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The first sentences of the JEP: an innovative process and a hope for justice in Colombia

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The JEP’s first sentences: an innovation and a beacon of hope for justice in Colombia

On September 16, 2025, the Special Jurisdiction for Peace (JEP)¹ delivered its first sentence in relation to the Macrocase 01, titled “Hostage-taking, severe deprivation of liberty, and other concurrent crimes committed by the FARC-EP.”²

The decision, delivered in writing by Presiding Magistrate Camilo Suárez of the Chamber for the Acknowledgement of Truth and Responsibility, marked a historic moment. For the first time in Colombia, the leaders of an armed group publicly acknowledged their responsibility for thousands of kidnappings carried out during the armed conflict.

As the judgment begins, it states: “Today we speak to the wounded soul of Colombia... This ruling does not erase suffering, but it is an act of recognition.”

Between 1990 and 2012, the FARC-EP³ institutionalised kidnapping as a systematic criminal strategy focused on three key areas:

- 1) Financing operations: by kidnapping civilians to obtain resources and sustain the armed group
- 2) Forced exchange: by capturing military and police personnel to exert pressure for political recognition and negotiating prisoner swaps
- 3) Territorial control: by detaining local inhabitants to demonstrate dominance over specific territories

A key aspect of this judicial case is the **public acknowledgement hearings** that accompanied the legal process. These hearings included the participation of 4,200 victims, 106 legal representatives, and nearly 1,200 written submissions, all emphasising that the voices of those who endured captivity remained central to the proceedings. During these proceedings, the last seven members of the FARC-EP

¹The Special Jurisdiction for Peace (JEP) is the judicial component of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition, established by Legislative Act No. 01 of 2017, following the Final Peace Agreement signed between the Colombian government and the FARC-EP in 2016.

²In Macrocase 01, the JEP addresses the systematic kidnappings by FARC-EP, seeking accountability and reconciliation through restorative justice; (*n.d.*) *Macrocase 01: Hostage-taking and other severe deprivations of liberty committed by the FARC-EP*. Available at: <https://www.jep.gov.co/Paginas/Caso-01.aspx>

³The Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) was an insurgent group involved in Colombia’s armed conflict from 1964 to 2016. After the signing of the Final Peace Agreement in 2016, the group demobilised and became subject to the Special Jurisdiction for Peace (JEP), which operates under a framework of transitional justice. Commission for the Clarification of Truth, Coexistence and Non-Repetition (2022) *Thou Shalt Not Kill: A Historical Account of the Colombian Armed Conflict* (Final Report, Vol. 2). Bogotá: Truth Commission. Available at: <https://www.comisiondelaverdad.co>

Secretariat admitted their responsibility for crimes committed during the armed conflict. This acknowledgement served as the legal and moral foundation for the Chamber to issue a final judgment within Colombia's transitional justice framework.

During these sessions, former FARC-EP commanders listened directly to testimonies of pain and suffering. As Magistrate Alejandro Ramelli, President of the JEP, remarked, “This acknowledgement and contribution to the truth brought liberation, and justice became tangible in the territories most affected by the war.”

The JEP found that victims experienced severe human rights violations, including the loss of property, destruction of life, and significant physical and psychological trauma. These acts amount to crimes against humanity committed in a generalised and systematic manner. Consequently, the Tribunal imposed the maximum restorative sentence on the members of the last FARC-EP Secretariat: up to eight years of effective restricted liberty, during which they are required to engage in restorative and reparative works, projects, and activities (TOAR).

The restorative sanctions are central to the JEP’s justice model. They involve restrictions on liberty and rights, alongside direct participation in collective reparation initiatives, which are organised into four main areas of action:

1. Memory and symbolic reparations
2. Search for the disappeared
3. Environment, nature, and territory
4. Comprehensive action against landmines

Through consultations with accredited victims, 65 TOAR initiatives were developed, including agricultural projects, road reconstruction, environmental restoration, and memorials in honour of the victims.

The JEP’s purpose is not only to punish, but also to reaffirm that life is sacred, liberty is inviolable, and violence must never again be used as a political tool. This ruling is more than just a punitive measure; it is part of a process aimed at restoring the social fabric, clarifying the truth, and rebuilding collective memory. Moving forward, victims will be consulted and empowered to provide their input and observations on the projects, ensuring their ownership and active participation in the restorative efforts.

This rights-based, restorative process ensures that future complementary projects maintain their reparative quality. The CONPES Document 4094 (2022–2026),⁴ issued by the National Council for Economic and Social Policy, establishes the institutional framework for implementing restorative projects and coordinating them with state programs. This ensures

⁴ National Planning Department (DNP). CONPES Document 4094 (2022–2026), ‘National Policy for the Social and Economic Reintegration of Former FARC-EP Members’. Bogotá: DNP, 2022. Available at: <https://colaboracion.dnp.gov.co/CDT/Conpes/Económicos/4094.pdf>

these initiatives align with victims' expectations and are executed without unnecessary delays. The ruling underscores that the reparative power of justice depends significantly on satisfying victims' expectations, particularly by addressing the needs arising from their victimisation.

The United Nations Verification Mission in Colombia should continue monitoring the implementation of these sanctions, overseeing their execution and territorial impact. Unfortunately, a few weeks ago, the Security Council Resolution, while renewing the Mission's mandate, established that transitional justice and the ethnic chapter will no longer be subject to verification by the Mission.⁵

Both the Ombudsman's Office and Human Rights Watch have highlighted that the effectiveness of these measures relies on the State's commitment to provide resources, security, and technical support. Parmentier and Vega caution, "Without institutional backing, the transformative potential of restorative justice risks being reduced to symbolic gestures."⁶

This judgment does not mark the end of a chapter in the conflict; it rather opens a new one. It shows that justice can heal as well as punish. Truth and reparations are essential for rebuilding a fairer, more reconciled society. For many Colombians, the judgment on September 16, 2025, symbolises a promise of non-repetition—a collective "never again" founded on memory, action, and participation.

⁵ United Nations Verification Mission in Colombia. (2025), 'Security Council Extends the Mandate of the United Nations Verification Mission in Colombia'. Bogotá, October 31. <https://colombia.unmissions.org/en/security-council-extends-mandate-united-nations-verification-mission-colombia>

⁶ Vega Dueñas, L. C. & Parmentier, S. (2024). 'La justicia restaurativa en los procedimientos de la JEP en Colombia: conceptos, principios, prácticas y recomendaciones' (Policy Brief 8-2024). Bogotá: CAPAZ. Available at: <https://www.instituto-capaz.org/nuevo-policy-brief-capaz-la-justicia-restaurativa-de-la-jep/>