

**UNOFFICIAL ENGLISH TRANSLATION OF REPORT
A/HRC/55/18**

**Technical assistance and capacity building in Colombia
Report of the international human rights expert**

Summary

In this report, international expert Antonia Urrejola identifies the obstacles to the implementation of the 2016 peace agreement, especially those announced by the Special Jurisdiction for Peace in March 2023. The expert also highlights the progress made thus far and makes recommendations on the need to implement the peace agreement as a State policy, put an end to violence, guarantee the human rights of the peace signatories, improve inter-institutional coordination, fight against corruption and accelerate the implementation of the ethnic chapter and the gender provisions.

I. Introduction

A. Mandate

1. This report is presented in accordance with Human Rights Council Resolution 53/22, which requested the Office of the United Nations High Commissioner for Human Rights to appoint an international human rights expert tasked with “*identifying and verifying the obstacles to the implementation of the 2016 peace agreement, in particular those announced publicly by the Special Jurisdiction for Peace in March 2023 (...) and identifying the consequences of these obstacles for the full enjoyment of human rights under international law, as well as the domestic right to peace as enshrined in the Political Constitution of Colombia, and making recommendations that would help to overcome them*”.
2. While the resolution specifically states that the expert should identify “*in particular*” the obstacles announced by the Special Jurisdiction for Peace in March 2023,¹ the mandate is not an investigation to determine possible criminal responsibility.
3. Nor does the mandate consist of a comprehensive analysis of the state of implementation of the peace agreement. The report identifies the main structural obstacles to implementation, from a human rights perspective, and makes recommendations for contributing to peacebuilding in Colombia.

B. Methodology

4. The report is based on information gathered by the expert, including 80 individual and group interviews with State actors and institutions and with civil society. The expert visited Colombia twice, in August and November 2023,² and made one visit to Geneva in December 2023, where she met with civil society organizations and representatives of the diplomatic corps.
5. In Colombia, the expert met with different entities of the Executive Branch in charge of implementing the peace agreement: the Attorney General’s Office, the Office of the Ombudsman, the Procurator General’s Office, the Comptroller General’s Office, the Constitutional Court, and the Comprehensive System for Truth, Justice, Reparation, and Non-Repetition (transitional justice system). The expert also met with members of Congress, former members of the now defunct Revolutionary Armed Forces of Colombia – Peoples’ Army (FARC-EP), persons in the process of reintegration, civil society organizations, academia, representatives of the diplomatic corps, and different regional and international bodies.
6. The expert also met with governmental officials who participated in the negotiations with the FARC-EP and in the implementation of the peace agreement, including two former Colombian presidents, a former Attorney General, and two former Commissioners of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition (Truth Commission).
7. With the support from the United Nations Verification Mission in Colombia, in the village of El Berlin (Meta), the expert interviewed persons in the process of reintegration who had been displaced from the former territorial areas for training and reintegration in Mesetas and Vista Hermosa, as well as members of the new reintegration area called “El Diamante.”
8. The expert published her preliminary observations on 14 December 2023.³

¹ <https://www.jep.gov.co/Sala-de-Prensa/Paginas/jep-pide-a-fiscal%C3%ADa-que-investigue-conductas-de-antiguos-servidores-del-ente-acusador.aspx>.

² <https://www.ohchr.org/es/statements/2023/09/colombia-un-expert-antonia-urrejola-concludes-first-official-visit>;
<https://www.ohchr.org/es/statements/2023/11/colombia-un-expert-antonia-urrejola-concludes-second-official-visit>.

³ <https://www.ohchr.org/sites/default/files/documents/countries/colombia/20231214-po-ie-colombia.docx/>.

C. Context

9. On 24 September 2016, the Government of Colombia signed the “Final Agreement to End the Conflict and Build a Stable and Lasting Peace”⁴ (the peace agreement) with the FARC-EP, ending a more than 50-year armed conflict that left more than nine million victims.⁵
10. A plebiscite on the peace agreement was held on 2 October 2016 and was rejected by the majority of the voters, forcing the signing parties to renegotiate the text to accommodate the objections presented by the opposition. On 24 November 2016, the revised agreement, currently in force, was signed.
11. The peace agreement is innovative for of its comprehensive human rights content, including a territorial, ethnic, and gender-based approach. In order to guarantee victims’ rights, the agreement created the Comprehensive System for Truth, Justice, Reparation, and Non-Repetition, comprised of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition (Truth Commission), the Unit for the Search of Persons Deemed as Missing, and the Special Jurisdiction for Peace.
12. The Special Jurisdiction for Peace was tasked with investigating, clarifying, prosecuting, and sanctioning those responsible for serious human rights violations and breaches of international humanitarian law committed during the armed conflict. In the framework of its functions, the Special Jurisdiction for Peace was also granted the power to decide on the application of the guarantee of non-extradition to individuals appearing before the Jurisdiction when, *inter alia*, the facts and conducts in question were committed before the signing of the peace agreement.⁶
13. In March 2023, the Special Jurisdiction for Peace filed a complaint to the Attorney General’s Office that some of its officers had committed acts and omissions that obstructed its work between 2018 and 2019, when the Special Jurisdiction for Peace had to decide on the application of the guarantee of non-extradition to Seuxis Pausias Hernández Solarte, alias “Jesús Santrich,” one of the main FARC-EP negotiators during the peace talks.⁷

II. Advances in the implementation of the peace agreement

14. As noted by the Special Representative of the Secretary-General and Head of the United Nations Verification Mission in Colombia, less than half of the peace agreements in the world reach their fifth year of implementation, and the Colombian agreement has already surpassed this ceiling.⁸
15. One indisputable achievement is the continued commitment of most of the peace signatories (former members of the FARC-EP who signed the peace agreement) to the reintegration process, as well as the increased political participation of the Comunes party and of new political expressions of the reintegrated population.⁹ The oversight of civil society oversight, human rights defenders, ethnic peoples, women’s and lesbian, gay, bisexual, trans, intersexual, queer and other nonbinary identity (LGBTIQ+) groups, as well as the international community have been crucial for guaranteeing progress in the implementation of the peace agreement.
16. Other advances worth noting are the adoption of the legislation required to implement the peace agreement, the functioning of the transitional justice mechanisms, and the measures taken to advance the implementation of chapter one of the agreement.

⁴ Government of Colombia and FARC-EP, “Acuerdo Final para la terminación del conflicto y la construcción de una paz estable y duradera”, 24 November 2016.

⁵ <https://datospaz.unidadvictimas.gov.co/registro-unico-de-victimas/>.

⁶ Government of Colombia and FARC-EP, “Acuerdo Final para la terminación del conflicto y la construcción de una paz estable y duradera”, point 5.1.2.III.72.

⁷ <https://www.jep.gov.co/Sala-de-Prensa/Paginas/jep-pide-a-fiscal%C3%ADa-que-investigue-conductas-de-antiguos-servidores-del-ente-acusador.aspx>.

⁸ <https://www.youtube.com/watch?v=HrFgnz2COak>.

⁹ <https://www.pares.com.co/post/144-reincorporados-de-farc-se-lanzan-a-la-pol%C3%ADtica-como-candidatos-para-las-elecciones-regionales>; <https://delcapitolioalterritorio.com/hacia-donde-va-el-acuerdo-de-paz/>.

