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**SUMMIT:  
"SJP AND VICTIMS: BALANCE AND PROTECTION"**

**Space of Art and Memory FRAGMENTOS**

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A year ago, with great expectation, the Special Jurisdiction for Peace (SJP), began its operation. A large part of the country embraced this new and innovative system, in which they deposited their hopes for a present and a future free from the irreparable pains of war. At the same time, another large portion of the population reaffirmed its lack of confidence in an unfamiliar and unprecedented model of justice, which bears the burden of uncertainty felt by generations that have seen other attempts at peace ultimately capsize.

This has been a complex and challenging journey. The path that our society must follow to transit from the irrationality of war to the humanity of peace, which we have yearned for over half a century, was bound to be.

During this intense year of work, we have been called to lay the foundations of the justice component of the Comprehensive System for Truth, Justice, Reparations, and Non-Recurrence (Comprehensive System) in a prompt but rigorous manner. The SJP faces the formidable challenge of guaranteeing the rights of both victims and society to a whole and restorative truth, which assures that there will be no impunity, that the memory of the conflict will be kept, that violence will not recur, and which paves the way to national reconciliation.

I firmly believe that this is a common purpose, which must unite each and every one of us who feel and recognize ourselves as Colombian citizens. Whether we agree or not on how to achieve it is a different matter. In fact, the signature of the Final Peace Agreement, as well as its normative and judicial development, marks a fundamental historical breakthrough in the winding road towards a post-conflict situation.

Certainly, the Comprehensive System emerged from the signature and incorporation of the Final Peace Agreement into the Colombian Constitution to become a reality that continues carving its way day after day. Today, the Truth, Coexistence and Non-Recurrence Commission (Truth Commission), the Special Unit for the Search for Persons deemed as Missing in the Context of and due to the Conflict (Special Unit), and the SJP are legal and moral realities that move forward in a coordinated fashion with the sole purpose of contributing to peace and reconciliation in Colombia.

Therefore, the SJP must offer the same response to all sectors of society: as a Court of Law, it must perform its acts and render its decisions in full accordance with the Constitution and the Law. This stems from our responsibility for the establishment of a constitutional system of justice that is atypical and transitional in nature. This system must honour the trust that its supporters have put in it from its inception. Thus, it will solidify and overcome the scepticism of those who still question it.

That is the only way of consolidating the legitimacy that we need and which victims, society, and the international community – all of which have poured their efforts into making stable and lasting peace in Colombia a reality – demand. Merely a year since the SJP began its operation, the process of building trust and legitimacy offers tangible and demonstrable results. We would like to share some of them with you today.

Our first result regards the recognition of a universe of approximately 32.200 victims within the five large cases that are already underway before the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct. The Panel selected and prioritised these cases based on two criteria: (1) the types of victimization that scourged the country for five decades, affecting the national and universal conscience, such as the unlawful detention of people by the FARC-EP (Case No. 001) and the killings that were illegitimately presented as casualties of combat operations by State agents (Case No. 002), and; (2) the devastating impact suffered by extensive territories and highly vulnerable communities that were made victims of multiples forms of violence in Southwestern Nariño (Case No. 002), the Urabá region of Antioquia (Case No. 004), and Northern Cauca (Case No. 005).

The second result, which fills us with encouragement, has to do with the effective participation of 105 victims within the framework of 13 public and *in camera* hearings convened by several Judicial Panels of the SJP. Throughout the hearings, victims were given an opportunity to be heard and treated with the utmost respect and consideration for their pain and their stories of resistance and resilience.

The third result is materialized in the 168 reports received from different actors, including State institutions, of which 62 were prepared by social organizations, the victims themselves, and the organizations that represent them. They have wished to entrust the SJP with the truth that they hold, so that it may fulfil its mandate: administer restorative justice. This means offering comprehensive reparations for victims founded upon a scrutiny of the structural causes of the armed conflict, which translates into offering them a truth that is complete and restorative, as well as imposing rigorous sanctions that strictly adhere to the dictates of the Constitution and the Law. All these efforts are aimed at the reconstruction of the social fabric torn by war and to national reconciliation.

We must, however, build trust and legitimacy among those appearing before the SJP. The model that we apply is based upon the constitutional principle of good faith that underlie the paradigm of society enshrined in the 1991 Political Constitution. Applied among the parties that negotiated the Final Agreement, that principle made its realization possible. It now imbues the performance of the functions assigned to the SJP due to the core premise behind the non-adversarial realm of the SJP: the voluntary submission to its jurisdiction. That process allows us to inform victims, our country, and the international community that 11.661 people have submitted their acts of submission to the SJP. Among them:

- 9,687 former members of the FARC-EP have submitted themselves to the jurisdiction of the SJP. 99% of them have appeared in person and attended the requests of the SJP;
- 1,938 members of the Armed Forces have submitted applications for admission to the SJP. This number was increased with the signing of 42 new acts of submission to the SJP despite the enactment of Law 1922 of 2018, whose Article 75 suspended their compulsory appearance for 18 months;
- Similarly, the SJP has been seized of 38 applications for admission submitted by State agents and third parties. This is significant because of their exclusively voluntary appearance before the SJP;

- These accomplishments have been achieved in strict compliance with our constitutional and legal framework and having recourse to innovative instruments that are enshrined in the Constitution and the Law. Mobility, for instance, has allowed for the full-fledged operation of the SJP. Currently, all its judges, along with the Investigation and Prosecution Unit (IPU), are performing judicial functions across the Judicial Panels and Chambers of the SJP. The organs of the SJP are also supporting each other to discharge their duties. All this has been possible thanks to the careful and committed work of our Executive Secretariat;
- Establishing its presence in the territories. In less than ten months, the SJP has strengthened its bonds with social organisations and territorial entities in 19 areas of the country. The SJP has given advice to victims for the preparation of written and oral reports, sharing with them the instruments that have been gradually designed for the fulfilment of our mandate. Pursuant to Article 330 of the Constitution, the SJP has also facilitated the promotion of consultations with ethnic communities who have suffered the gravest impacts of war. Furthermore, the SJP has fostered mechanisms to articulate its work with various jurisdictions, most notably the Special Indigenous Jurisdiction.

