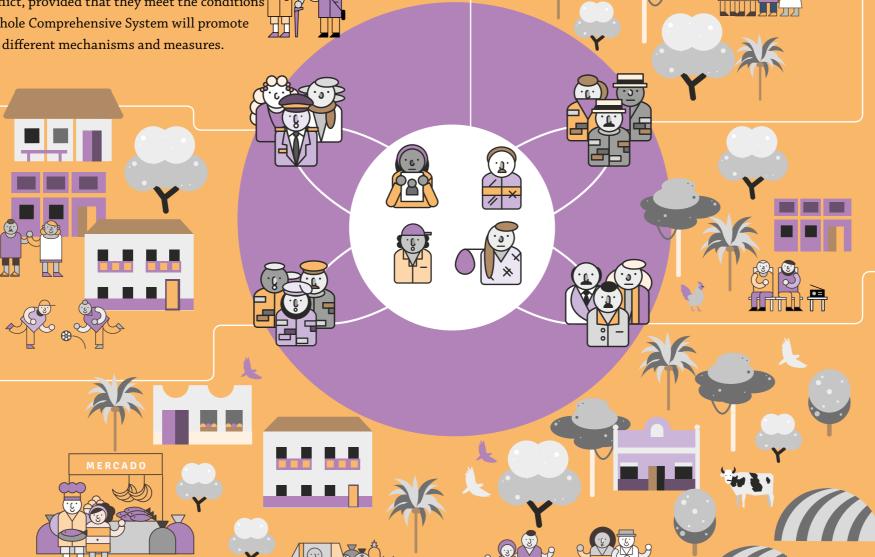
The following groups will participate in the Comprehensive System: the victims, people who committed crimes in the context of and due to the armed conflict, and people from the affected communities. The Comprehensive System shall be applied in a 'differentiated way', meaning it will have specialized processes to ensure it can provide simultaneous and equitable treatment to the different groups of people participating in the system. This will include all those who participated directly or indirectly in armed conflict, and committed crimes in the context of and due to the armed conflict, provided that they meet the conditions of the Comprehensive System. The whole Comprehensive System will promote community participation in all of its different mechanisms and measures.

### STATE AGENTS

The Comprehensive System will apply to state agents who have committed crimes in the context of and due to the armed conflict, whilst recognizing that their role in the conflict was to be guarantors of security, and that there was a presumption that they legitimately had a monopoly on the holding of weapons.

### GUERRILLAS

The Comprehensive System shall apply to members of those guerrilla groups that sign a final peace agreement with the government and whose participation is conditional upon the surrender of their weapons.



### VICTIMS

The victims will participate in all of the mechanisms and entities in the Comprehensive System, as an essential guarantee for the realization of their rights to the truth, justice, reparations and non-repetition.

### DEMOBILISED PARAMILITARIES

The Comprehensive System will help to establish the facts on the phenomenon of paramilitarism, and will assist with the full reparation of its victims. The members of paramilitary groups that have already demobilized and are participating in the criminal justice processes under the Justice and Peace Law, and Law 1424, will not fall under the jurisdiction of the Special Jurisdiction for Peace. Nonetheless, these processes will be strengthened by the Comprehensive System.

### THIRD PARTIES

The Comprehensive System will apply to third party civilians that have participated indirectly in the armed conflict and may hold some responsibility for certain criminal acts that have occurred. Those people who were not part of illegal armed groups, but nonetheless had an uncoerced relationship of funding or collaborating with these groups, and in doing so are connected to crimes committed crimes in the context of and due to the armed conflict, may also be called upon to appear before the Special Jurisdiction for Peace.

# Truth, Coexistence and **Non-Repetition Commission**

The Truth, Coexistence and Non-Repetition Commission is an extrajudicial and temporary body, alike those that have historically been created in transitions to establish the facts about patterns of violence that have occurred. It is not a mechanism for administering justice, but rather seeks to contribute to the establishment of the truth about what happened and to recognize the rights of victims.



