
Colombia & FARC Guerrillas Announce Key Peace Agreement

24/09/2015



BOGOTA – The Colombian government and the Revolutionary Armed Forces of Colombia, or FARC, guerrillas on Wednesday unveiled a major agreement on how justice shall be applied during the transition period from war to peace in Colombia, an announcement attended by President Juan Manuel Santos and the top FARC leader, Rodrigo Londoño Echeverri, alias “Timochenko.”

Colombia’s FARC guerrillas will have 60 days in which to hand in their weapons after the signing of a definitive peace agreement between Bogota and the rebels, the two parties announced Wednesday in Havana, where the peace talks are being held.

Santos and Londoño shook hands and posed for photographs along with Cuban President Raul Castro at the announcement.

The accord on transitional justice announced Wednesday, among other things, includes amnesty for political crimes and the creation of a special peace court, as well as establishing that the guerrillas must hand over their arms within 60 days of signing the agreement.

Present at the announcement were also all the members of Bogota’s and the FARC’s negotiating teams, along with representatives of the guarantor nations of the peace process – Cuba and Norway – as well as representatives from Venezuela and Chile.

The Colombian government will authorize “the broadest possible” amnesty for political crimes,

but it will leave out of the accord crimes that the national legislature deems to be crimes against humanity, genocide or serious war crimes, according to the agreement.

Santos said Wednesday that the government and the FARC have agreed that the signing of the final peace accord will occur within six months “at the latest.”

Londoño expressed his “great satisfaction” with the transitional justice agreement and emphasized that this “special peace jurisdiction ... (is) designed for all those involved in the conflict and not only for one of the parties.”

He also urged that efforts now be “multiplied” to reach a definitive bilateral cease-fire, the laying down of rebels’ arms and the transformation of the FARC into a legal political movement.

Transitional justice has been the thorniest issue of the peace talks that began in late 2012.

Londoño arrived in Havana before Santos, guerrilla negotiators told EFE, and Santos had announced his plans to travel to the Cuban capital in a Twitter post, saying “I’ll make a stopover in Havana for a key meeting with negotiators, with the aim of accelerating the end of the (decades-old armed) conflict. Peace is near.”

He traveled to the Communist-ruled island on Wednesday afternoon.

The Colombian leader’s stopover was part of his earlier-than-expected trip to the United States, where he presumably will meet with Pope Francis to inform him about the advances in the peace process before attending the UN General Assembly meeting in New York.

Under the accord on transitional justice, a special tribunal will be set up to hear war crimes cases and non-prison sentences will be meted out, according to Caracol Radio, which said they could include work on agricultural colonies and participation in mine-clearance programs and truth commissions.

The fact that Santos met with guerrilla negotiators marks a milestone in the peace process and the country’s history, sources close to the negotiations told EFE.

An agreement on transitional justice would be one of the biggest achievements in the country’s history, the Colombian government said in a statement prior to the announcement.

“Justice is the crux of the peace negotiations; with an agreement on this issue, the dream of building a country at peace begins to become a reality,” it added.

Colombia & FARC Communiqué on the Transitional Justice Accord

Havana, Cuba, September 23, 2015

(Unofficial LAHT English Summary)

Special Jurisdiction for Peace: The accord creates a separate, presumably temporary body in Colombia’s justice system. It will have two sections, and each will have a minority number of foreign magistrates. “The essential function” of these two chambers, the Chambers of Justice and the Tribunal for Peace, “is to do away with impunity, obtain truth, contribute to victims’ reparations, and to judge and impose sanctions on those responsible for serious crimes committed during the armed conflict, particularly the most serious and representative ones.”

Political crimes will be amnestied: There will be the “broadest possible amnesty” for the crime of rebelling against the state. This amnesty will also extend to “connected crimes.” This is tricky, as narco trafficking and extortion (and perhaps even some ransom kidnappings) may be defined as “connected” to political crimes—and thus amnestied—because they may have been committed in order to raise funds for the FARC’s “political” cause. “An amnesty law will specify the extent of this ‘connectedness.’”

What won’t be amnestied: The amnesty will not extend to crimes against humanity, genocide, serious war crimes, hostage-taking or other serious privation of liberty, torture, forced displacement, forced disappearance, extrajudicial executions, or sexual violence. “These crimes will be subject to investigation and trial by the Special Jurisdiction for Peace.”

Who must face justice: The Special Jurisdiction for Peace will cover everyone who, “whether directly or indirectly, may have participated in the internal armed conflict, including the FARC-EP and state agents, for crimes committed in the context and for the purpose of the conflict, with particular respect to the most serious and representative cases.”

This may mean that crimes committed by armed actors outside the conflict—like the “false positive” extrajudicial executions—may have to remain in Colombia’s regular criminal justice system. It probably also means that civilians who participated in war crimes, such as landowners who generously sponsored paramilitary groups that committed mass atrocities, could be investigated and tried by this new judicial structure.

Penalties for “those who recognize truth and their responsibility”: These individuals’ confessions will be contrasted with Colombian authorities’ investigations and earlier verdicts, and with information from victims’ and human rights groups. If they are not found to be holding anything back, their punishment “will have a component of restriction of liberties and rights.” This will guarantee that they participate in “work, tasks, and activities” aimed at “the satisfaction of victims’ rights” by “compliance with reparative and restorative functions.” This punishment will last for five to eight years “of effective restriction of liberty, in special conditions.” (The 2005 “Justice and Peace” law, which governed demobilization of the AUC paramilitary group, foresaw similar five-to-eight-year terms for the most serious human rights abusers, which ex-paramilitaries spent in ordinary prisons.)

Penalties for those who deny “the truth and their responsibility,” or who recognize it later in the process: These individuals will be put on trial before the Tribunal for Peace. Those who recognize their guilt later will go to regular prisons for five to eight years, during which they will “contribute to their re-socialization through work, training, or study.” Those who persist in denying responsibility for serious crimes will be tried and, if found guilty, sentenced to up to 20 years in regular prisons.

Special Jurisdiction for Peace requirements: To receive reduced sentences and “special treatment,” the accused must “contribute full truth, provide reparations to victims, and guarantee non-repetition” of their acts.

Disarmament requirement: FARC members must cease to use weapons. (The text uses the phrase “dejación de armas,” which means “leaving behind” or “laying aside” weapons. This is different from an immediate handover or destruction of guerrilla weapons.) This disarmament or “laying aside” process must begin no later than 60 days after the signing of a final accord.

FARC future as a political movement: "The FARC-EP's transformation into a legal political movement is a shared objective, which will receive all support from the government, in the terms that are agreed to."

Deadline: While it is not in the text of the accord, President Juan Manuel Santos said that the sides have agreed to sign a final accord within the next six months.

[Beatrice Rangel: Colombia & the New FARC Peace Agreement - The Makings of Gangland in Latin America](#)
