

COMPREHENSIVE SYSTEM OF TRUTH JUSTICE
REPARATION AND NON-REPETITION
(SIVJNR)

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SPECIAL
JURISDICTION FOR PEACE



UNIDAD DE BÚSQUEDA
DE PERSONAS DADAS POR DESAPARECIDAS

WHAT IS THE SIVJRNR?

- It is a set of mechanisms to guarantee the rights of victims to truth, justice, reparation and non-repetition, as stipulated in the Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, signed between the National Government of Colombia and the FARC.
- The System is comprised of the Truth, Coexistence and Non-Repitition Commission; the Special Jurisdiction for Peace (JEP); and the Unit for the Search for Persons Presumed Disappeared in the context and by reason of the armed conflict (UBPD); as well as of comprehensive reparation measures for peacebuilding and guarantees of non-repetition.
- The SIVJRNR was incorporated in the Political Constitution of Colombia through the Legislative Act 01 of 2017. Each of its components has its own regulatory framework.
- The System emphasizes the implementation of **restorative and remedial measures** for shedding light on the truth about the armed conflict and fostering the transformation of the factors that had a bearing on it as the foundations of a peaceful and dignified coexistence for the victims.
- Its main characteristics are **the centrality of the victims** and the integrity reflected by the coexistence of autonomous extrajudicial and judicial mechanisms based on the rights of victims and the relations of conditionality and incentives for those who appear as parties responsible for serious human rights violations, war crimes and crimes against humanity committed in the context of the armed conflict.



- **No component of the System takes precedence over the others**, and each mechanism performs its functions without duplicating the others' functions, for which there are collaboration protocols and an Interinstitutional Coordination Committee.
- Moreover, the System has a **territorial, differential and gender approach**, which corresponds to the particular characteristics of victimization in each territory and for each population, with special protection and attention for women and children victims of the armed conflict. ≈

WHAT ARE ITS OBJECTIVES?

- **Satisfy the rights of victims** of the Colombian armed conflict.
- Ensure the **elucidation of the truth** and accountability for what occurred.
- **Seek recognition of the responsibilities** of those who directly or indirectly participated in the internal armed conflict.
- **Guarantee justice in cases of serious human rights violations** and breaches of international humanitarian law.
- Provide **legal security for actors** who participate in the System.
- Encourage the **collaboration of those who directly or indirectly participated in**, and committed crimes in the context and by reason of, the armed conflict.
- Contribute to the **promotion of peaceful coexistence, reconciliation and non-repetition**. ≈

WHO PARTICIPATES IN THE COMPREHENSIVE SYSTEM?

- All victims of the armed conflict:
 - » Victims of the guerrillas
 - » Victims of the paramilitary groups
 - » Victims of State agents
 - » Victims of other illegal armed groups
- **Members of guerilla groups** that have signed peace agreements with the National Government of Colombia and have participated in processes for the surrender of weapons.
- **State agents, including members of the Public Forces**, who have committed crimes in the context and by reason of the armed conflict, based on the recognition of their status as guarantors and the presumption that they legitimately exercise a monopoly on weapons.
- **Demobilized paramilitaries**, in order to shed light on the phenomenon and contribute to comprehensive reparations for their victims. They are not investigated or prosecuted by the JEP. Exceptionally, they may be able to submit to the JEP when they can make an extraordinary contribution to the truth.
- **Third-party civilians** who, although not members of illegal groups, have had a non-coerced financial or collaborative relationship with them, in the course of which they have committed crimes in the context and by reason of the armed conflict.
- **Society in general**, through the recognition of:

1) Violations of human rights and breaches of international humanitarian law that have been committed in the context of the armed conflict as something that deserves to be rejected by everyone and that should not and cannot be repeated.

2) Processes for the strengthening of the community's social fabric, the experiences of individual or collective resilience, and the positive transformation of organizations and institutions that have also taken place throughout the armed conflict. Also, society in general can voluntarily contribute through the dissemination of the advances, results and recommendations that arise from the implementation of the SIVJRNR, as well as by promoting individual and collective reflection and actions that sustainably contribute to non-repetition. ≈

