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ICC INVOLVEMENT IN THE COLOMBIAN PEACE PROCESS:

the dynamics behind the search for the right to justice and peace in a
transition period

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Table of Contents

Acknowledgements.....	2
Abbreviations.....	5
Abstract.....	6
Introduction.....	7
Methodology of Work.....	9
PART 1: The Quest for Justice: The mandate of the ICC and the Accountability debate in a Transition debate.....	10
Chapter I: The International Criminal Court.....	
1.1 A permanent organ for International Justice.....	11
1.2 The principle of Complementarity.....	12
1.3 Faculties of the ICC Prosecutor.....	15
Chapter II: Accountability approaches in a Transition Process.....	
2.1 The meaning of Transitional Justice.....	16
2.2 The Retributive Justice Approach.....	19
2.2.1 The Short Comings of a single retributive strategy.....	20
2.3 The Restorative Justice Approach.....	21
2.3.1 Alternative Mechanisms to bring Justice.....	23
2.3.2 The Impediments of a single-one Restorative Approach.....	23
2.4 A common ground for both approaches.....	24
Chapter III: Balancing Peace and Justice.....	
3.1 Peace and Justice: a real dichotomy?.....	25
PART II: Ending armed conflict in line with International Standards: ICC Involvement.....	29
Chapter IV: The Colombian Peace Process.....	
4.1 The meaning of a Peace Process.....	31
4.2 The insertion of Transitional Justice in Colombia.....	31
4.3 Current Legal Framework for Peace.....	33
4.4 General Agreement for Peace.....	35
Chapter V: ICC involvement in Colombia.....	37
5.1 The opening of a Preliminary Investigation in Colombia.....	38
5.2 The position of the ICC in Colombia Peace efforts.....	38

Chapter VI: Comparison Cases of the ICC involvement.....

6.1 The Case of Sudan.....39

6.2 The Case of Uganda..... 40

6.3 The Case of Kenya.....41

6.4 Colombia as a standard setting case?.....42

Conclusion.....44

Bibliography.....48

Abstract

A society going through a transition process aiming to find peace encounters different political and legal clashes. This paper focuses on the difficult task of pondering the right to Justice and the right to Peace in a context of transition.

The case of study will be Colombia, a very complex case as a precedent transition process failed in guaranteeing victim's right to justice and where the giving up of arms by members of an illegal paramilitary group did not paved the way to peace.

Now, the role of the Office of the Prosecutor of the International Criminal Court has been involved amidst very strong discussions in relation to non-judiciary mechanisms that search for dealing with the past.

As the state discretionality -in relation to national strategies to move towards a negotiated peace with members of the most important guerrilla group FARC (Revolutionary Armed Forces of Colombia)- is limited, as a set of International Obligations must be fulfilled in order for the state comply with his duties, a comprehensive analysis of all factors involved must be made.

The cases of Sudan, Uganda and Kenya will help to evidence the position the ICC prosecutor has taken vis á vis the clash of the right to justice and the right to peace.

A conclusion on the case of Colombia will be made, as it could become a reference case in International Law.