



Libertad y Orden
República de Colombia

Colombia and the stocktaking exercise of the ICC

> Colombia's Justice and Peace Process



Former High Peace Commissioner Luis Carlos Restrepo receives weapons during a demobilization event in Remedios, Antioquia. December 12, 2005.

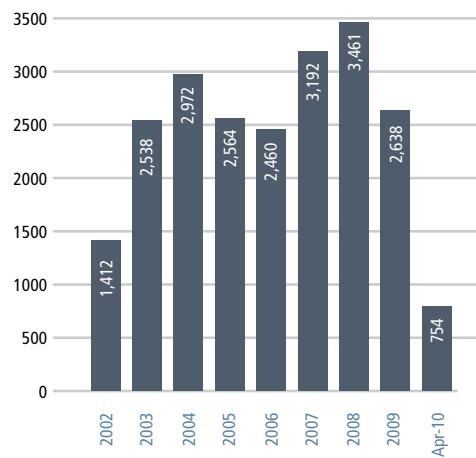


The Colombia Criminal Accusatory System came into effect in January 2005.

Colombia is currently in a transitional justice process based on the Justice and Peace Law. Its purpose is: i) to achieve the demobilization, disarmament and reintegration of illegal armed groups; ii) to conduct criminal investigations and prosecutions against leaders of these groups that are responsible for committing serious crimes, and; iii) to recognize and make effective the rights of victims to truth, justice and reparation.

Five years after the adoption of the Law, Colombia can show important results: i) around 50,000 demobilized individuals; ii) over 18,000 weapons given up and destroyed; iii) the main leaders of the self-defense groups and their accomplices behind bars awaiting trials; iv) more than 280,000 people recognized and registered as victims; v) more than 36,000 criminal actions, previously unknown, being investigated.

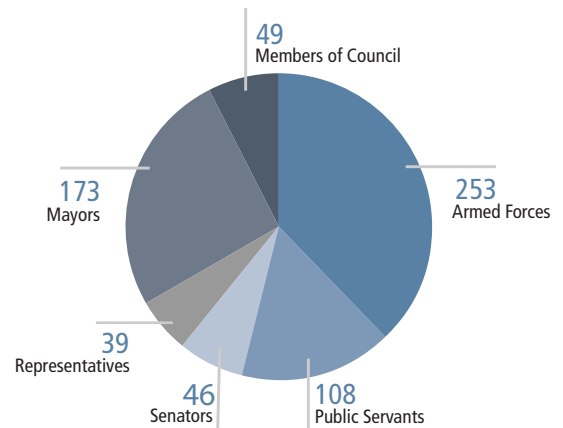
Individual Demobilization



In addition to 31,671 collective demobilization

Source: Ministry of Defense.

Other persons investigated under the ordinary jurisdiction as a result of the justice and peace process (without benefits).



Source: Office of the Prosecutor General.

Confessions made during the criminal proceedings have led to the exhumation of 3,131 bodies of victims. 908 of them have been identified through DNA tests and have been handed to their families.



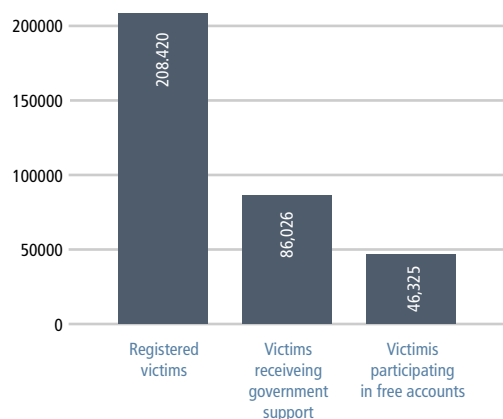
> Impact on Victims and Affected Communities



The National Commission for Reparation and Reconciliation is providing support to victims nationwide.

Colombia's National Commission for Reparation and Reconciliation is responsible for ensuring victim's rights to truth, justice and reparation. The Commission is an independent institution composed of representatives of the State, civil society and victims that deals with 5 aspects: i) reparation and attention to victims, ii) reconciliation, iii) demobilization, disarmament and reintegration, iv) historical memory and v) specific populations and gender.

Together with the Office of the General Prosecutor, the Commission has organized more than 380 outreach and support sessions throughout the country for more than 86,000 victims.



Source: Office of the Prosecutor General.

Administrative Reparations Program

In addition to judicial reparations, victims can access a faster and simpler reparations program in order to obtain compensation. It just requires filing a form without the need of being represented by a lawyer. In a maximum of 18 months a reparations committee shall decide on the request. In 2009 more than 11.000 families were granted compensation for an estimated USD\$100 millions. The budget for 2010 is USD\$150 millions.

Administrative Reparations 2009 (In addition to judicial reparations)

Budget	\$100 USD million
Beneficiaries	11,000 families
Reparation to victims of sexual abuse	70
Reparation to children forcibly recruited	550
Reparation to victims of anti-personnel landmines	1,300

National Reparation and Reconciliation Commission.

Historical Memory

Historical memory is a fundamental element of a retrospective and restorative justice. It requires integrating memories from all sources, not only from the participants of the acts of violence in Colombia, but most importantly, from the victims. To this end, 10 investigations about emblematic cases of violations of human rights and International Humanitarian Law are in the process of being published. Three have already been launched (El Salado, Trujillo, Bojayá).