A. Adaptation of norms

17. Since 2016, Colombia has integrated into its legislation 73 of the 107 norms required to implement the peace agreement.¹⁰ It created the transitional justice mechanisms,¹¹ enacted laws to open the democratic process and on the political opposition statute,¹² established 16 congressional seats for regions seriously affected by the conflict¹³, and an agrarian jurisdiction to address inequality in access to land.¹⁴ The country also formulated a Framework Plan for Implementation of the Final Agreement¹⁵ and adopted a policy to dismantle criminal organizations and conducts.¹⁶ Additionally, Congress is expected to approve a law – currently under discussion- that harmonizes the programs for reparation and attention to victims with the peace agreement.¹⁷

B. Transitional justice

18. The transitional justice system made considerable progress, including the opening of 11 macro-cases by the Special Jurisdiction for Peace, the search strategy of the Unit for the Search of Persons Deemed as Missing, and the conclusion of the work of the Truth Commission.¹⁸
19. The Truth Commission’s Final Report, published in June 2022, contains important recommendations for addressing the structural causes of the conflict and advancing in ensuring the right of victims and society to truth, recognizing the multiple legacies of violence and the factors that contribute to its persistence. The report’s findings show that the violence of the armed conflict was compounded by other forms of violence, such as racism, classism, and the patriarchy.¹⁹
20. That report should guide solutions to the armed conflicts that persist in the country. The dissemination and implementation of its 67 recommendations are crucial to ensuring non-repetition. The expert suggests to increase initiatives to disseminate the report and its recommendations within society and the State, such as the Ministry of Defense initiative to socialize the recommendations to the security forces.²⁰
21. In July 2023, the committee set up to follow up on and monitor the recommendations of the Truth Commission presented a challenging assessment of the first year of implementation of the recommendations, due in part to the fact that Congress had failed to include them in the 2022-2026 National Development Plan approved in May 2023.²¹ However, the expert learned of the strategy being promoted by the Office of the High Commissioner for Peace to coordinate efforts towards the progressive implementation of the recommendations in 40 entities of the Executive Branch.
22. The expert also recognizes the efforts made by the Special Jurisdiction for Peace to accredit an extremely high number of victims in the framework of its 11 macro-cases and to create dialogical and restorative justice mechanisms. This has allowed former members of the FARC-EP and members of the security forces to publicly acknowledge responsibility for serious crimes committed during the armed conflict. It is also notable that, in 2023, the Special Jurisdiction for Peace charged a general and former Army commander as well as members of the former FARC-EP secretariat for war crimes and crimes against humanity.
23. However, challenges remain regarding victims’ participation in the Special Jurisdiction for Peace proceedings, in particular with respect to defining the future restorative sentences, as set out by the Special rapporteur on the

¹⁰ <https://delcapitolioalterritorio.com/hacia-donde-va-el-acuerdo-de-paz/>

¹¹ Legislative Act 01 of 2017.

¹² Law 1909 of 2018.

¹³ Legislative Act 02 of 2021.

¹⁴ Legislative Act 03 of 2023.

¹⁵ National Planning Department, “CONPES 3932”, 29 June 2018.

¹⁶ https://portalparalapaz.gov.co/wp-content/uploads/2023/10/Documento-comision-nacional-de-garantias-de-seguridad_02.pdf.

¹⁷ Ministry of Justice and Law, “Presentation of the bill ‘That modifies and adds to Law 1448 of 2011 and Law 975 of 2005 and dictates other provisions,” 26 September 2023.

¹⁸ <https://www.comisiondelaverdad.co/hay-futuro-si-hay-verdad>.

¹⁹ <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones/recomendaciones-if>, p. 542.

²⁰ Ministry of Defense, Resolution 0028/2022.

²¹ <https://www.comisiondelaverdad.co/lo-que-sigue/comite-de-seguimiento>.

promotion of truth, justice, reparation, and guarantees of non-repetition in his preliminary observations, after his visit to Colombia in September 2023.²²

24. Also, the fact that the Special Jurisdiction for Peace does not have mandatory jurisdiction over third-party civilians (civilians or State agents who are not members of the public security forces) limits the judicial truth about the networks involving third-party civilians and that enabled the atrocities to occur. This affects the way the macro-cases are structured, as they will not include a complete investigation of the third-party civilians during the proceedings. Therefore, it is critical that the ordinary justice system, which has *rationae personae* jurisdiction, prioritizes the investigation and prosecution of the third-party civilians involved in the conflict.
25. Regarding the members of the public security forces who are appearing before the Special Jurisdiction for Peace, the expert listened to their concerns about delays within the Jurisdiction in resolving their legal situations and their growing dissatisfaction with the possible restrictions of liberty in military facilities where they would serve the restorative sentences imposed on them.
26. The expert also gathered observations about the limitations to the symmetry principle in the judicial proceedings of the Special Jurisdiction for Peace.²³ In accordance with this principle, the Special Jurisdiction for Peace proceedings must provide equal, balanced, and simultaneous treatment to those who participated in the armed conflict, in particular between the members of the security forces and the former FARC-EP who are appearing before the Special Jurisdiction for Peace.²⁴ According to some victims' representatives, the current prioritization of macro-cases by the Special Jurisdiction for Peace does not reflect the range of crimes committed by State security forces, especially with regard to enforced disappearance. On this matter, the expert urges the Special Jurisdiction for Peace to redouble its efforts to guarantee the rights of all victims equally.
27. The expert also received information about delays in the search for and identification of disappeared persons and endorses the observations and recommendations of the previously mentioned Special Rapporteur on this issue.²⁵

C. Rural development

28. The expert highlights the efforts made to advance the comprehensive rural reform, including the creation of the Development Programmes with a Territorial Focus (Programas de Desarrollo con Enfoque Territorial - PDET), the land restitution policy, the agrarian jurisdiction,²⁶ the recognition of the peasant population as rights holder entitled to special protection,²⁷ as well as the enactment of the law approving the Escazu Agreement.²⁸ The expert also observed a significant increase in the budget allocated to the agriculture sector in 2023 to implement the peace agreement,²⁹ advances in the dialogue with key social stakeholders to implement the rural reform, including peasants and ethnic peoples, and a strong land formalization policy.³⁰

III. Obstacles to the implementation of the peace agreement

A. Lack of implementation of the peace agreement as a State policy

29. The peace agreement is a roadmap to address the structural causes of the conflict and guarantee non-repetition. It includes the human rights obligations that should be implemented progressively by the State, regardless of

²² <https://www.ohchr.org/sites/default/files/documents/issues/truth/statements/20230929-eom-stm-colombia-sr-truth-es.pdf>.

²³ Government of Colombia and the FARC-EP, "Acuerdo Final para la terminación del conflicto y la construcción de una paz estable y duradera", point 5.1.2.II.32.

²⁴ Legislative Act 01 of 2017, transitory article 17. See also: Jurisdicción Especial para la Paz, Criterios y Metodología de Priorización de Casos y Situaciones, 28 June 2018, para. 38.

²⁵ <https://www.ohchr.org/sites/default/files/documents/issues/truth/statements/20230929-eom-stm-colombia-sr-truth-es.pdf>.

²⁶ Legislative Act 03 of 2023.

²⁷ Legislative Act 01 of 2023.

²⁸ Law 2273 of 2022.

²⁹ [https://www.minagricultura.gov.co/noticias/Paginas/Sector-de-la-agricultura-ha-ejecutado-\\$2,1-billones-de-su-presupuesto-para-este-a%C3%B1o.aspx](https://www.minagricultura.gov.co/noticias/Paginas/Sector-de-la-agricultura-ha-ejecutado-$2,1-billones-de-su-presupuesto-para-este-a%C3%B1o.aspx).

³⁰ S/2023/1033, paras.35 and 37.

political dynamics, with emphasis on measures aimed at guaranteeing economic, social, cultural,³¹ and environmental rights. Its implementation was envisioned over at least three presidential terms. However, the governments' commitment to sustained and comprehensive implementation of the agreement has varied.