- Contribute to the clarification of what happened and provide a full explanation of the complexity of the armed conflict
- \* Promote and contribute to the recognition of the victims, of the responsibility of those that participated directly and indirectly in the armed conflict, and of the whole society for what happened
- Foster coexistence across the country's territories, through promoting a climate of open dialogue and the creation of spaces to hear different voices



### CREATION OF SPACES

The Commission will undertake processes fostering broad and pluralistic participation in order to hear different voices and views. This will involve creating spaces at national, regional and territorial levels, in particular through public hearings, in order to listen to different voices and promote the participation of different sectors of society. This will include victims, those who participated directly or indirectly in the conflict, and those belonging to the various affected communities across the country.



### **VICTIMS** PARTICIPATE!

- \* Nominating candidates for commissioners
- \* Providing information about what happened
- \* Participating in public hearings
- \* Being part of the Monitoring and Follow-up Committee, which will track the implementation of the Commission's recommendations



### 11 COMMISSIONERS

The commissioners will be chosen by an independent and impartial Selection Committee. The commissioners will be nominated in a broad and pluralistic way, ensuring the participation of all sectors of society.

RELATIONSHIP-BUILDING STRATEGY

PROACTIVE OUTREACH AND

The commission will

outreach and active relationship-building with

implement a strategy of

various groups including

victims, social organizations,

information dissemination.









### MANDATE

the media and affected communities in general, in order to be held accountable for the performance of its functions and to ensure the greatest possible degree of public participation.

Amongst other things, the Commission's mandate will be to establish the truth surrounding, and promote the acknowledgement of: \* The practices and acts constituting serious violations of human rights and grave breaches of international humanitarian law, that took place during the conflict \* Collective responsibilities

these practices and acts The human and social impacts of the conflict on society and on different cultural and social groups The impact of the conflict on the operation of politics and the functioning of democracy The historical context, origins and multiple causes of armed conflict The factors that facilitated

or contributed to the

continuation of the conflict

FINAL REPORT

for the undertaking of



The Commission will prepare a final report that will take into account the different contexts of the conflict, reflect on the various investigations undertaken in relation to its mandate, and contain its final conclusions and recommendations.



The Commission will ensure that the spaces which it creates serve to strengthen respect, tolerance, and public trust in each other and in public institutions, and at the same time create the necessary conditions for peaceful coexistence within and across the various communities in Colombia.



DURATION

# **Special Search Unit for Persons** reported as Missing

The Special Search Unit for Persons reported as Missing in the context of and due to the conflict will be a special high-level unit mandated to direct, coordinate and contribute to the implementation of humanitarian and extra-judicial measures for the search for, and identification of, missing persons who are alive, and in the case of deceased persons, for the location and dignified return of their remains, where possible. For this purpose, the Unit will undertake the following 6 steps:



The Unit will implement search plans for locating those persons who are alive, and in cases of deaths, the Unit will conduct the necessary exhumations.

### ESTABLISHING THE UNIVERSE OF PERSONS DEEMED AS MISSING

ACTIVE SEARCH

**EFFORTS** 

The Unit will design and implement

search plans at both national and

regional levels, and will actively

seek out those deemed as missing.

The Unit will implement search plans for locating those persons who are alive, and in cases of deceased persons, the Unit will conduct the necessary exhumations



### LOCATION OF PERSONS





The Unit will strengthen and streamline the processes for the identification of remains, in coordination with the National Institute of Legal Medicine and Forensic Sciences.

PROVISION OF REPORTS AND, IN THE CASE OF DEATHS, DIGNIFIED RETURN OF REMAINS



### INFORMATION GATHERING

The Unit will have access to various databases, both governmental and non-governmental. It will analyze all the available information, from various sources, including from confidential interviews, and will adopt procedures to compare and analyze the quality of information collected.

### **GOVERNMENT SOURCES**





of enforced disappearance during the armed conflict

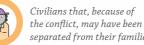


the conflict, may have been separated from their families



People who have participated in hostilities and whose fates have not been established







### The Unit will provide family members with a detailed official report which will contain all the information that has been obtained on what has happened to the missing person, and, where relevant and possible, the Unit will undertake the dignified

return of their remains.



