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On 5 February 2020, academics from British and Colombian universities met at Institute of the Americas, University College London, in the eighth Embrace Dialogue Academia seminar. The discussion centred on the participation of third parties in the Special Jurisdiction for Peace (JEP).

Colombia is the first country to design a holistic transitional justice system and include within that attention to the role of business sectors and non-combatant state actors in crimes committed in the conflict. Two years, in comparative terms, is too early to expect concrete results; progress will come in small steps. We note with hope that third party actors are coming forward to participate in the JEP, and we celebrate the decision to understand the JEP's jurisdiction as encompassing crimes linked to the wider context of the armed conflict, for example vote-buying and furthering paramilitary interests. We hope this will lead to some prominent third parties being investigated by the JEP.

However, while the Havana negotiations designed the JEP to include all the actors who participated in the conflict, the Constitutional Court's decision to make third party actors' participation voluntary has made the JEP's work far more difficult in this respect. It means that the JEP has to wait for third parties to present themselves, as the JEP has no mandatory jurisdiction over these actors; and it fragments the jurisdiction over all those involved in the conflict, with some actors tried by the JEP, others by the ordinary system.



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This decision by the Constitutional Court defers the primary responsibility to investigate the crimes committed by third parties in the conflict to the Prosecutor General's Office. Third parties who have so far appeared voluntarily before the JEP have done so because they were already facing possible convictions. However, the Prosecutor General's Office has not shown a serious commitment to prosecuting the crimes of third parties, despite their duty to do so, and it has disavowed the JEP's jurisdiction to determine its competency over certain cases.

We therefore call on the new Prosecutor General to recognise the JEP's judicial decisions and to prioritise investigations of third party actors who committed crimes in the context of the conflict, as requested by the Colombian Constitutional Court. Likewise, we ask the JEP to apply its jurisdiction in such a manner as to encourage third party actors who wish to come forward. Given that the JEP has jurisdiction to investigate the responsibilities of individuals only, we suggest there is an opportunity for the Truth Commission to investigate non-judicially the collective responsibilities of third party actors in the conflict. Finally, we call on the international community to continue supporting all the elements of the Comprehensive System for Truth, Justice, Reparations and Guarantees of Non-Repetition, to maximise the chances of guaranteeing non-recurrence.

Embrace Dialogue Academia (EDA) brings together academics working on different aspects of the Colombian peace process via itinerant dialogues to share knowledge and analysis, and work together for practical impact. Academics from University College London, the London School of Economics and Political Science, the Universities of Essex, Cambridge and Bristol, and the Universidad de Los Andes participated in the eighth seminar.

Disclaimer: The views expressed in this statement are product of a closed-door dialogue, and do not reflect the views of the institutions named.