30. Following the signing of the peace agreement, between 2016 and 2018, , the government and Congress focused on enacting the legislation required to implement the agreement, in particular the norms related to amnesties and pardons for the peace signatories, the functioning of the transitional justice system, and developing guidelines for the implementation policy.³²
31. Between 2018 and 2022, the elected government was openly opposed to the peace agreement, as was most of Congress. Although progress was made on some points, such as the creation of the development programmes with a territorial focus (PDET), many aspects of the peace agreement were left aside³³ and the government's approach to implementation was based on a restrictive interpretation of the agreement, in the context of its "Peace with Legality" policy. During this period there were also attempts to delegitimize or eliminate some of the institutions created by the peace agreement, which will be discussed later in this report.³⁴ For example, the Commission for the Follow up, Promotion, and Verification of the Implementation of the Final Agreement, the National Commission on Security Guarantees, and the Technical Security and Protection Roundtable, three forums created for the implementation of the peace agreement and that required the presence of the Colombian president or a representative of the Executive Branch, were not able to meet or advance their work for four years due to lack of government participation at the required level.
32. The current administration, elected in 2022, has repeatedly insisted, including before the United Nations,³⁵ on its commitment to comprehensively implement the peace agreement as part of its "total peace" policy, reactivating crucial entities, such as the Commission for the Follow up, Promotion, and Verification of the Implementation of the Final Agreement and the National Commission on Security Guarantees. Likewise, dialogue between the government and the National Peace, Reconciliation, and Coexistence Council has been strengthened, as well as with the Special Forum on Gender, and the Special High-Level Forum of Ethnic Peoples.³⁶ These forums should continue to operate on a regular and uninterrupted basis.
33. The National Commission on Security Guarantees has made significant progress, including the approval of the policy to dismantle criminal organizations and conducts in September 2023.³⁷ Also worth noting is the previously mentioned progress by the current government in the area of rural development³⁸ and its commitment to promoting the implementation of the ethnic chapter.
34. The peace agreement should be a core element of the State's peace policy in the medium to long term. The verification and monitoring mechanisms created by the peace agreement should play a key role in ensuring that implementation continues during the changes in government.
35. It is also critical that the peace agreement steers State actions at all levels. Many local and departmental authorities remain unaware of the content of the agreement and of the importance of implementing its provisions simultaneously. This requires ensuring inter-institutional coordination and strengthening the State's intervention in the territories, especially those most affected by the persistence of violence.
36. Control entities have warned that the information on the platform to monitor the indicators of the Framework Plan for Implementation of the Agreement, the "Integrated Information System for the Post-Conflict" (SIIPO), has not been adequately updated by the national institutions, making it difficult to monitor the level of compliance of indicators of the state of implementation of the peace agreement.³⁹

³¹ E/C.12/COL/CO/6, para. 7.

³² National Economic and Social Policy Council (CONPES) 3931 and 3932.

³³ Kroc Institute, <https://curate.nd.edu/show/41687h17d1g;A/HRC/40/3/Add.3;A/HRC/43/3/Add.3>.

³⁴ See paras. 38 to 43; and A/HRC/46/76, para. 39.

³⁵ <https://www.cancilleria.gov.co/newsroom/news/comunicado-prensa-25>; Colombia's Presentation during the Universal Periodic Review, 7 November 2023.

³⁶ Kroc Institute, <https://peaceaccords.nd.edu/wp-content/uploads/2023/12/191223-Trimestral-Plantilla-Jul-Sep.pdf>; p. 7.

³⁷ See supra, note 16.

³⁸ See supra, para. 28.

³⁹ Ombudsman's Office, IV Monitoring Report on the Implementation of the Peace Agreement; Procurator General's Office, V Report to Congress.

37. Finally, the lack of implementation of the peace agreement as a State policy can generate distrust in the attempts to carry out other peace processes. It is also important that other processes of dialogue and negotiation conducted in the framework of the “total peace” policy do not interfere with the need to continue implementation of the peace agreement as a key aspect of the State’s peace policy. Additionally, total peace cannot be achieved without the full implementation of the 2016 peace agreement.

B. The adverse political context post-peace agreement and the “Santrich” case

38. The first few years after the signing of the peace agreement were crucial to move forward with the implementation and consolidate public trust in the peace agreement and its peacebuilding mechanisms. However, one significant obstacle to implementation was the adverse political context that existed after it was signed. The actions of the Attorney General’s Office denounced by the Special Jurisdiction for Peace in March 2023, regarding the case of “Santrich”, cannot be viewed in isolation, but rather framed in a context of attacks against the peace agreement and the transitional justice system.

1. The adverse political context after the signing of the peace agreement

39. The result of the October 2016 plebiscite for peace, rejected by 50.21% of the voters, with 49.7% in favor, evidenced the influence of political sectors opposing the peace agreement on public trust in the agreement.

40. In August 2017, in its fight against third-party ownership or strawmen (*testaferrato*), the Attorney General’s Office began to publish results of its investigations that implied that several peace signatories had used money laundering to hide assets that should have been handed over as reparations to victims. However, most of these investigations concluded in judicial rulings releasing or absolving those involved and/or rejecting the extinction of domain.⁴⁰ Yet, the message conveyed in the media casted doubts in the public opinion about the former FARC-EP’s compliance with the peace agreement.⁴¹

41. In 2018, the election of a president who opposed the peace agreement, and whose party had led the “No” campaign in the plebiscite, led to a lack of political will to implement it.⁴² Also, the recurrent public statements from State authorities at the highest level against the legitimacy and functioning of the transitional justice mechanisms, especially the Special Jurisdiction for Peace,⁴³ undermined public trust in the mechanisms and in the peace agreement. These attacks occurred not only through legitimate public debates, but also through the excessive use of criminal prosecutions.

42. In September 2018, the Attorney General’s Office opened an investigation against members of the Executive Secretariat of the Special Jurisdiction for Peace for allegedly granting peace signatories authorizations to leave the country, which created a media scandal. However, these persons were absolved in 2022.⁴⁴ The media has also alleged that a Special Jurisdiction for Peace official obtained her position through influence peddling, solely because her husband was a member of Congress who had supported the peace talks with the FARC-EP.⁴⁵ These situations contributed to the stigmatization of the Special Jurisdiction for Peace’s staff members.

⁴⁰ For example: Order to file FGN-MP02-F-01, 22 July 2022, CUI 110016000096201700332; Criminal Judge of the Specialized Circuit of Extinction of Domain of Neiva, Neiva, 19 August 2021, file number 11001600009620170035900; 75th Municipal Criminal Court and 5th with Pre-Trial Functions of Bogota, D.C., 10 April 2019, file number 110016000096201100077; Third Municipal Criminal Court with Pre-Trial Functions of Pitalito - Huila, 8 April 2021, case 415516000000201700043.

⁴¹ See, for example, <https://www.eltiempo.com/archivo/documento/CMS-16713176>.

⁴² See para. 31.

⁴³ See, for example, <https://edition.cnn.com/videos/spanish/2019/06/21/marta-lucia-alvaro-uribe-maradiaga-john-kirby-chyno-miranda-piero-seg-pkg-lo-dijo-gabriela-matute.cnn>; <https://www.elespectador.com/colombia-20/jep-y-desaparecidos/dos-anos-de-duque-estos-han-sido-los-choques-entre-el-gobierno-y-la-justicia-transicional-article/>; <https://www.france24.com/es/20190807-ivan-duque-paz-colombia-acuerdos>; <https://verdadabierta.com/duque-el-presidente-que-saboteo-la-ilusion-de-la-paz/>.