Throughout this first year of operation, we were called to conduct a preparation process that encompassed setting the SJP in motion at the same time as we ought to render the first rulings within our mandate and attributions, regardless of the difficulties that this entailed.

We are aware of the urgency with which some of these findings are demanded. We shall render decisions in those and all other matters within our purview with the highest degree of legal thoroughness. They shall be the result of the autonomous and independent administration of justice that is expected of a judge acting within the bounds of democracy. They shall not cave to the pressure exerted by the media or political actors. While sometimes understandable, such pressures cannot interfere in our tasks for they would jeopardize the process itself, ignore the essence of our mandate and, therefore, depart from our Constitutional order.

The victims, our country, the different branches of power, the international community, the supporters of the process, and those who have reservations about it, can be confident that the Special Jurisdiction for Peace will continue to act in accordance with the rule of law and with the national and international normative framework to which it is bound.

We are not a Court of vengeance or retaliation but a Court of peace. Our mission is to find the whole truth as both a necessary precondition for the comprehensive reparation of almost nine million victims and a contribution to overcome the structural causes of a non-international armed conflict that has cost us over 280.000 deaths, more than seven million internally displaced persons, half a million refugees and people in exile around the world, 84.000 missing persons, 37.000 abductees, 15.000 victims of sexual and gender based violence, and 9.000 victims of land mines, among others.

We have jurisdiction over crimes against humanity and war crimes, whose barbarity degraded the conflict and compromised the responsibility of thousands of Colombian men and women who appear before us. Their responsibility for conduct that falls outside the material scope of an amnesty must undoubtedly be analysed and processed for the purpose of establishing the truth and the imposition of symmetrical, simultaneous but differentiated penalties. Hence, we rely on

two specialized Chambers whose results prove the real possibility of administering a restorative justice that is cognizant of the different origins of the perpetrators, that fully satisfies the rights of victims, and which contributes to reconciliation.

Over the past year, our work has been intense. We have approached the daily debates and the reiterated questioning bearing in mind that, as long as our differences are worked out through constitutional and legal channels, they will contribute to the consolidation of the Comprehensive System and the furtherance of the ultimate goal of peace. We will remain open to respectful observations, to divergence, to constructive criticism, without compromising the autonomy and independence that we must observe as public servants who administer justice.

The Special Jurisdiction for Peace has stood on the solid foundations of the social rule of law for the development of its process of implementation and consolidation. The victims and all the branches of power have played a fundamental role in this process. They have approached their functions with diligence and contributed to the peace process from their diversity.

I must give special recognition to the Constitutional Court, the Supreme Court of Justice, and the Council of State. Through the strict fulfilment of their duties, imbued of the deepest sense of democracy, these institutions have contributed to the attainment of peace in our country.

I would also like to acknowledge the work of the Office of the Attorney General and its various working groups. They have prepared over 17 reports that have served as valuable input for the identification of cases under the jurisdiction of the SJP with utmost the dedication and meticulousness.

Credit is also due to the control institutions. The Office of the Inspector General diligently assumed its role as representative of society and supervisor of official conduct before the SJP. The Office of the Comptroller General of the Republic carefully oversees the budget of the SJP. The Office of the Ombudsman supports our work in the regions.

Thanks also to the Congress of the Republic for conducting profound and complex debates. I am certain that they will continue contributing to the consolidation of the process and the model of transitional justice that was favoured in Colombia.

The work of those media outlets that inform, observe, follow, and oversee the implementation process responsibly, in accordance with Article 20 of the Constitution, is also appreciated.

I must, however, reserve my deepest gratitude for the thousands of victims who contact us on a daily basis asking for truth, reparation, the reestablishment of their dignity, and visibility. These concepts constitute their idea of justice, a notion that they have built from pain and which makes them especially committed and supportive with the peace process.

The SJP has adopted a myriad actions and decisions over the course of the last ten months. My colleagues will succinctly share this balance with you as well as our projections for 2019. You may also find a more detailed and disaggregated version of this information on our website, which I encourage you to visit.

To Master Doris Salcedo: as we have expressed it to you before, your work left a profound and vital impression on all of us. I believe that only an artist like you, who is committed to the use of art as a vehicle for peace, could confront us with the need to understand that the only certain path to peace is to bury the war without forgetting the horrors that come with it. Only then will we be able to prevent its recurrence.

Thus, we wished to celebrate this first summit in this solemn place. A place that shakes us to the core, that moves us, that confronts us. A place that catalyses our memory and that lets us see the alternatives clearly. A place that will prevent the horror of war from stealing our capacity to feel touched. In the words of German-American philosopher Hannah Arendt: “Nothing we use or hear or touch can be expressed in words that equal what is given by the senses”.

*Fragmentos* shall forever remind us that the commitment to building peace must begin allowing ourselves an opportunity to feel the incommensurable pain brought by the passage of war. That pain is currently being felt by over 164 families of social leaders and victims who have been murdered over the last few months. Let them know that we acknowledge them and that we stand with them. We make a categorical call to society: we must unite in their defence. Standing together we will contribute to the definitive silencing of guns, to finally open the door for peace.