

# ObservaJEP:

The academy's contribution to understanding the Special Jurisdiction for Peace



Three academic institutions combined knowledge to monitor and analyze decisions of the Special Jurisdiction for Peace (JEP, for its acronym in Spanish), from a legal perspective. One of its goals is to present to different audiences, specialized or not, the operation of this Court, in a didactic way, through virtual channels.

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The observatory of the JEP has become a window to help society understand the Special Jurisdiction for Peace.

By Magda Páez Torres  
Pictures Alberto Sierra, Milagro Castro

**O**n November 24, 2016, Colombia began writing a new political history. After a conflict of more than half a century with the guerrilla of the Revolutionary Armed Forces of Colombia (Farc in Spanish) and almost after 4 years of dialog in Cuba, the agreement of peace was sealed between the Colombian government and the insurgent group.

While one of the oldest guerrilla outfits in the world disappeared, a parallel system of transitional justice was born, unprecedented for the country and a benchmark for the world: The Jurisdicción Especial para la Paz, JEP (Special Jurisdiction for Peace).

Since then, Colombia's eyes have been peeled for the JEP, a court that has taken on great challenges such as that of being responsible for administering justice for crimes committed in the context of the armed conflict. Therefore, beyond the debates and the emblematic cases that have reached this jurisdiction, the academy was given the task of contributing its quota, ranging from research to analysis, to this historical post-conflict stage.

To this end, three institutions came together to constitute the Observatory of Special Jurisdiction for Peace (*ObservaJEP*): The Universidad del Rosario, the Universidad de La Sabana, and the Konrad Adenauer Foundation (KAS). From a legal perspective, the Observatory monitors the operation of the JEP to issue depoliticized concepts in order to strengthen the Comprehensive System of Truth, Justice, Repair, and Non-Repetition.

"We elaborate a legal analysis, objective of what the JEP is doing, from international criminal law, from international public law, and from human rights; we analyze whether its jurisprudence is in accordance with international standards of law," explains the expert Marie-Christine Fuchs, Director of the Rule of Law Program for Latin America, from the Konrad Adenauer Foundation.

The Observatory, which makes its work visible through the webpage [www.observajep.com](http://www.observajep.com), issues periodic bulletins to inform what is happening with this justice system, the cases it hears, and its evolution; it publishes technical sheets of decisions of this court or other judicial bodies, and didactic capsules in different formats. It monitors macro cases prioritized by the *Room for Acknowledgment of Truth, Responsibility and*



← “The success of peace in Colombia will depend on the success of the JEP; therefore, it is essential to bet on the comprehensive system. The country has created something unique; for this reason, we would like to make not a political bet but a technical, legal bet to support that debate,” explained Marie-Christine Fuchs, director, Rule of Law Program for Latin America, KAS.



← María Camila Correa, professor, Universidad del Rosario, states that youngsters involved are interested in the transitional justice theme, international law, and international criminal law, so this acts like a booster in the legal training of those who want to dedicate themselves to these areas of law.



← For Juana Acosta, professor, Universidad de La Sabana, this is a neutral and technical observatory, which does not intend to take any side in the face of controversies or political discussions but would rather present useful information not only to the public but also to the legal operators working in the system.

*Determination of Facts and Conduct*, JEP. Each category has a virtual section to facilitate the access of cyber visitors.

It is worth noting that the Special Jurisdiction for Peace consists of three courtrooms, each composed of 18 magistrates, and 6 *amicus curiae*, or authorized third parties, as follows:

- The Room for Acknowledgment of Truth, Responsibility and Determination of Facts and Conduct.
- The Amnesty or Pardon Room.
- The Chamber for the Definition of Legal Situations.

It also has a Court, composed of 20 magistrates, 4 *amicus curiae*, and an Investigation and Indictment Unit, which is the governing body in matters of the Judicial Police.

Therefore, the files prepared by the Observatory researchers contain data for each case, by room, such as antecedents, procedures, analysis of legal problems and decisions; there is a whole panorama that allows the interested parties to know the details, from a technical and academic point of view, of the processes carried out by the JEP.