> Complementarity

States have the inherent responsibility of delivering justice to its citizens. Colombia therefore has assumed, with responsibility, its duty of investigating and prosecuting those responsible for committing serious crimes. It has done so by constantly enhancing the capacity and effectiveness of the ordinary criminal jurisdiction, and by implementing a complementary transitional justice process (Justice and Peace Law) with the aim of ensuring the rights to truth, justice and reparations for victims, while at the same time seeking reconciliation for a country long affected by violence. Furthermore, Colombia became a party to the Rome Statute convinced of the importance of having a last-resort mechanism to ensure that serious crimes will not remain impune.

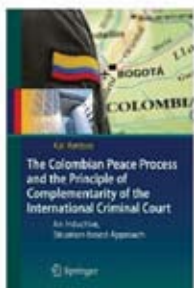
Colombia's Judiciary: assuming its responsibility

Colombia has an independent judiciary led by the General Prosecutor and the Supreme Court of Justice. They are responsible for investigating and prosecuting serious crimes. Since 2005 a new and more effective accusatory system was implemented throughout the country.

In 2006, with the support of the EU and the Netherlands, the Government adopted the Policy for the Fight Against Impunity to help overcome the obstacles faced by criminal investigations related to human rights and IHL violations.

With regards to the Justice and Peace jurisdiction, the Office of the Prosecutor General has increased its staff from 295 in 2005 to 1,060 in 2009. Likewise the budget has increased from USD\$1.8 million to USD \$7,4 millions in the same period. 195 accusations against individuals have been filed for trial.

The Supreme Court of Justice has carried out investigations against political accomplices of illegal groups and has imposed numerous sentences for up to 40 years of prison. They are investigated through the ordinary jurisdiction and are not entitled to any type of benefits.



Colombia's peace process and ICC's complementarity
Professor Kai Ambos (Göttingen University) recent independent study about Colombia's peace process and the ICC's complementarity principle.

Positive Complementarity : the ICC

The Prosecutor of the ICC has effectively promoted national proceedings against perpetrators of serious crimes by:

- Facilitating contacts with independent experts that have provided advice to the Colombian judiciary.
- Publicly denouncing the recruitment of child soldiers by the illegal armed group FARC.
- Requesting periodic information about the progress in the justice and peace investigations.
- Conducting visits to Colombia to meet with State officials, judges, prosecutors, NGOs, and victims.
- Making public the decision to analyze the allegations of international networks supporting armed groups committing crimes in Colombia.



ICC Prosecutor Luis Moreno Ocampo monitors an exhumation procedure in Colombia. Turbo Antioquia, 2008.

Photo: Isabel Cañaverol.

Positive Complementarity: international community

A significant number of States, international organizations and NGOs have been actively involved in justice-related initiatives. The Organization of American States has a mission responsible for monitoring the implementation of the justice and peace process with a view to ensuring victim's rights to truth, justice and reparation.

Countries such as Canada, Germany, Japan, the Netherlands, Spain, Sweden, Switzerland, and the USA support programs related to justice and victims.

Organizations such as IOM, Open Society Institute, Friederich Ebert Stiftung, OCHA, UNDP, and AVINA also provide assistance to similar initiatives.

Justice Rapid Response Mechanism (JRR)

As a member of JRR's Policy Group and Coordinating Committee, Colombia supports this mechanism designed to provide assistance to the ICC, the UN system and States by providing them with rapidly deployable criminal justice professionals trained in international investigations.



Former Prosecutor General, Mario Iguarán, ICC Prosecutor Luis Moreno Ocampo, Vice-president Francisco Santos, Minister of Foreign Affairs Jaime Bermúdez and Minister of the Interior and Justice, Fabio Valencia. August 24, 2008.

> Cooperation

Government's cooperation with the Office of the Prosecutor

- The Government of Colombia organizes regular working meetings with the Prosecutor to update him and his team on the country's current situation. Meetings have been held with the President, the Vicepresident, the General Prosecutor, the President of the National Commission for Reparation and Reconciliation, the Head of the OAS Mission in Colombia, and victims, among other high ranking officials.
- The Government provides periodic information about the progress in the implementation of the Justice and Peace Law and other relevant issues related with the fight against impunity.
- Specific information has been provided with regard to international arms trafficking networks and international financing and support of illegal armed groups.

Colombia's commitment to the ICC

- The Rome Statute entered into force on November 2002, following a Constitutional Reform. It has the highest legal authority and has been frequently referred-to in national jurisprudence. There is high public awareness of the ICC in the country.
- The National Congress adopted the Court's Agreement on Privileges and Immunities in 2007 (Law 1180).
- The Colombian Criminal Code incorporates an entire chapter on War Crimes.
- Colombia participates actively in the working groups of the Assembly of States Parties and currently coordinates the Group of Friends of the ICC in The Hague.
- Colombia has presented candidates for different posts at the ICC. Colombia's staff representation at the Court is high. Professor Eduardo Pizarro, President of the National Commission for Reparation and Reconciliation, is currently a member of the Board of Directors of the Trust Fund for Victims.

Colombia's pledges at the Review Conference

- Colombia will continue to provide support and cooperation to the ICC in accordance to the provisions of the Rome Statute in a transparent, constructive, and efficient manner.
- Colombia will strive to investigate and prosecute crimes at the national level more effectively.
- Colombia will present to the National Congress the ICC Cooperation Bill.
- Colombia will continue to support positive complementarity initiatives such as the Justice Rapid Response Mechanism.

"Colombia considers the ICC as an ally in the fight against impunity in the understanding that it plays a complementary role to that of States, which are the main responsible for investigating and prosecuting serious crimes. The dichotomy is not between States and the ICC, but between States and the ICC on the one hand and perpetrators of serious crimes on the other."

Colombian intervention at the Consultative Conference on International Criminal Justice, New York 2009