

A Guide to the Unit of Investigation and Prosecution of the JEP

One element of the SJP is the Investigation and Accusation Unit (IAU) that is the only body within the JEP with judicial police powers. The unit has 16 prosecutors and one director and is tasked with investigating and bringing criminal charges in those cases where the alleged individual or collective perpetrators of serious human rights violations and International Humanitarian Law do not recognise the truth or accept their responsibility. In addition, the IAU supports the magistrates and judges of the JEP in their investigative work; determines protection measures for victims, witnesses and those appearing before the JEP who are in danger; and requests precautionary measures and assurances when those appearing do not recognise the truth and their responsibility.

The Investigation and Accusation Unit: the JEP's deterrent body

A key principle within the Peace Agreement is for victims to be at the centre of the process. This can be seen within the JEP in its search to find a balance between retributive justice (penal sentences for perpetrators) and restorative justice (centred on reconstructing the social fabric). For this to work, the JEP's cases with respect to the cases before them and those involved in grave human rights violations, follow two different routes:

- i) *When perpetrators tell the whole truth and accept responsibility:* those responsible then receive the JEP's own sanctions, including restriction of their freedom within non-prison environments and reparations to victims, for up to 8 years. Victims can participate in determining what sentence is given.
- ii) *When perpetrators do not recognise their responsibility and do not contribute to the whole truth:* these cases can result in ordinary justice sanctions, where perpetrators can serve up to 20 years in prison.



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It is in this second route where the IAU operates. Following a referral from the Chamber for the Recognition of Truth, Responsibility and Determination of Conduct, the Chamber of Definition of Legal Positions or the Amnesty and Pardon Chamber, the IAU begins investigations into the culpability of those who do not take responsibility for their actions or fail to tell the whole truth. The IAU therefore has an important function as a deterrent to avoid those appearing before the JEP from hiding the truth, obstructing justice or not making reparations to victims. Once they have collected evidence, the individual then has a further opportunity to meet their obligations to victims and receive an alternative sanction: if they tell the whole truth and take responsibility before they receive a definitive sentence, they can receive a reduced prison sentence of between 5 and 8 years. In this way, the IAU serves as a deterrent body, allowing the JEP to serve its own sentences that restrict freedom in those cases where those before them are committed to the truth, to contributing to justice, to making reparations and to working towards non-repetition.

IAU: Progress

The IAU has a technical investigations team (made up of investigators and forensic specialists that can progress macro cases such as Case 003, that we discussed in TJS 5), an analysis context and statistics team, an investigations team dedicated to sexual violence cases, a victims and witness protection group, and a group for early warnings. Due to the constant threats made against those appearing before the JEP, the IAU has received 137 requests for protection. To date, they have put in place 46 protection schemes: 33 hard schemes (armoured cars) and 13 alternative schemes (relocation).

The IAU has conducted lots of training and consultations with individual and collective victims affected by the armed conflict. To date, they have met with over 4,600 victims, amongst them victims of sexual violence, LGBTI and Roma communities. These



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meetings and the contributions from victims have led to the IAU constructing a differential protocol for these groups.

Embrace Dialogue recognises the important work of the IAU of the JEP, values the advances made to comply with the mandate and trusts that as a potential deterrent will help to implement a model of restorative justice that can reconstruct the social fabric.

innovation pill



The JEP and the IAU have prioritised the investigation of acts of sexual violence committed during the armed conflict in Colombia. The IAU has a special group tasked with constructing a protocol for how to treat these cases, to be designed together with victims of these crimes. To date, the IAU has conducted 14 events with 598 victims of sexual violence and has registered 1398 acts of sexual violence in its virtual platform, which could lay the foundations for the opening of a macro case specifically investigating sexual violence during the Colombian armed conflict.



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