⁴⁴ 45th Criminal Circuit Court with Pre-Trial Functions of Bogota D. C., acquittal, 21 June 2022, file number 11001600010220180030100.

⁴⁵ See, for example <https://costanoticias.com/a-la-mujer-de-ivan-cepeda-le-pagan-casi-17-millones-para-que-perfile-en-la-jep-los-casos-de-abusos-y-violencia-sexual-de-las-farc/>.

43. The Executive Branch, for its part, presented a constitutional reform bill⁴⁶ to prevent the transitional justice system from accessing public information related to national security. Later, in March 2019, the Colombian president vetoed the statutory law on the Special Jurisdiction for Peace. His veto was overridden by Congress, and the legislative's decision was later ratified by the Constitutional Court.⁴⁷ However, the more than yearlong delay for the law to come into effect caused considerable delays in the work of the Special Jurisdiction for Peace, as it limited the legal tools available to the different chambers to carry out the judicial proceedings.⁴⁸ Also, between 2019 and 2022, the annual budgets presented by the Executive Branch significantly reduced the allocations for and resources requested by the transitional justice system.⁴⁹ For example, in 2019, the Unit for the Search of Persons Deemed as Missing and the Truth Commission received only 32% and 56%, respectively, of the resources they required.⁵⁰

2. The “Santrich” case

44. In this context, on 9 April 2018, the Attorney General's Office arrested “Santrich” for extradition purposes, based on a Red Notice of the International Criminal Police Organization⁵¹ issued after the Federal Court for the Southern District of New York, United States of America, issued an indictment on 4 April 2018 charging him with alleged drug trafficking.

45. The arrest took place after investigations and intelligence operations by the Colombian Army and Attorney General's Office, and the United States Drug Enforcement Administration.⁵² In 2017, the delegate of the Attorney General's Office on Organized Crime had authorized the use of special investigative techniques: an undercover agent and the controlled delivery of cocaine. This operation had supposedly revealed judicial information about “Santrich's” alleged involvement in drug trafficking. The international judicial cooperation legal framework⁵³ allowed for the use of an undercover agent and controlled delivery. However, according to information gathered by the expert and her team, the operation may have involved the use of an agent provocateur, which is not considered a special investigative technique in the context of international judicial cooperation and is prohibited in Colombia.⁵⁴

46. Additionally, according to information gathered by the expert, during this judicial cooperation between the Attorney General's Office and the Drug Enforcement Administration, several members of the Special Jurisdiction for Peace received requests from foreigners to meet outside the office to discuss issues related to former members of the FARC-EP who were appearing before the Special Jurisdiction for Peace.

47. Between April 2018 and May 2019, the Special Jurisdiction for Peace, which was empowered under the peace agreement to decide on the application of the guarantee of non-extradition of individuals appearing before the jurisdiction for crimes committed prior to the signing of the agreement, requested unsuccessfully on three occasions to the Attorney General's Office evidence to determine the date when the crime had allegedly been committed by “Santrich” and, on this basis, decide whether the guarantee of non-extradition should be applied.⁵⁵

48. In May 2018, the United States Ambassador to Colombia suggested in the media that the facts may have occurred after the signing of the peace agreement and, therefore, fell under the jurisdiction of the ordinary justice system. He added that the Special Jurisdiction for Peace's actions with respect to “Santrich's” extradition were not

⁴⁶ https://leyes.senado.gov.co/proyectos/images/documentos/Textos%20Radicados/Ponencias/2018/gaceta_670.pdf.

⁴⁷ Constitutional Court, Ruling 282/19.

⁴⁸ Technical Secretariat of the International Verification Component, Sixth quarterly verification report on the implementation of the Final Agreement, 20 June 2019, p. 208.

⁴⁹ International Commission of Jurists, <https://icj2.wpenginepowered.com/wp-content/uploads/2019/06/Colombia-Jurisd-para-la-paz-PUBLICATIONS-Reports-Fact-finding-mission-report-2019-SPA.pdf>.

⁵⁰ Ibidem and <https://www.camara.gov.co/sites/default/files/2020-08/Respuesta%20Comisi%C3%B3n%20de%20la%20Verdad.pdf>.

⁵¹ INTERPOL, Red Notice A3648-4-2018.

⁵² <https://www.comisiondelaverdad.co/caso-los-obstaculos-para-la-continuidad-de-los-procesos-de-paz-en-colombia>; <https://cambiocolombia.com/articulo/poder/la-dea-la-fiscalia-y-un-coronel-entramparon-el-proceso-de-paz>.

⁵³ Law 906 of 2004, articles 484 to 489; and the Attorney General's Office's Manual on International Cooperation in Criminal Matters.

⁵⁴ The Constitutional Court determined that, in using undercover agents, the state cannot induce those investigated to perform illegal activities they would not ordinarily perform, because this would constitute a violation of the fundamental rights contained in international human rights treaties. (Sentences C-176 of 1994 and C-962 of 2003).

⁵⁵ The guarantee of non-extradition set out in the peace agreement, for the signatories, does not apply to crimes committed after the agreement.

- consistent with the peace agreement and with the role of the institution.⁵⁶ On 25 May 2018, the president of the Special Jurisdiction for Peace published a letter to the Ambassador in which she noted, *inter alia*, that the actions of the Special Jurisdiction for Peace magistrates strictly complied with the Colombia Constitution and laws, and that she was confident that the Ambassador and his government respected judicial independence and autonomy.⁵⁷
49. On 27 June 2018, the Constitutional Court resolved the jurisdictional conflict raised by the Attorney General's Office. It decided that the Special Jurisdiction for Peace was competent to determine the exact date of the facts⁵⁸ and ordered the Attorney General to immediately transfer the file to the Special Jurisdiction for Peace, which did not happen.
 50. On 26 July 2018, the Attorney General's Office sent information to the Special Jurisdiction for Peace that was insufficient to determine the exact date of the conduct. For this reason, on 12 September 2018, the Special Jurisdiction for Peace reiterated its request and in response received the same communication from the Attorney General's Office. On 23 October 2018, the Special Jurisdiction for Peace again requested the information to the Attorney General's Office. On 3 December 2018, the Attorney General's Office sent information from a file that corresponded to someone other than "Santrich."
 51. As it did not receive the file from the Attorney General's Office and given that it was impossible to determine the exact date of the facts, on 15 May 2019, the Special Jurisdiction for Peace decided to grant "Santrich" the guarantee of non-extradition. That same day, the Attorney General's Office published a video of "Santrich" in a meeting, allegedly engaging in drug trafficking activities. On 17 May 2019, "Santrich" was released and immediately re-arrested by the Attorney General's Office, on the grounds that it had new evidence and had opened a criminal case against him in Colombia. "Santrich" was finally released again on 29 May 2019 by order of the Supreme Court of Justice.⁵⁹
 52. In August 2019, "Santrich" announced that he was again taking up arms and establishing a new armed group, the "Second Marquetalia".⁶⁰ In September 2019, the Special Jurisdiction for Peace determined that "Santrich" was an evident armed deserter of the peace process and, therefore, the Jurisdiction had neither competence nor jurisdiction to process, concede, and maintain any transitional justice benefit deriving from the peace agreement, rescinding its decision to grant him the benefit of the guarantee of non-extradition.⁶¹
 53. Finally, while most of the high court's responses guaranteed the rights of the petitioner, the Attorney General's Office lack of collaboration with the Special Jurisdiction for Peace, the delays in responding, and the other facts presented are indicative of an obstruction of the Special Jurisdiction for Peace's procedure to guarantee non-extradition. According to information received by the expert, up to November 2023, the Special Jurisdiction for Peace's Review Chamber has resolved 72 requests for guarantees of non-extradition. In all other cases, the Attorney General's Office had shared the information needed by the Special Jurisdiction for Peace to process these requests, in a timely manner.
 54. The announcement of "Santrich"'s detention for allegedly engaging in drug trafficking activities, the lack of collaboration by the Attorney General's Office with the Special Jurisdiction for Peace, and the accusations of corruption against staff of the Special Jurisdiction for Peace generated stigma against the judges and the Jurisdiction as an institution and backbone of transitional justice. This also increased the stigma against peace signatories and persons appearing before the Special Jurisdiction for Peace. Additionally, it increased their doubts about the compliance with the peace agreement and contributed to internal divisions.⁶² It also affected the trust of victims and of society in general in the transitional justice system and the implementation of the peace agreement.
 55. In March 2023, the Special Jurisdiction for Peace filed the previously mentioned complaint against members of the Attorney General's Office for fraudulent evasion of a court order and concealment, alteration, or destruction

