



**ABC:
SPECIAL JURISDICTION FOR PEACE**

1. Creation and purposes:

- As a product of the Final Agreement, a **Special Jurisdiction for Peace** (*Jurisdicción Especial para la Paz* - JEP) will be created to exercise judicial functions, and will have the following purposes:
 - Satisfy the victims' right to **justice**
 - Obtain **truth** for the Colombian society
 - Contribute to the **reparation** of the victims
 - Contribute to **fight against impunity**
 - Grant **legal security** to those who directly or indirectly participated in the armed conflict
 - Contribute to the achievement of a stable and long-lasting **peace**

2. Competency of the JEP:

- Personal competency: The JEP will have exclusive competence in regard to all of those who have **directly or indirectly participated in the armed conflict**, in a differentiated, equitable, balanced, simultaneous and symmetrical manner, including the members of the FARC, the State agents, and third parties who have financed or collaborated with armed groups, among others.
- Material competency: The JEP will have exclusive competency over the **crimes committed in the context and by reason of the armed conflict**, in particular the most serious and representative.

3. Composition:

- The JEP will have Justice Chambers and one Tribunal for Peace
- The members of the JEP will be **Magistrates, mainly Colombian**, without prejudice to the minority participation of foreign citizens

4. Functions of the Tribunal for Peace:

- **Judge and impose sanctions** on those responsible for the crimes committed in the context and by reason of the armed conflict, particularly the most serious and representative, such as crimes against humanity, genocide and grave war crimes, among others.
 - For those who recognize their responsibility: Deliver judgments based on the recognized conducts, upon contrasting them with the investigations carried out by the Prosecutor General's Office (*Fiscalía General de la Nación*) and the existing judicial convictions, in addition to the information provided by the victims and human rights organizations.
 - For those who fail to recognize their responsibility: Carry out a contested proceeding and deliver the corresponding judgments.
- Define and **verify the conditions** and modalities for the enforcement of the penalty
- Supervise and **certify the fulfillment** of the conviction

5. Conditions:

- Any special justice treatment, in the case of the FARC – EP, will be contingent on, in the first place to the fulfillment of the agreements regarding the **laying down of arms and reincorporation to civilian life**.
- In all cases, only those who **recognize their responsibility** in an early manner will have access to the special justice treatment.
- In every case, any special justice treatment will also be contingent on the contribution to the **satisfaction of the right of the victims** to the truth, reparation and non-repetition, and on the participation in the agreed measures.

6. Special justice treatment:

- Once hostilities end, in accordance with IHL, the **possible amnesty or pardon** will be granted for political or related/connected crimes. An **amnesty law** will determine the scope and extent of the relation/connection.
- For those who recognize their responsibility in an early fashion for the most serious crimes, the Tribunal for Peace will impose **penalties involving the effective restraint of liberty for 5 to 8 years**, enabling the fulfillment of the reparation and restoration functions.
- For those who recognize their responsibility in a late fashion, provided it takes place before the judgment is delivered, the penalty will be **prison sentence for 5 to 8 years**, in ordinary enforcement conditions.
- Those who fail to recognize their responsibility and are declared guilty by the Tribunal for Peace will be convicted to **prison sentences of up to 20 years**, in ordinary enforcement conditions.
- The JEP will also **determine the legal situation** of those who, having directly or indirectly participated in the armed conflict, are not granted amnesty or pardon or judged by the Tribunal for Peace.
- Penalties will be **graded** taking into consideration the level of determinant participation in the most serious and representative conducts.

7. Concentration on the most serious and representative cases:

- The JEP shall focus from its inception on the most serious and representative cases.
- For said purpose, the JEP:
 - Will have ample authority to **organize** its tasks, establish working committees, **accumulate** similar cases and determine the **sequence** in which it will address them.
 - Will set the **prioritization** and **selection** criteria.
 - Will grade the penalties depending on the degree of **determinant participation** in the most serious and representative conducts.
 - Will analyze the determinant participation and **command responsibility** based on the criterion of effective control of the respective conduct.

8. Comprehensive system:

- The JEP will be a part of the **Comprehensive System of Truth, Justice, Reparation and Non-Repetition** (*Sistema Integral de Verdad, Justicia, Reparación y No repetición* - SVJRNR) that is being agreed at the Dialogue Table to satisfy the victims' rights, end the conflict and achieve peace.
- Within the framework of the SVJRNR, the condition to receive any special justice treatment will be the participation in the transitional justice measures we have agreed, such as the Commission for the Elucidation of Truth (*Comisión para el Esclarecimiento de la Verdad*) or specific reparation actions.
- The agreement reached in regard to the JEP may not be understood as finally closed, or as isolated from the System that we are committed to build, which is yet to be concluded.

- We will continue working to agree on other mechanisms that will allow us to guarantee the rights of the victims to truth, justice and reparation, in addition to contributing to guarantee the non-repetition of the conflict to the Colombian people.