

Faculty Consultation on Transitional Justice Executive Summary

Diana Acosta-Navas and Gabriel Cifuentes

On April 12th of 2019, the Carr Center for Human Rights of the Harvard Kennedy School of Government hosted some of the most distinguished researchers in the field of transitional justice to jointly produce a vision of the Colombian peace process over the coming years. The discussion aimed to provide expert insights on the proper assessment of the accord's ambitions and implementation, by considering international benchmarks for systems of transitional justice.

The attendants overwhelmingly agreed that the Colombian peace agreement created the most comprehensive and ambitious transitional justice system in the world to date. Further, they agreed that it is the most successful case of victim-centered transitional justice, due to the role it afforded victims during the negotiation phase and its recognition of their rights to Truth, Justice, Reparation and Non-Repetition. The discussion was divided in four panels that addressed each of these topics separately.

In terms of reparations, since 2011 Colombia created an innovative institutional framework designed to uphold the rights of victims and repair the damages caused by the war. Reparations granted by this program range from the individual and material to the collective and symbolic levels. The program was described as the most ambitious and victim centered to date; the first of its kind to integrate satisfaction measures with guarantees of non-repetition; and a beacon for future efforts worldwide. Though the number of victims and the subsequent difficulties raised by victims' satisfaction may harm the prospect of repairing all victims, the achievements attained thus far are unprecedented. Experts call for broad support for the program and strategic prioritization.

In terms of criminal prosecutions, Colombia was described as doing more than any other country in the world. According to some, Colombia has gone further than expected or required by international law, thus raising hope for people in Colombia and all over the world. In this agreement, justice was intricate to peace and peace to justice. Hence, participants agreed, the alleged dichotomy between peace and justice does not hold. To be able to fulfill its mandate, the Special Jurisdiction for Peace ought to be upheld through continuous political support, and its judicial operation ought to be safeguarded, while preserving its articulation with other components of the Integrated System.

The commitment to truth in Colombia was described as unparalleled. High quality truth commissions, like the one created by the peace accord, are known to bring about positive results, through the acknowledgment of a kind of truth that is unachievable through criminal proceedings. The various truth seeking measures created by the accord are suited for finding crucial facts, promoting reconciliation and victim-recognition, and building a narrative that serves as the basis for national debate. To further these goals, the truth commission needs to have sufficient funds, staffing and visibility, and its final recommendations must be taken seriously by policy makers.

Finally, the accord was described as well suited to provide guarantees of non-repetition. The very existence of a criminal tribunal that is likely to prosecute the perpetrators of the worst crimes is correlated with improvements in the rule of law and greater respect for human rights, regardless the severity of the penalties imposed by it. However, it is important to manage expectations, as some continuation of violence is normal in these scenarios, especially as other armed groups remain in the

territory. This situation calls for measures that provide physical security to the main stakeholders in the process.

Participants recognized the major challenges of the transitional justice system, due to the complexity of its design and its vulnerability to political pressures. They prompted implementers to act strategically, effectively and quickly, while recognizing that no Institutional design is perfect and that adaptations may be necessary along the way. The importance of participatory processes was also emphasized. Policymakers may not obviate people's desires and needs, and stakeholders must be heard in the process of implementing the peace deal. Traversing the various panel sessions, the common denominator in this discussion was a call for international and domestic support for the implementation of the accord, both in political and economic terms.

In the following months a report will be available to the public. Transcripts of the different interventions and the discussions will be published and it is hoped to be a landmark for policy makers and practitioners in Colombia and abroad.