### **VICTIMS** PARTICIPATE!

- \* Making recommendations on the operational design of the Unit
- \* Providing input into the implementation of the Unit's priority plans
- \* Assisting with search, identification, location, and dignified return of remains efforts
- \* Accessing psychosocial assistance, where needed



# <u>Comprehensive</u> <u>Reparation Programs</u> <u>for Peacebuilding Purposes</u>

The end of the armed conflict represents a unique opportunity to strengthen the programs of comprehensive victim reparation being implemented by the Colombian government, and to ensure that all those who participated, directly or indirectly, in the conflict and that have caused damage, contribute to the reparation of their victims.

### CONCRETE CONTRIBUTIONS TO REPARATIONS

These acts, to be carried out by those who caused damage during the conflict, will seek to contribute to the reparation of the affected communities. They include the undertaking of community development projects, as well as direct monetary compensation.

### ACTS OF RECOGNITION OF RESPONSIBILITY

These formal, public and solemn acts, which shall take place in the early stages of the implementation of the Comprehensive System, will seek to acknowledge responsibility, at both national and territorial levels, and will include the recognition of collective responsibility for the damage caused to affected communities and corresponding requests for forgiveness.

# COLLECTIVE REPARATIONS FOR THE END OF THE CONFLICT

Collective reparation processes
will be strengthened, ensuring
coordination and mutual
reinforcement between the programs
devised as part of the agreement
on Comprehensive Rural Reform
and the measures contemplated
in the Comprehensive System.



### COLLECTIVE PROCESSES OF RETURN AND RESTITUTION

Processes of bringing displaced persons back home will be coordinated at a territorial level with policies for the comprehensive reparation of victims and other measures contemplated by the Comprehensive Rural Reform program.

### REPATRIATION OF VICTIMS ABROAD

Plans will be put in place for the accompanied and assisted repatriation of victims living abroad, including those that are refugees and political exiles.

### LAND RESTITUTION

The land restitution processes will be coordinated with other processes, that involve the collective reparation programs, the return of displaced persons to their homes, territory-based development projects, and the Comprehensive Rural Reform program.

## PSYCHOSOCIAL REHABILITATION

There will be enhancements to the level of coverage, territorial deployment and the quality of psychosocial care for victims, and community-based rehabilitation strategies will be put in place, in order to aid in the reconstruction of the country's social fabric.

# MODIFICATION AND STRENGTHENING OF THE COMPREHENSIVE REPARATION AND ASSISTANCE PROGRAMS FOR VICTIMS

Special events will be convened, drawing on broad public participation from victims, academic experts, specialized organizations, and human rights defenders, to refine public policies to the needs and opportunities of the end of the conflict.





\* In the dialogue regarding the coordination of early acknowledgements of collective responsibility

\* In developing collective reparation plans, with territory-level focuses

\* In the process of adapting and strengthening the policy on comprehensive reparation and assistance for victims

# **Special** Jurisdiction for Peace

The Special Jurisdiction for Peace is the judicial component of the Comprehensive System. It will seek, above all, to realize the victims' rights to justice, to fight against impunity, to comply with the state's duty to investigate, prosecute and punish criminal acts, and to make decisions that give complete legal certainty to those involved in the mechanisms of the Comprehensive System. Follow the possible paths of those participating in the Special Jurisdiction for Peace, starting in the Judicial Panel for Acknowledgement of Responsibility:

The Tribunal for Peace will be the ultimate appeals body. Its main function will be to hand down sentences, impose three different kinds of sanctions and set the conditions and arrangements for the implementation of these sentences.