⁵⁶ <https://www.youtube.com/watch?v=ne0Ij7LH8Nc>, minute 0'43.

⁵⁷ https://twitter.com/JEP_Colombia/status/1000120647039815688/photo/1.

⁵⁸ Constitutional Court, Ruling A401/18.

⁵⁹ [https://www.cortesuprema.gov.co/corte/wp-content/uploads/relatorias/pe/b2may2019/AP1989-2019\(55395\).PDF](https://www.cortesuprema.gov.co/corte/wp-content/uploads/relatorias/pe/b2may2019/AP1989-2019(55395).PDF).

⁶⁰ <https://www.elcolombiano.com/colombia/paz-y-derechos-humanos/ivan-marquez-jesus-santrich-y-el-paisa-reaparecen-y-anuncian-en-video-retoma-de-armas-CF11507072>.

⁶¹ <https://www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-excluye-a-Santrich-y-a-El-Paisa.aspx>.

⁶² https://multimedia.ideaspaz.org/media/website/FIP_Infome_SegundaMarquetalia_Final_V7.pdf;

<https://www.comisiondelaverdad.co/caso-los-obstaculos-para-la-continuidad-de-los-procesos-de-paz-en-colombia>.

of evidence. Four months later, the Attorney General's Office assigned the case to a prosecutor delegated to the Supreme Court and, in September 2023, asked the Special Jurisdiction for Peace to re-send the complaint, indicating that they had lost the legible version of the document. At the date of publication of this report, a year has passed since the complaint was filed and there is no information on progress made in the investigation, which is still in the preliminary stage.

C. The continuum of violence

56. As stated in the peace agreement, deploying State institutions and services to the regions is crucial to ending the violence, to peacebuilding, and to guaranteeing human rights. However, this deployment did not take place after the agreement was signed, and the territories left by the FARC-EP were occupied by other non-State armed groups that are now fighting over control of the territory and the illicit economies and continue to expand, generating more violence.⁶³
57. This situation constitutes one of the biggest obstacles to the implementation of the peace agreement and one of the principal causes of the continued threats, homicides, forced displacements, recruitment of children and adolescents, sexual violence and other human rights abuses and violations against the population, especially those who live farthest from the cities.⁶⁴ This reality particularly affects human rights defenders, those who promote the implementation of the peace agreement, as well as peasant communities, ethnic peoples, and peace signatories.⁶⁵ Another concern noted by OHCHR is the coopting by non-State armed groups of the communal movement⁶⁶.
58. The situation of violence also makes it difficult to advance transitional justice, as it places the lives and integrity of victims, family members, all those appearing before the Special Jurisdiction for Peace, magistrates, and staff of the transitional justice system at risk and limits their access to the most affected regions of the country, where the conflict persists.
59. In 2022, the Constitutional Court declared a “State of unconstitutional affairs” due to the limited implementation of the commitments set out in the peace agreement related to security and “the systematic violation of the fundamental rights of the peace signatories, their families, and members of the Comunes political party.”⁶⁷ In 2023, the Court again declared a “State of unconstitutional affairs” “due to the lack of coherence between the persistent, serious, and widespread violation of the fundamental rights of leaders and human rights defenders, on the one hand, and the lack of institutional and budgetary capacity to ensure respect, guarantees, and protection of these rights.”⁶⁸ Human rights defenders play a crucial role in monitoring and reporting on the situations that arise in the regions and in building a lasting peace. The State must urgently adopt the necessary measures to guarantee a protective environment⁶⁹ for human rights defenders and reach humanitarian agreements to mitigate the effects of the violence on the population.⁷⁰
60. To address the causes of the violence, the State must urgently increase its presence in the most affected regions.⁷¹ The National Commission on Security Guarantees must also ensure the implementation of the policy to dismantle criminal organizations and conducts approved in September 2023. Its comprehensive implementation in coordination with other relevant security policies in the regions – such as the national drug policy and the security, defense, and citizen coexistence policy – together with addressing the structural causes of the violence, will create the security conditions necessary to advance the implementation of the peace agreement.

⁶³ A/HRC/55/23, para. 10; https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/, paras. 19-24.

⁶⁴ [A/HRC/55/23](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/), paras. 14-16; https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/, paras. 16, 25.

⁶⁵ A/HRC/52/25, para. 10; https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/, pages 13-15.

⁶⁶ [A/HRC/55/23](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/), para. 59.

⁶⁷ Constitutional Court, SU-020-22.

⁶⁸ Constitutional Court, SU-546-23.

⁶⁹ A/HRC/43/51/Add.4; A/HRC/43/51/Add.1, para. 69.

⁷⁰ [A/HRC/49/19](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/), recommendation g); [A/HRC/43/51/Add.4](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/).

⁷¹ [A/HRC/49/19](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/), para. 32 and recommendation a); [A/HRC/46/76](https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/), recommendation b).

61. OHCHR has pointed out that the shift in the current government's security policy towards a human security approach is positive, but notes that it should be complemented with actions by the security forces aimed primarily at protecting the most at-risk communities.⁷²
62. Similarly, the Special Investigative Unit (UEI) of the Attorney General's Office, created by the peace agreement, plays a critical role in addressing the causes of the violence.⁷³ It was conceived to contribute to ending the conflict through the dismantlement of criminal organizations and their support networks, which implies identifying and persecuting the instigators of the crimes.
63. In October 2023, the Special Investigative Unit (UEI) adopted a methodology to investigate cases related to human rights defenders and peace signatories.⁷⁴ However, the results thus far⁷⁵ suggest that the Unit has focused on investigating and prosecuting individual cases of homicide against peace signatories and human rights defenders, limiting itself to identifying the material perpetrator.⁷⁶ To achieve results that address the structural violence and aim to effectively dismantle the criminal organizations, the Unit must adopt a multidimensional investigative approach that focuses on the entire criminal structure, as foreseen in the peace agreement.⁷⁷ The expert also reiterates the importance of ensuring that the ordinary justice system investigates the third-party civilians involved, given the direct link between the continuum of violence and the impunity related to third-party civilians who continue to finance criminal organizations.

