Peace and Justice in Colombia

Introduction

Conflict and violence has been raging in Colombia since the mid-1960s. It has involved many different groups over the years; the most well-known is the FARC (Revolutionary Armed Forces of Colombia) guerilla group, but the Colombian military, other guerilla groups, paramilitary groups, and drug cartels are also parties to the conflict. Approximately 220,000 people have been killed since the violence began, with around 5 million people displaced from their homes. In June 2016, the Colombian government signed a peace deal with the FARC which was rejected, modified, and finally approved by the Colombian legislature in November 2016. While this brought an end to a large part of the conflict, the ELN guerilla group, paramilitaries, and other groups are still fighting.

Peace with Justice

After many years of negotiations, Colombian President Santos and leaders of the FARC signed a ceasefire in June 2016 and announced a peace agreement in August 2016. This news was received with hope by mediators and peacemakers in the country and around the world. However, a large portion of the Colombian population felt the agreement was too lenient to the FARC and in the national referendum held in October, voted down the agreement with 50.24% voting against. This led the government and the FARC to sit down and renegotiate aspects of their agreement. They signed a new agreement in November and this time, there was no public referendum. Instead, the Colombian Congress voted to approve the deal. However, this was only the beginning for peace.

The Peace Accord seeks to solve structural issues such as comprehensive rural reform, political participation, the illicit drug trade and measures to prevent the emergence of new forms of criminality.

It calls for the creation of a special jurisdiction for peace to adjudicate crimes committed by FARC members during the fighting in the restorative justice model. This transitional justice system would hold perpetrators to account, but also allow for leniency and community healing that is victim-centered. It is independent from the rest of the Colombian judicial system and other bodies established by the peace accords. There would also be a special military tribunal to hold members of the Colombian military to account for actions that occurred during the fighting.
A truth commission has also been established, which is independent from the special tribunal. They are attempting to uncover the truth of what happened between the FARC and other armed groups since the beginning of the fighting. This commission has no sentencing power nor are they obliged to share their evidence with the court.

The third body that has been created by the peace accord is a committee to search for the disappeared. Many people have disappeared during the war and it is this committee's task to find out what happened to them. They also have no judicial power and are not obliged to share evidence with the court or the truth commission.

With the signing of the peace accords, FARC has transitioned from an armed group to a political group. They were guaranteed a minimum of 10 seats in Congress by the agreement. They participated in the legislative elections held in March 2018 and failed to win the votes needed to gain more seats, so they began the most recent legislative session with 5 members in the Senate and 5 members in the House. A large percentage of the Colombian population felt that those FARC members running for seats should have faced the special tribunal before taking up their seats, which is partly why they failed to get more votes.

The peace accords also set up demobilization and transitions zones for FARC members to turn in their weapons and live in while they transitioned from living in the jungles among other guerillas to reintegrating into society and civilian life. While the fighting slowed around the signing of the peace accords, it has now increased in the months since. With the FARC demobilizing and moving out of their areas of control, other armed groups have moved in and are fighting to take control of those areas for themselves. This has led to increased violence as well as the targeting and attacking of human rights defenders. Since the signing of the accords, around 300 human rights defenders have been killed.

June 2018 saw another potential barrier to the peace accords: Ivan Duque was elected President. President Duque is a more conservative politician and former advisor to former President Alvaro Uribe and he promised to roll back parts of the peace accords. He believes that the FARC is not being punished enough for the crimes it has committed.

We are only in the second year of implementation of the accords. There are many significant obstacles that remain for full implementation. With a new presidential administration taking power in Colombia, the future is less clear. What is still very clear, however, is that peace with justice is needed and wanted by a large portion of the Colombian population.