

August 2021

A New Paradigm of Justice for Reconciliation in Colombia

“A shift that acknowledges restorative justice, dialogue and reconciliation as pillars for the reparation of victims and resocialization of perpetrators is fundamental for a stable and long-lasting peace in Colombia”

Giovanni Álvarez,
Director – Investigation and Accusation Unit,
Special Jurisdiction for Peace

On 29 July 2021, Embrace Dialogue and the Centre of Religion, Reconciliation and Peace of the University of Winchester hosted Giovanni Álvarez to discuss Recent Developments in Transitional Justice in Colombia, as part of a series of events on reconciliation. This dialogue led to the identification of key challenges, achievements and hopes for the future.

Nationwide social protests in Colombia began in April 2021 and remain ongoing, negatively impacting the work of the Special Jurisdiction for Peace (JEP). The increased violence in urban centres has taken resources and public focus away from the JEP’s priority areas, and resulted in increased risk to victims, witnesses and other people participating in the JEP. The JEP’s Investigation and Accusation Unit (IAU) produced a report on human rights abuses committed during the protests in May 2021, with concerning findings on 13 cases of sexual violence and the reemergence of armed civilian groups in at least 27 cities across Colombia.

Recent months have nevertheless seen two important developments with respect to transitional justice. First, the FARC secretariat have accepted responsibility in the JEP’s indictment for kidnapping as a crime against humanity and war crimes. Second, there has been another landmark indictment of army officers -including a general- who participated in extrajudicial executions in Catatumbo, but who have so far denied responsibility, and so the IAU is collecting evidence to launch an adversarial process against them. The IAU has also set up a Comprehensive System for Prevention and Protection to ensure that former FARC members can complete non-jail sentences in various regions of Colombia, with security guarantees to protect their lives. This is critical to the transitional justice process, particularly in light of developments such as the spate of killings of former FARC members.

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Given the JEP's investigative work to date, we are confident that there is now enough evidence and willingness for the JEP to open a macro-case on conflict-related sexual violence. This will be an important step, particularly given the prevalence of sexual violence in the country in the recent protests.

In light of these recent developments, we acknowledge the impact of the protests in Colombia on the activities of the Transitional Justice System and we hope there will be effective investigation into both the disproportionate use of force by Colombian armed forces in this context, and the appearance of organized armed civilians attacking protestors. We stand by the IAU in its mandate for safeguarding the life and integrity of victims, witnesses and declarants appearing before the JEP, and welcome the creation of the Comprehensive System for Prevention and Protection. Finally, we underscore the seriousness of the war crimes and crimes against humanity that the JEP is investigating. Holding all those responsible accountable is a critical precondition for reconciliation and lasting peace.