D. Lack of human rights guarantees of peace signatories

1. Right to life and personal integrity

64. Violence is seriously affecting the right to life and integrity of peace signatories, who must live with the presence, or under the control of non-State armed groups. They are victims of homicides, attacks, disappearances, forced displacement, and threats, among other human rights violations and abuses.
65. The expert was able to corroborate the forced displacement of more than 420 families⁷⁸ from the former territorial areas for training and reintegration in Mesetas and Vista Hermosa and the new area for reintegration "El Diamante," after receiving threats from dissidents of the former FARC-EP's "Estado Major Central,"⁷⁹ and the human rights violations that this caused. The Ombudsman's Office had issued warnings about this risk since 2020.⁸⁰
66. The Ombudsman's Office has issued 117 Early Warnings since 2017, identifying risks for the peace signatories,⁸¹ but the State was unable to prevent these risks. More than 400 homicides have taken place since the signing of the peace agreement, in addition to threats, attacks, and stigmatization that the peace signatories regularly fall victim to.
67. Up to 28 February 2024, the United Nations Verification Mission has confirmed 413 assassinations of peace signatories, including 50 indigenous persons, 57 Afro-Colombians, and 11 women. The expert received information indicating that the main perpetrators were members of non-State armed groups.
68. This scenario is compounded by the structural impunity of the perpetrators, in particular the instigators of the murders, threats, and harassment against peace signatories. According to the United Nations Verification Mission,

⁷² [A/HRC/52/25](#), para. 51.

⁷³ [Decreto Ley 898 de 2017](#).

⁷⁴ Attorney General's Office, Directive 0008, 9 October 2023.

⁷⁵ The expert took note of the information provided by the Attorney General's Office about two cases in which a conviction had been handed down against the intellectual authors and those most responsible. However, it is not clear whether these results were obtained by applying the methodology adopted in October 2023.

⁷⁶ [S/2023/1033](#), para. 69.

⁷⁷ [A/HRC/49/19](#), recommendation k); [A/HRC/46/76](#), recommendation f).

⁷⁸ Ombudsman's Office, S-DIDHD-24-005142.

⁷⁹ <https://www.defensoria.gov.co/-/defensor%20del%20pueblo-acompa%20del%20municipio%20de%20acac-predio-que-entreg%20el-gobierno-en-acac%20meta#:~:text=La%20Defensor%20del%20Pueblo%20acompa%20del%20municipio%20de%20acac%20meta>

⁸⁰ <https://alertastempranas.defensoria.gov.co/Alerta/Details/91738>.

⁸¹ Ombudsman's Office, S-DIDHD-24-005142.

only 71 convictions have been handed down in the more than 400 cases of homicide recorded since the peace agreement was signed.⁸² These results are directly related to the serious delays in dismantling the criminal structures.

69. The State must adopt an intersectoral strategy to comprehensively protect peace signatories and guarantee their right to life and physical integrity. According to the United Nations Verification Mission, 81 peace signatories have been assassinated since the peace agreement was signed while awaiting protection from the National Protection Unit.⁸³ For this reason, beyond the protection schemes that can be provided by the Unit, local and national authorities must increase their efforts to prevent risk and create protective environments. Preventive plans and actions must be created jointly between the military and police forces, the competent institutions, and the peace signatories.
70. The expert highlights the approval on 2 November 2023 of the strategic security and protection plan by the Technical Committee on Security and Protection, created by the peace agreement,⁸⁴ as an important step forward.
71. With respect to the role of the National Protection Unit, the expert also received information about inadequacies in its protection system due to lack of resources to materialize the protection measures, weaknesses in integrating a gender, ethnic, and territorial-based approach in risk assessments, assignment of bodyguards with unsuitable profiles, and the corrupt practices denounced by the Unit director to the Attorney General's Office and Prosecutor General's Office.⁸⁵
72. The expert also received information about weaknesses in the functioning of the Unit's Specialized Subdivision of the National Protection Unit, foreseen in the peace agreement.⁸⁶ These include the fact that an acting Director has not been appointed yet, which has affected leadership within the division and the effective implementation of security guarantees for peace signatories.
73. Additionally, during her visits, the expert noted the ongoing stigmatization against peace signatories, which has become an obstacle to their security as well as a barrier to accessing their rights to political participation and other social and cultural rights.⁸⁷ In this respect, in 2022, the Constitutional Court noted that the concept of human security includes the right to live free from stigmatization and recalled the State's obligations to prevent stigmatization in the public discourse.⁸⁸ The Court also noted that the stigma is maintained through attempts to delegitimize the peace agreement, justify violence against peace signatories, and discredit the transitional justice system.⁸⁹

2. Economic and social rights

74. Regarding the right to education, the school placements and scholarships offered by the educational system are underused and there is a high drop-out rate.⁹⁰ The government must implement policies and take action to mitigate the causes of the problem, which, according to the Procurator General's Office, include drug use, the presence of anti-personnel mines and of non-State armed groups, teen pregnancy, distance from the educational establishments, or children attending school and working.⁹¹

⁸² [S/2023/1033](#), para. 69.

⁸³ [S/2023/1033](#), para. 67.

⁸⁴ According to point 3.4.7.4.2 of the peace agreement, the Committee operates with the participation of the government and the FARC-EP to develop, coordinate, monitor, and make suggestions for the implementation of a strategic security and protection plan.

⁸⁵ Constitutional Court, ruling 481/23, para. 17; <https://www.procuraduria.gov.co/Pages/tres-Investigaciones-escandalos-de-corrupcion-en-unp.aspx>.

⁸⁶ According to point 3.4.7.4.1 of the peace agreement, "the government will establish a sub-division within the National Protection Unit, specializing in security and protection, for members of the new party or political movement, both men and women, that arises from the FARC-EP's transition to legal activity, activities and offices, as well as the former members of the FARC-EP, men and women, that reintegrate into civilian life and the families of all those previously mentioned, according to the risk level."

⁸⁷ Reports [S/2021/1090](#), [S/2023/701](#), [S/2022/715](#).

⁸⁸ Constitutional Court SU-020-22, para. 7.6.19.

⁸⁹ Constitutional Court SU-020-22, para. 8.8.41.

⁹⁰ Procurator General's Office. V Report to Congress, pp. 25 and 263-265.

⁹¹ Procurator General's Office. V Report to Congress, p. 265.

81. To address these issues, the Special Jurisdiction for Peace, the Office of the High Commissioner for Peace, and the Agency for Reintegration and Normalization (ARN) are consolidating and communicating all information about administrative amnesties and pardons granted before the Jurisdiction began operating.¹⁰³

E. Weaknesses in inter-institutional coordination

82. To fully implement the peace agreement, it is necessary to comprehensively interpret each chapter of the agreement and integrate the agreement into other public policies, including the transitional justice policies. The objective and transformational and ambitious purpose of the agreement is to address the structural causes of the conflict and the historical injustices suffered by different groups, such as women, peasants, and ethnic peoples. Therefore, addressing these structural causes holistically requires real and effective inter-institutional coordination. A strategy for coordination between State institutions at the national level and the offices of the governors and mayors elected in October 2023 is particularly important. According to the information gathered, this inter-institutional coordination is currently insufficient.
83. The problems related to lack of coordination, some of them related to the institutional structure and others to the lack of a unifying leadership, hinder the effective implementation of the peace agreement. This situation leads to the duplication of resources for the same objectives and makes it difficult for the State to effectively reach the territories and have a greater transformative impact. In line with the members of the United Nations Security Council,¹⁰⁴ the expert believes that the creation of a high-level State entity with the capacity to convene all relevant institutions, with budgetary capacity and autonomy, dedicated exclusively to leading and ensuring institutional and inter-jurisdictional coordination, cannot be postponed. This entity should be different from the institution responsible for the new dialogues with armed groups.
84. In addition, there should be a strategy to coordinate all public policies related to the transitional justice system and its implementation that are relevant for victims. For example, the victims currently perceive a lack of coordination between the Victims' Law (1448 of 2011), on the one hand, which establishes measures to provide attention, assistance, and comprehensive reparation to victims; and the 2016 peace agreement, on the other, which establishes truth and justice for victims.
85. The recent approval of a cooperation agreement between the Special Jurisdiction for Peace and the Attorney General's Office, and the joint actions by different State institutions and bodies to locate and identify disappeared persons, reflected in the creation of the National System for the Search for Disappeared Persons, are good examples of the coordination needed to advance the implementation of the peace agreement.