The first report of the Observatory was recently published, with issues such as the conditionality regime, guarantee of non-extradition, and paramilitarism. It is about an analysis based in law, in which students of the different centers are an active part. “The young people involved are interested in the issue of transitional justice, international law, international criminal law; then, this is like a reinforcement in the legal training of those who want to pursue these areas of law. There are also spaces for discussion, such as an approach to the issues addressed by the JEP related to transitional justice,” explains Professor María Camila Correa, Faculty of Law, Universidad del Rosario.

The key to this work carried out by the three institutions lies in neutrality, points out Juana Acosta, professor, School of Law and Political Sciences, Universidad de La Sabana. “This is a neutral and technical observatory, which does not intend to take any side in the face of controversies or political discussions but would rather present useful information not only to the public but also to the legal operators working in the system, particularly the magistrates of the JEP and the other high courts of the country,” she points out.

For the sake of objectivity, researchers carried out comparisons with international bodies. “We do not give warnings related to political discussions but to legal questions and gaps that have yet to be answered, and that should be addressed, both in the academic debate as well as in the jurisdictional debate, so that this can serve as input for the different institutions involved,” Acosta adds.

### A window for citizenship

The JEP Observatory has also become a window to help society understand the Special Justice for Peace. “We work on resolutions that can have a high impact, which—we consider—can generate a precedent, we explain some issues, and we seek to bring the JEP to the people,” says the researcher María Camila Correa.

In this sense, the *ObservaJEP* has several virtual alternatives of communication with the citizen. One of them is the YouTube channel, in which—through videos—they clear doubts sent by users, related to competences of the JEP and its scope. In a didactic way, researchers answer in short video capsules that pose questions such as those about the gender approach



of the JEP, this court’s jurisdiction over current events and its impartiality, procedures, and duration.

*ObservaJEP* also has accounts on Facebook, Twitter, and Instagram, ready to interact with the public on purely jurisprudential aspects.

For Andrés Medina, a young Colombian student of psychology, this initiative is particularly important because citizens have little access to educational information to provide guidance on the Court’s work.

“I find it very interesting that there is an academic tool to report on the JEP because, as citizens, we must know about these matters that, many times, go unnoticed by us young people. In my case, I would like to delve into which actors are sheltered by this Special Jurisdiction for Peace, which social groups can be submitted to this court, and the details of the benefits it provides,” he says.

Thus, these channels of the Observatory are directed to people like Andrés, who, although they consider the JEP a dense and difficult subject, would be ready to expand their baggage if they had simple tools to make room for it.

### Long-term work

Because the Special Jurisdiction for Peace is projected to 20 years, the three institutions that manage *ObservaJEP* bet on long-term work, with various projects that allow the academy

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From a legal perspective, the Observatory of Special Jurisdiction for Peace follows up the operation of the jurisdiction to issue depoliticized concepts for the sake of strengthening this mechanism and keeping citizens informed.

to contribute to the national context by way of students’ immersion into the realities of an entire country.

“Through the Observatory, we can train students on these important topics and help people understand a little more about the Special Jurisdiction for Peace, and I believe that all those who are part of the team have learned a lot doing this job. It has been a very valuable experience in that we have been able to reinvent ourselves to convey information to everyone in one easy and didactic way,” Professor Correa states.

For this being the first time that Colombia has a transitional justice system with these characteristics, academic analysis has even more value. “The success of peace in Colombia will depend on the success of the JEP; therefore, it is essential to bet on the comprehensive system. The country has created something unique; therefore, we would like to make not a political bet but a technical, legal bet to support that debate,” emphasized the researcher Marie-Christine Fuchs.

While the JEP advances with historical decisions and Colombia writes a new chapter in justice matters, this group of scholars—from the investigation—records, analyzes, and informs from one another’s perspective the work of the Special Jurisdiction for Peace. This is a contribution of the academy to a national reality that implies huge post-conflict challenges. ■