Alternative sanctions

Under ordinary

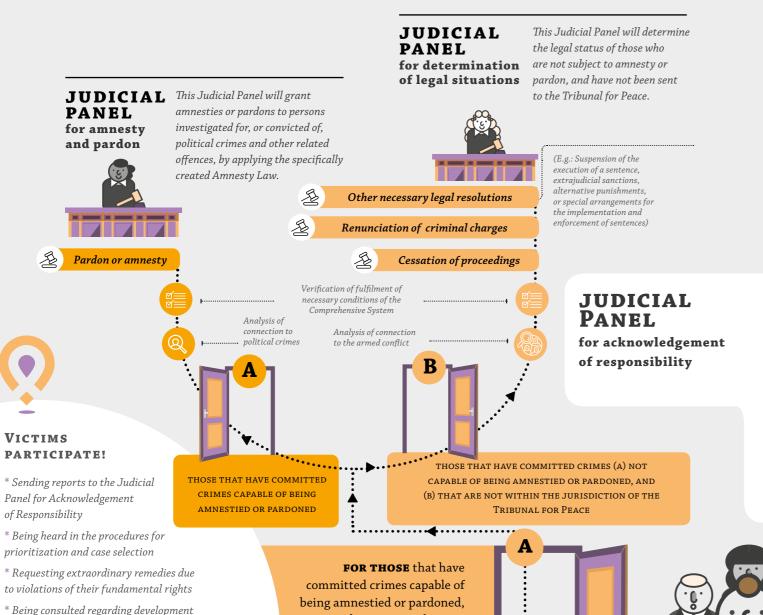
prison conditions

Penal deprivation of liberty

5-8 YEARS

Those who acknowledge

The Special Jurisdiction for Peace will be composed of Colombian Justices, but may have a minority of foreign Justices. The Justices will be highly qualified persons, chosen through a selection process that garners trust from Colombian society.



or other crimes subject to

**POTENTIAL PATHWAYS** 

THERE ARE TWO

special judicial proceedings

Special sanctions Analysis of correspondence between acts for which responsibility was acknowledged, and acts actually perpetrated Effective restriction of liberty 5-8 YEARS Verification of fulfilment of necessary

conditions of the Comprehensive System

Analysis of correspondence between acts

Those who acknowledge

responsibility before the Judicial

Panel of Acknowledgment

of Responsibility

for which responsibility was acknowledged. and acts actually perpetrated

This Judicial Panel will receive all relevant information, as well as the acknowledgments of responsibility. It will first compare and contrast this information, and will then go on to issue a 'Resolution of Conclusions', in which it will identify the most serious and representative cases to be prosecuted, as well as the relevant individualized attributions of responsibility. From here, there are two

potential pathways:

START

HERE

VHERE AN ACKNOWLEDGEMENT O RESPONSIBILITY HAS BEEN GIVEN WHERE NO ACKNOWLEDGMENT OF RESPONSIBILITY HAS BEEN GIVEN ...... В FOR THOSE who have committed crimes not capable of being amnestied

Ordinary sanctions

Under ordinary prison conditions

Penal deprivation of liberty

15 - 20 YEARS

Verification of fulfilment of

Comprehensive System

Adversarial proceedings

Those who do not acknowledge responsibility and are convicted

> Investigation and Prosecution UNIT

> > This Unit will investigate, and where there exists merit, prosecute cases before the Tribunal for Peace.

or pardoned, or other crimes subject to special judicial proceedings, and who have had significant involvement in the most serious and representative crimes

THERE ARE TWO POTENTIAL PATHWAYS.

- Hostage taking Severe deprivation of liberty orture xtrajudicial executions
- ixtrajualeiai executi Forced disappearance Sexual violence

- Forced displacement Recruitment of minors

programs, of restorative nature, that

may be ordered as part of a sentence

Jurisdiction will ensure the participation

\* The procedural regulations of the

of victims in its processes

# A World First **Comprehensive System** for Truth, Justice, Reparations and Non-Repetition











Never before has the world seen, as a result of peace negotiations, an agreement for a Comprehensive System, which includes both judicial and extra-judicial mechanisms, aiming to achieve the greatest possible realization of victims' rights to truth, justice, reparations and non-repetition

Many peace agreements around the world have been concluded, without directly creating an investigation mechanism aimed at establishing the truth about what happened, and also without distinct guarantees for justice that apply directly to the negotiating parties. This has happened in countries such as Lebanon, Madagascar, Angola, Afghanistan, Bosnia, Nigeria, Mali and Ukraine.

Other countries have ended armed conflicts with agreements that did establish mechanisms to investigate and uncover the truth of what happened, but did not provide any guarantees for justice. This was the case in El Salvador, Guatemala, Haiti, Northern Ireland, Nepal, Burundi and Kenya.