F. Use of resources for the implementation of the agreement and corruption

86. Another obstacle to the effective implementation of the peace agreement is the availability of resources, corrupt practices, and impunity.
87. For example, according to information received, resources for the Development Programmes with a Territorial Focus (Programa de Desarrollo Territorial - PDET) were dedicated to five of the 16 sub-regions. The unequal capacity of the sub-regions to compete for these resources, combined with a lack of clear prioritization criteria for allocating the funds, has been a factor of inequality in the implementation of the peace agreement. With respect to the National Comprehensive Program for the Substitution of Illicit Crops, OHCHR informed the Comptroller General's Office about its concerns regarding management of the program resources, which has had problems, such as the limited implementation of the productive projects.¹⁰⁵
88. Those interviewed by the expert repeatedly mentioned the mismanagement of funds. In that regard, the Procurator General's Office has noted the lack of planning, low execution of funds and irregularities in the implementation of projects approved by the Collegiate Unit for Administration and Decisions on the Resources for Peace (Órgano

¹⁰³ <https://www.jep.gov.co/Sala-de-Prensa/Paginas/-JEP-comunica-decretos-de-amnistia-a-mas-de-9600-firmantes-del-acuerdo-final-de-paz.aspx>.

¹⁰⁴ <https://colombia.unmissions.org/comunicado-de-prensa-del-consejo-de-seguridad-de-las-naciones-unidas-sobre-colombia-1>.

¹⁰⁵ [A/HRC/52/25](#), para.18.

Colegiado de Administración y Decisión – OCAD-Paz)¹⁰⁶. However, it has not been possible to obtain more information about the results of the investigations of cases of corruption in relation to the granting of those funds.¹⁰⁷ Despite this, there is awareness that this corruption is the result of factors such as lack of governance, deficiencies of the control and investigation entities, including the Procurator General’s Office, the Comptroller General’s Office, and the Attorney General’s Office, as well as scarce citizen participation.

89. Corruption significantly impacts the effective enjoyment of human rights and disproportionately affects the most socially disadvantaged populations.¹⁰⁸ The diversion of peace resources, intended for programs to address the structural causes of the conflict, has, first and foremost, affected the victims, most of whom belong to historically discriminated groups.
90. In addition to the alleged acts of corruption in the use of the resources for peace, it is important to mention that the peace agreement and the Truth Commission’s final report recognize that drug trafficking-related corruption contributed to the armed conflict and to impunity for the human rights violations committed.¹⁰⁹ Corruption must be firmly combated as one of the structural causes of the conflict in order to guarantee non-repetition. To this end, the Attorney General’s Office must strengthen the fight against impunity and dismantle the criminal networks engaged in corruption and co-optation of the State.
91. Strengthening the capacities of the Attorney General’s Office requires reinforcing inter-institutional coordination to effectively address drug trafficking-related corruption. This coordination would enable the identification of criminal patterns, the analysis of information about the different cases of corruption, and the design of coordinated strategies to combat corruption and dismantle the structures that foster it. Thus, collaboration between institutions such as the Attorney General’s Office, the Procurator General’s Office, the Comptroller General’s Office, the Financial Information and Analysis Unit, and the National Taxes and Customs Division may help increase the authorities’ capacity to investigate and sanction offences related to this issue.

G. Delays in the implementation of the ethnic chapter and gender provisions

92. As previously mentioned, the peace agreement seeks not only to end the armed conflict but also to address the structural causes of injustices, exclusion, and discrimination. From this perspective, the implementation of the ethnic chapter and gender provisions of the agreement is crucial for transforming the reality of the population.
93. It is of concern that the ethnic chapter and gender provisions show lower percentages of implementation. According to the Kroc Institute, in September 2023 17% of the gender provisions had not initiated implementation, 52% were at a minimum level, 19% were at an intermediate level, and only 12% had been completed.¹¹⁰ In 2022, the Vice President of the Republic was tasked with coordinating the implementation of the ethnic chapter.¹¹¹ However, as of September 2023, 13% of the provisions had not initiated implementation, 61% were at a minimum level, 14% were at an intermediate level, and only 13% had been completed.¹¹² Additionally, the inclusion indicators for these approaches are not designed to ensure the effective inclusion of women and ethnic peoples.
94. In the framework of the Standing Committee for Consultation with Indigenous Peoples and Organizations, the expert celebrates the approval of the normative instrument for the implementation of the multipurpose cadaster in indigenous territories. In addition, the Agency for Reintegration and Normalization (ARN) presented the Special Harmonization Programs, which will be implemented gradually in 2024.

¹⁰⁶ Procurator General’s Office. V Report to Congress.

¹⁰⁷ According to the information sent by the Prosecutor General’s Office, they have opened two disciplinary processes, which are still under investigation, and four preventive actions. <https://www.lasillavacia.com/silla-nacional/el-escandalo-de-ocad-paz-en-que-consiste-que-evidencia-hay-y-que-huecos-tiene/>.

¹⁰⁸ Resolution [A/RES/S-32/1](#); United Nations Convention against Corruption, preface; Inter-American Commission on Human Rights, [resolution 1/18](#).

¹⁰⁹ Government of Colombia and FARC-EP, “Final Agreement to End the Conflict and Build a Stable and Lasting Peace,” points 3.4.11 and 4.3.4; <https://www.comisiondelaverdad.co/hay-futuro-si-hay-verdad>.

¹¹⁰ Kroc Institute, <https://peaceaccords.nd.edu/wp-content/uploads/2023/12/191223-Trimestral-Plantilla-Jul-Sep.pdf>, p. 10.

¹¹¹ Decree 1874 of 2022.

¹¹² Kroc Institute, <https://peaceaccords.nd.edu/wp-content/uploads/2023/12/191223-Trimestral-Plantilla-Jul-Sep.pdf>, p. 10.

95. The expert welcomes the signing of the political pact for the implementation of the ethnic chapter of the peace agreement and the reactivation of the Special Forum on Gender in late 2023. The pact proposes measures to reduce the rural-urban gaps by effectively incorporating the ethnic approach into the comprehensive rural reform and guaranteeing the political participation and collective and individual security of ethnic peoples.¹¹³

IV. Conclusions and recommendations

96. The comprehensive implementation of the peace agreement is the pathway for inclusively guaranteeing the rights of the entire Colombian population, as well as non-repetition of serious human rights violations and breaches of international humanitarian law.

97. The expert identified some obstacles that can be overcome with political will, allocation of sufficient resources and adequate use of these resources, along with better inter-institutional coordination to comprehensively implement the peace agreement. It is also necessary to strengthen the fight against corruption, one of the structural causes of the conflict.

98. Urgent measures must be taken to advance towards an end to violence and the implementation of the ethnic chapter and gender provisions, and to eradicate the discrimination against historically discriminated populations, such as ethnic peoples, women, and LGBTIQ+ people.

99. The expert highlights the importance of the continued commitment to peace by most of the signatories, despite the risks to their lives and security, as well as the current Government's political will to consolidate peace.