A) MECHANISMS



THE TRUTH COMMISSION

CHARACTER	The Truth Commission is a national autonomous public entity whose mission is to listen and understand, without judging.
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MANDATE	It seeks the truth of what happened in the context of the internal armed conflict, to shed light on the violations committed therein, and to offer society a broad explanation of its complexity and an account that includes all voices. The Commission also promotes the recognition of victims' right to the truth, and the voluntary recognition of individual and
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MANDATE	collective responsibilities of those who directly or indirectly participated in the conflict. It also promotes coexistence in the territories, with non-repetition as the horizon.
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PERIOD FOR THE EXERCISE OF ITS MANDATE	The Commission will work for three years, primarily around patterns of violence, and it will produce a final report in different formats, so that it can be understood by all Colombians.
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STRUCTURE	<p>The work of the Commission is deployed around 2 strategic processes, each with a Director and a work team: the Directorate of Knowledge - which coordinates the Objective of Clarification of truth - and the Directorate of Social Dialogue - which coordinates the teams in charge of the objectives of Recognition, Coexistence and Non-Repetition, strategies (pedagogy, communication and participation) and approaches (ethnic, psychosocial, gender, life course and disability, and artistic and cultural).</p> <p>It also has a plenary of 11 commissioners, one of whom chairs the entity; a Directorate of Ethnic Peoples; a Directorate of Territories, with 12 macroterritorial teams (including a team working with the Colombian victims in exile) and 20 Houses of Truth located in different parts of the country; a General Secretariat; and a Directorate of Administrative and Financial Management. ≈</p>
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CHARACTER	The JEP is an autonomous judicial entity.
MANDATE	<p>It has the tasks of investigating, elucidating, judging and punishing serious human rights violations, war crimes and crimes against humanity committed in the context of the armed conflict up to December 1, 2016.</p> <p>It is obligated to investigate and adjudicate cases involving ex-combatants of the FARC and members of the Public Forces who have been prosecuted or linked to crimes related to the armed conflict. It also investigates and adjudicates cases involving other non-military State agents and third-party civilians who appear voluntarily.</p>
PERIOD FOR THE EXERCISE OF ITS MANDATE	The period for the exercise of the JEP's mandate is 15 years, extendable to a maximum of 20 years.
STRUCTURE	The JEP has three Justice Chambers, the Peace Tribunal (comprised of four Sections), the Investigation and Accusation Unit, and the Executive Secretariat. The Jurisdiction is presided over by a magistrate elected by a plenary session. ≈

CHARACTER	The UBPD is an extrajudicial, humanitarian, autonomous and independent entity of the State.
MANDATE	The UBPD directs, coordinates and contributes to the implementation of humanitarian actions to search for and locate living persons presumed missing in the context and by reason of the armed conflict, and in the case of death, where possible, the recovery, identification and dignified delivery of the remains.
PERIOD FOR THE EXERCISE OF ITS MANDATE	The period for the exercise of the UBPD's mandate is 20 years (extendable).
STRUCTURE	The UBPD has a General Director, who is advised by an Advisory Council made up of the President of the Truth Commission, senior national government officials, the Director of the National Institute of Legal Medicine and Forensic Sciences (INMLCF), delegates of the National Victims Roundtable, delegates of organizations of relatives of victims of forced disappearance and kidnapping, and a delegate of civil organizations with technical forensic expertise. ≈

B) COORDINATION

The Truth, Coexistence and Non-Repetition Commission, the Special Jurisdiction for Peace (JEP), and the Unit for the Search for Persons Presumed Disappeared in the Context and by Reason of the Armed Conflict (UBPD) have defined two purposes of coordinated work to strengthen the integral nature of the SIVJRNR:

- **Strengthen the participation of victims and the territorial and extraterritorial presence of the SIVJRNR** based on the coordination of the pedagogical agendas and initiatives, pathways of attention and methodologies for establishing relations with victims organizations, civil society organizations, human rights organizations, communities, ethnic peoples and local entities. This also includes coordination to strengthen prevention and the protection and security of victims, responsible parties and other participants, as well as the coordination of SIVJRNR initiatives to guarantee the rights of victims abroad.
- **Strengthen legitimacy and citizen trust** based on the effective functioning of conditionality for those who appear before the jurisdiction and the activation of joint initiatives for establishing relations with national entities, the Congress and the international community. This includes coordinated actions based on communication and cooperation strategies.

Advances:

- Joint development of Prior Consultation with indigenous, Rom and Afro-Colombian communities.
- Exchange of information between the three mechanisms and joint receipt of reports from victims' and human rights organizations which contribute to truth, justice and the search for disappeared persons.
- Initiatives to strengthen the collective self-protection of peoples, communities and organizations for the prevention of security risks and the activation of institutional protection pathways.
- Coordination of pedagogical actions related to the SIVJRNR in the territories.
- Development of a set of actions related to the cross-cutting gender, childhood and ethnic approaches.
- **Access by the Truth Commission to the JEP's files.**
- Actions to guarantee the rights of victims in exile, and agreements for the receipt of mixed reports with victims of the Patriotic Union (UP) abroad.
- Development of actions to promote the participation of, collection of testimony from, and psychosocial assistance for victims in exile. ≈