However, in the case of Colombia, the government and the FARC-EP have reached an agreement regarding the victims, that has both investigation and truth mechanisms, and guarantees for justice.

The only time in history that a country has tried to do something similar to this was in Uganda, almost 10 years ago. However, this attempt failed in the negotiations stage, before a final agreement was reached.

This aspect of the Colombian peace agreement is unprecedented. Here we have two parties – without mediation or arbitration – that have agreed upon not only a mechanism for uncovering the truth about what happened, but also a special court and corresponding sanctions that will apply directly to the parties.

There is no paralleled precedent in the history of peace negotiations, anywhere across the world.

### EL SALVADOR

The peace agreement that ended a civil war of two decades (1979-1992) created a Truth Commission, but no speicfic justice mechanism was created.

### Northern IRELAND

The Good Friday Agreement, which in 1998 put an end to three decades of political conflict, created a Consultative Group on the Past, but contained no

### BOSNIA

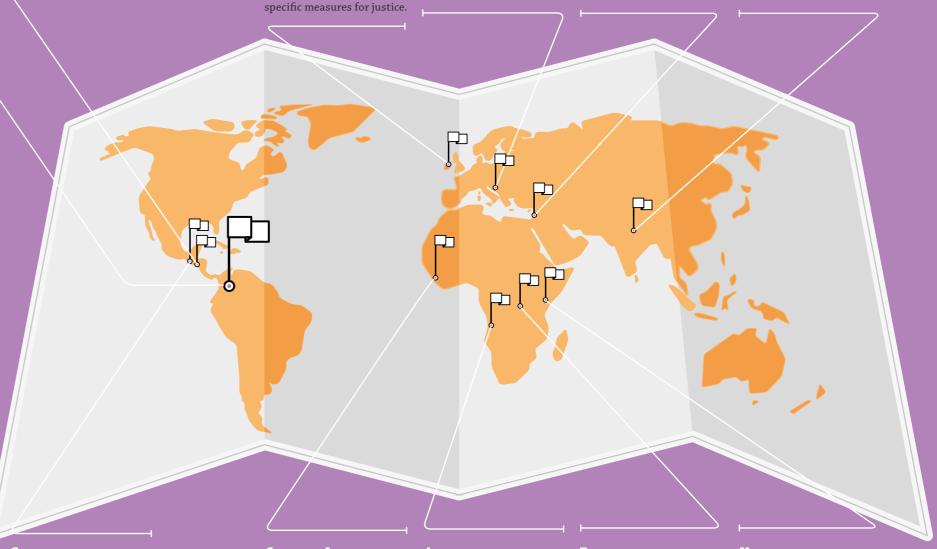
The three-year armed conflict (1992-95), which occurred after the disintegration of Yugoslavia, a century (1975-1990) did was ended without any specific mechanism for truth or justice.

### LEBANON

The political agreement that ended a civil war which lasted a quarter of not address the creation of any mechanisms for truth or justice.

### NEPAL

The 2006 peace agreement, which put an end to ten years of civil war, created a truth and reconciliation commission some years later on, but contained no specific justice mechanisms.



### **GUATEMALA**

The peace agreement brokered by the UN in 1996, that ended an armed conflict of three decades, created a Historical Clarification Commission, but contained no specific guarantees for justice.

### SIERRA LEONE

The Lome Peace Accord, which ended a decadelong civil war (1991-2002), created a Truth and Reconciliation Commission, but also granted amnesty to all parties.

### ANGOLA

The civil war of three decades (1975-2002), which began at the former-Portuguese colony's gaining of independence, was ended with an agreement that did not include mechanisms for truth or justice.

### **BURUNDI**

The agreement that ended the twelve years civil war (1993-2005) ordered the creation of a truth and reconciliation commission, which was finally established in 2014. However, no justice mechanism was established.

### KENYA

The 2008 agreement that ended a multi-decade political conflict, including a wave of violence during the 2007 elections, created a Commission for Truth, Justice and Reconciliation, but no specific justice guarantees were given.