100. The expert also recognizes the tireless efforts and support of civil society and victims' organizations to advance the implementation of the peace agreement. The international community's continued support for national efforts to comprehensively implement the agreement is also crucial.

101. With respect to the complaint filed by the Special Jurisdiction for Peace in March 2023, the information gathered by the expert indicates a possible obstruction by the Attorney General's Office to the Jurisdiction's procedure to grant "Santrich" the guarantee of non-extradition.

102. The expert considers it necessary to promptly advance in the investigation and clarification of the facts, given the adverse impact on confidence in the peace agreement and in the transitional justice process, not only among the peace signatories but also within the society more generally.

103. The "Santrich" case exemplifies the abuse of criminal prosecution to weaken public trust in the peace agreement and in the transitional justice system. It increased the stigma against peace signatories and accelerated internal divisions amongst them, and it allegedly affected reintegration as set out in the peace agreement. It also cast a shadow of doubt on the suitability and impartiality of those who integrate the Special Jurisdiction for Peace.

104. The expert recommends to the Colombian authorities:

Comprehensive implementation of the peace agreement

- a) **Make all efforts to ensure the comprehensive implementation of the peace agreement, especially the ethnic chapter and the gender provisions, in line with the recommendations of the OHCHR reports and those of the United Nations human rights mechanisms;**
- b) **Ensure that the peace agreement is implemented as a State policy at the national and local levels, and that it is central to the peace policies. Also, ensure that all processes of dialogue and negotiations with non-State armed groups integrate a human rights-based and victims centered approach;**
- c) **Establish an entity at the highest government level with the authority to lead the implementation, convene all institutions and ministries, and ensure adequate inter-institutional coordination as well as coordination between the different transitional justice public policies, and provide it with the necessary human and financial resources to fulfill its mission;**

¹¹³ [S/2023/1033](#) para.4.

- d) Take actions to guarantee the economic, social, cultural, and environmental rights of the peace signatories, specifically the rights to education, housing and work through productive projects. The full enjoyment of these rights is essential to ensure that the reintegration process is not affected;

Right to truth, justice, reparation, and non-repetition

- e) Increase efforts to implement the Truth Commission's recommendations through State policies, particularly at the local and departmental level, and ensure that authorities integrate them into their development plans;
- f) Implement strategies to disseminate the Truth Commission's recommendations throughout the country and increase the financial and technical resources of the Committee set up to Follow up on and Monitor the Recommendations of the Truth Commission;
- g) Respect and safeguard the independence and autonomy of the Special Jurisdiction for Peace, as the judicial authority responsible for prosecuting the most serious and emblematic crimes committed during the armed conflict, and guarantee the protection of its personnel, victims and of all those appearing before the Special Jurisdiction for Peace;
- h) To the High Commissioner for Peace, the Agency for Reintegration and Normalization, and the Special Jurisdiction for Peace, consolidate the information on the legal situation of the peace signatories and take measures to ensure that the decisions about amnesties, pardons, and conditional release are adequately communicated to the beneficiaries and the relevant entities. The institutions should publicly report on the results of this consolidation in a maximum period of six months;
- i) To the Special Jurisdiction for Peace, prioritize the prompt definition of the legal situation of the peace signatories, in particular with respect to the "chamber" amnesties of at least 1,948 members of the former FARC-EP who are appearing before the Jurisdiction. To quickly conclude this stage of the procedure, the expert suggests increasing the technical capacity of the Amnesty and Pardons Chamber. Pursuant to the principle of publicity in court proceedings, the expert recommends publicly informing, within a period of one year, the results of the strategic plans undertaken to resolve the "chamber" amnesties.
- j) To the Special Jurisdiction for Peace, prioritize and urgently carry out the institutional arrangements necessary to design, develop, and successfully execute the future restorative sentences, in conditions of security for all those appearing before the Special Jurisdiction for Peace and for the victims, ensuring their participation throughout the process in conformity with international human rights standards. In particular, expedite the work of the coordinating entity between the Special Jurisdiction for Peace and the Government for the implementation of the restorative sentences and contributions to reparation;

Investigation of the "Santrich" case

- k) To the Attorney General's Office, prioritize the investigation of the Special Jurisdiction for Peace's complaint filed in March 2023 and determine the possible criminal responsibilities within a reasonable time, by creating a group of independent experts to assist and provide technical support during the investigation. The group of experts could perform technical analyses and recommend actions to guarantee the exhaustion of the different levels of responsibility and lines of investigation. Given the relevance of the case, the Attorney General's Office should publicly report on the progress and results of this investigation within one year after publication of this report, without prejudice to legal reserve and deadlines;
- l) To the State, review and adjust the legal procedures to ensure that extradition processes of Colombian nationals comply with international human rights obligations, including the rights of victims to truth, justice and reparation, and the right to peace;

Public policies on security and protection

- m) Guarantee the comprehensive, participatory, and coordinated implementation of the policy to dismantle criminal organizations and conducts, the security, defense, and civic coexistence policy, the national drug policy, and the transitional justice mechanisms, to achieve a sustained reduction of

violence and create security conditions throughout the whole territory enabling the comprehensive implementation of the peace agreement;

- n) Adopt the comprehensive protection plan for leaders and human rights defenders ordered by the Constitutional Court in its ruling SU 546-23, ensuring coordination with the mechanisms set out in the peace agreement for the security of peace signatories;
- o) Allocate the necessary budgetary and human resources to implement the Strategic Plan on Security and Protection and guarantee effective inter-institutional coordination for the protection of peace signatories, in accordance with Constitutional Court's ruling SU 020-22;

Strengthening the fight against impunity and corruption

- p) In accordance with recommendation m), prioritize the implementation of the policy to dismantle criminal organizations and conducts and its action plan with a territorial and participatory approach, ensuring sufficient resources. The dismantling of macro-criminal structures and fighting against corruption are key elements of peacebuilding and for the implementation of the measures set out in points 3.4.11 and 4.3.4 of the peace agreement;
- q) Formalize a permanent entity for coordination between the Attorney General's Office, the Procurator General's Office, the Comptroller General's Office, the Financial Information and Analysis Unit, and the National Taxes and Customs Division to enable the identification of criminal patterns, the analysis of information about cases of drug trafficking-related corruption, and the design of coordinated strategies to combat it and dismantle the structures fostering this corruption;
- r) To the Attorney General's Office, implement recommendation 32 of the Truth Commission's report in order to install, with the support of OHCHR, an independent mechanism to make recommendations for strengthening the integrity, autonomy, and independence of the institution. This mechanism should also perform a diagnosis of the Specialized Investigation Unit work in prosecuting and sanctioning cases and of its contributions to dismantling criminal organizations, and provide recommendations for improving of compliance with its mandate, as defined in the peace agreement¹¹⁴;
- s) Strengthen and focus the local presence of the Attorney General's Office, judicial police, and forensic medicine to investigate and sanction corruption and drug trafficking-related crimes at the local level, as well as killings of human rights defenders and of peace signatories;
- t) Adopt and enhance measures to guarantee transparency in the execution of resources for the implementation of the peace agreement, and continuously update the Integrated Information System for Post-Conflict, as set out in point 2.2.5 of the peace agreement;

105. The expert recommends to the international community:

- a) Continue supporting efforts to comprehensively implement the peace agreement and the recommendations of the Truth Commission's report, ensuring the participation of victims, their centrality, and the gender and ethnic-based approach in all cooperation programs and actions;
- b) All States must ensure that the implementation of international judicial cooperation mechanisms, such as extradition, are carried out with full respect for applicable international law, including international human rights law, and in particular victims' rights.

¹¹⁴ Peace agreement, point 3.4.4.