

## 2021: A Critical Year for the JEP

2021 is a critical year for the JEP. According to experts in peace processes, the first five years after a peace accord are the most decisive ones, because a conflict is more likely to reignite during that period. With the 2016 Peace Agreement entering its fifth year of implementation, it is not only the JEP's decisions that are important in 2021, but also the political, institutional, and social context surrounding the agreement. This snapshot sets out some of the key elements that will define the work of the JEP this year.

### A Second Round of Prioritisation

The new president of the JEP, the magistrate Eduardo Cifuentes Muñóz, will have to lead on key issues, and potentially promote decisions that will slightly change the jurisdiction's approach to fulfilling its duties.

The JEP does not investigate every case of human rights violations committed during the armed conflict. Instead, it groups individual cases into bigger ones, known as macro-cases. These allow the JEP to more effectively investigate the massive volume of crimes that it knows of, and establish what are known as 'patterns of macro-criminality'.

So far, the JEP has opened seven macro-cases, but more cases are expected to be opened this year in a second round of prioritisation. The question is will the new cases follow the model of the first seven, which were selected according to regional criteria or the type of crime committed; or, will the JEP follow a different model.

At present, there are doubts about how efficient it is to have cases with a regional focus, and questions being raised over whether there are ways of defining them in a more effective manner. For instance, representatives from Afro-Colombian communities have called for a macro-case that investigates all violations committed against black people, raizales, palenqueras, and Afro-Colombian populations. They argue that this would be a more comprehensive way to investigate and that this would be in line with the ethnic approach of the JEP.



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## JEP Order of Establishment of Facts and Actions

The JEP's Chamber of Recognition of Truth, Responsibility, and Establishment of Facts and Actions (Chamber of Recognition), recently published its order (Auto) of recognition for [macro-case 001](#) that concerns kidnapping. A JEP order is also expected for [macro-case 003](#) about unlawful killings presented as deaths in combat (more commonly known as false positives).

The JEP orders are the first kind of decisions that are going to be seen from the Chamber of Recognition this year and are important for three reasons. First, they set out the facts that have been investigated and proven. These are structured around patterns of macro-criminality and establish that crimes were committed. Second, they verify that those crimes cannot be subject to amnesties according to national and international law. And third, they identify the people who were involved in those crimes to establish penal responsibilities for those who are found to have ultimate responsibility for the crimes (máximos responsables).

Those who are found to be primarily responsible have thirty days from the decision to declare if they accept the charges and the responsibility assigned to them, or not.

## Resolution of Conclusions

This is the second type of decision that is expected from the Chamber of Recognition in 2021. In these kinds of decisions, the Chamber will identify patterns of macro-criminality for crimes, which will contribute to the truth of what happened during the conflict. They will include the names of those who have accepted primary responsibility and will propose a punishment, known as '[own sanctions](#)' for these individuals.

The sanctions will be established with the participation of victims and, although not involving prison terms, will include between 5 and 8 years of restricted freedom. There will also be the expectation that these individuals will contribute to reparations and dignifying victims and society through community work. Resolutions will be sent to the Recognition Section of the JEP, another part of the



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jurisdiction in charge of taking the final decision regarding punishment for those who are found to be ultimately responsible for crimes.

## What to Realistically Expect

It is unclear if the JEP will take these types of decisions in 2021 for all the macro-cases it has already opened, or even if it will be able to impose 'own sanctions' for those found to be most responsible for crimes. This is even more uncertain given the cuts in its budget by 30%, and the fact that the Truth Commission, which informs the JEP of who has testified before the Commission, is entering the final phase of its short three-year-mandate. This is also within a context where the security situation in several regions of the country continues to be extremely difficult, and the lethal violence against former FARC combatants has not stopped.

*Embrace Dialogue values the pivotal decision the JEP has issued for Case 001. We hope that the conclusions regarding that case will contribute to repairing the social fabric in Colombia, and that the second round of prioritisation of cases will succeed in giving an account of the violent phenomena that remain to be uncovered.*



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