# 10 ideas for understanding the Agreement regarding the Victims

## THE VICTIMS ARE AT THE CENTER OF THE PROCESS

The principal objective of the agreement regarding the victims is to realize the rights of the victims to truth, justice, reparations and non-repetition. The victims have participated in the construction of the agreement, and will participate in its implementation.

# IT CREATES AN INTEGRATED SYSTEM, NOT A SERIES OF ISOLATED MECHANISMS

National and international experience shows us the effectiveness of a system of judicial and extrajudicial measures for truth, justice, reparation and non-repetition is stronger if applied in an coordinated and complimentary manner, without trying to replace the state's duty to investigate, prosecute and punish through the creation of a truth commission, and without trying to overload criminal proceedings with all of the demands for truth and reparation. The comprehensiveness of the system will depend on the setting out of clear rules regarding sequencing, distribution of functions, and exchange of information between the mechanisms.

# THIS IS A PROCESS WITHOUT IMPUNITY

The Colombian government and the FARC-EP agreed in the '10 Principles regarding the victims' that they were not going to exchange impunities. Therefore, they created a Comprehensive System that prohibits amnesties for international crimes and serious violations of human rights, and created a special Tribunal for Peace to investigate, prosecute and punish, and ensure accountability for the most serious and representative crimes, whilst at the same time creating complementary extra-judicial mechanisms in order to best realize the rights of victims and society as a whole to truth and reparation.

# coordinated and complimentary manner, without trying to replace the state's duty to investigate, AND INDEPENDENT MECHANISMS

All of the mechanisms in the Comprehensive System will be carried out by highly qualified staff, who will be selected through transparent processes that garner confidence from all sectors of society and offer full guarantees of impartiality and independence.

# NOT JUST RESTORATIVE, NOT JUST RETRIBUTIVE

The Comprehensive System incorporates retributive and restorative measures, whilst at the same time aiming to achieve the realization of victims' rights, fulfilment of the state's international obligations and a transition from armed conflict to peace.

# OF RESPONSIBILITY AND ACCOUNTABILITY

The acknowledgment of responsibility by all those who have caused damage, in the context of and due to armed conflict, is the basis of the entire system. For this reason, the most favourable special criminal proceedings are reserved for those willing to recognize, from the outset, their own responsibility.

# WITHOUT TRUTH AND REPARATIONS, THERE WILL BE NO SPECIAL CRIMINAL PROCEEDINGS

In order for someone to gain access and participate in special criminal proceedings, they must also contribute to truth, reparations and non-repetition measures in the various mechanisms of the Comprehensive System.

Fulfilment of these conditions will be verified by the Special Jurisdiction for Peace.

# THE INVESTMENT IS IN LONG-TERM LEGAL CERTAINTY

The Comprehensive System seeks to ensure legal certainty for those involved in the various mechanisms, as an essential element of the transition to peace. Such guarantees of legal certainty are drawn from, firstly, the state's international obligations, and secondly, the legitimacy of the agreement.

# ENSURING THAT SUCH VIOLATIONS DO NOT RECUR

Ending the armed conflict is the best guarantee that there will be no further victims, and that the human rights of all Colombians will be protected. The realization of victims' rights, along with the implementation of the other agreements and the consolidation of the rule of law throughout the country, are the best guarantees for non-repetition.

# IN THE END, IT IS ABOUT ENSURING PEACEFUL COEXISTENCE AND RECONCILIATION ACROSS THE COUNTRY

The Comprehensive System seeks to rebuild trust between citizens and institutions, promote respect and tolerance, and invest in rebuilding the country's social fabric. It does so through community-based, psychosocial care efforts. The end aim is to ensure that the truth, justice and reparations measures contribute effectively in putting an end to the historical cycles of violence, and contribute to building a stable and lasting peace.

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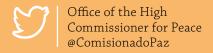
We hope that with the implementation of this agreement, and all of the other agreements, we will ensure the dignity of the victims, ensure justice is served, and ensure we create a basis to end, once and for all, the violence which this country has seen, such that never again will someone in Colombia be a victim.







Office of the High Commissioner for Peace (facebook.com/ComisionadoPaz)





Government Peace Delegation @EquipoPazGob



Colombia Peace Team @ColPeaceTeam

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