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*Plenary sitting*

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**B8-0061/2016**

14.1.2016

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on support for the peace process in Colombia  
(2015/3033(RSP))

**Ramón Jáuregui Atondo, José Blanco López, Nicola Danti, Monika Flašíková Beňová, Karoline Graswander-Hainz, Enrique Guerrero Salom, Richard Howitt, Jude Kirton-Darling, Javi López, Marlene Mizzi, Inmaculada Rodríguez-Piñero Fernández, Elena Valenciano, Carlos Zorrinho**

on behalf of the S&D Group

**European Parliament resolution on support for the peace process in Colombia  
(2015/3033(RSP))**

*The European Parliament,*

- having regard to its numerous resolutions on the human rights situation in Colombia, including those of 18 April 1996, 12 June 1997, 12 March and 14 May 1998, 11 March 1999 and 7 September 2000,
  - having regard to its previous resolutions on the situation in Colombia, including those of 14 March and 24 October 1996, 18 September 1997 and 14 January 1999,
  - having regard to its resolution of 1 February 2001 on Plan Colombia and support for the peace process in Colombia, as well as to its resolutions of 4 October 2001 and 14 March 2002 on Colombia,
  - having regard to the special links binding the EU to Colombia, and in particular the Multiparty Trade Agreement between Colombia and Peru, and the EU and its Member States, signed in Brussels on 26 July 2012,
  - having regard to Joint Communiqué No 60 regarding the Agreement for the creation of a Special Jurisdiction for Peace, signed in Havana on 23 September 2015,
  - having regard to the joint draft Agreement on Victims of the Conflict, reached in Havana on 15 December 2015,
  - having regard to paragraph 44 of the Message of the EP Delegation to the Euro-Latin American Parliamentary Assembly (EuroLat), to the II EU-CELAC Summit in Brussels, on ending the internal conflict between the Colombian Government and the FARC,
  - having regard to the Brussels Declaration adopted at the end of the II EU-CELAC Summit on 11 June 2015,
  - having regard to the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, on the Agreement of 24 September 2015 on transitional justice in Colombia, and her statement of 1 October 2015 appointing Eamon Gilmore as EU Special Envoy for the Peace Process in Colombia,
- A. whereas since 2013 the EU and Colombia have maintained a framework of close economic and trade cooperation established in the Trade Agreement between Colombia and Peru of the one part, and the EU and its Member States of the other part, the ultimate aim of which is not just to promote economic relations between the parties but also to create alliances that go beyond trade itself, consolidating peace and democracy and strengthening the well-being of their citizens;
- B. whereas the abolition by the EU of the visa requirement for Colombian citizens, as

agreed at the II EU-CELAC Summit in June 2015, is included in this agreement;

- C. whereas this close relationship also extends to areas of international collaboration on major commonly held causes, such as the struggle for peace and the fight against terrorism, a point to highlight being that since the signature of the 2014 EU-Colombia Framework Agreement on participation in EU crisis management operations, Colombian military forces have been cooperating with EU ones in international peace operations under UN rules;
- D. whereas the ‘Mesa de Conversaciones’ (platform for dialogue) between the Government of Colombia and the FARC was established in Havana (Cuba) on 26 August 2012 following the signing of the General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, thus fulfilling the wish of the people of Colombia to live in peace, and acknowledging in particular that construction of peace is a matter for the entire population, that it is the duty of the state to promote human rights throughout its territory, and that fair economic and social development ensures peace and is at the same time a pre-condition for the inclusive and sustainable growth of the country;
- E. whereas during the different phases the negotiators in Havana reached agreements on a new Colombian countryside and comprehensive rural reform, political participation and a democratic opening to build peace, and the solution to the problem of illicit drugs;
- F. whereas on 23 September 2015 the Government of Colombia and the FARC announced the conclusion of an agreement on the creation of a Special Jurisdiction for Peace to fulfil the rights of victims and contribute to the creation of a stable and lasting peace, to which end the parties agreed on the implementation of a comprehensive system of truth, justice, reparation and non-repetition, including the creation of a Commission for the Clarification of the Truth, Coexistence and Non-Repetition, as well as agreements on reparation to victims;
- G. whereas once the aforementioned agreement on transitional justice had been reached, the negotiators took a definitive and also apparently irreversible step towards peace in that the two parties set a fixed period of six months at most in which to achieve peace, the deadline being 23 March 2016;
- H. whereas on 15 December 2015, the Government of Colombia and the FARC announced the conclusion of an agreement on the victims of the conflict: the ‘Comprehensive System of Truth, Justice, Reparation and Non-repetition’, including the Special Jurisdiction for Peace and the Commitment on Human Rights; whereas this agreement established the Commission for the Clarification of the Truth, Coexistence and Non-repetition and the Special Unit for the Search for People considered to have Disappeared in the context and on account of the conflict;
- I. whereas this agreement represents a significant step forward in the construction of a stable and lasting peace, recognising all victims of the conflict not only as victims but also and above all as citizens with rights, and in particular the right to participate in the clarification of the truth and to be compensated for the harm they have suffered on account of the conflict;

- J. whereas the creation of the Special Jurisdiction for Peace meets the need for a special justice system under international law that punishes those guilty of violent crimes and compensates victims while at the same time facilitating the laying down of arms;
- K. whereas the Government of Colombia, its legislative chamber and the Colombian people are sovereign in establishing the parameters of this Special Jurisdiction for Peace and that said Jurisdiction will have law courts and a Peace Tribunal, whose vital task it will be to put an end to impunity, uncover the truth and judge and punish the perpetrators of crimes committed during the conflict, in particular the most serious and representative ones, ensuring there is no repetition and contributing in addition to reparations for victims;
- L. whereas this Special Jurisdiction:
- recognises that perpetrators of crimes committed during the conflict need to be convicted even though they have admitted responsibility;
  - envisages a system whereby the term of imprisonment is determined by whether responsibility for serious crimes is admitted early or late, or not admitted at all, so that sentences where guilt is established will vary, respectively, from between five to eight years, to up to 20 years, and whereby acknowledgment of responsibility will also determine where sentences involving effective restriction of liberty are executed and the conditions applying thereto;
  - provides that, when hostilities cease, the Colombian State will grant as wide an amnesty as possible for political and politically related crimes, in accordance with international humanitarian law, while those who have committed crimes against humanity, genocide, or serious war crimes will not benefit from this amnesty and nor will those guilty of other serious crimes such as hostage-taking, torture, forced displacement, enforced disappearance, extra-judicial killings and sexual violence;
- M. whereas achieving stable and lasting peace in Colombia through the ending of an internal conflict that has lasted for over 50 years, with millions of victims, is a first priority for Colombia, but also for the European Union and the international community, as is demonstrated by the many statements made in support of the peace process by various countries and regional and international bodies, including the European Union;
1. Welcomes warmly the agreement on the creation of a Special Jurisdiction for Peace, which is a satisfactory solution to the main and most problematic issue in the negotiations, and is pleased by the joint decision that a final peace agreement be signed within the six-month period ending 23 March 2016;
  2. Welcomes too the agreement reached on 15 December 2015 on item 5 (Victims) of the agenda of the General Agreement between the Government of Colombia and the FARC which includes the creation of the Commission for the Clarification of the Truth, Coexistence and Non-Repetition; the Special Unit for the Search for People considered to have Disappeared in the context of and on account of the conflict; the Special Jurisdiction for Peace and the specific measures for reparation;

3. Recognises that this is a unique agreement in the history of negotiations and armed conflicts, one which places the victims at the centre of the agreement and whose priorities are truth, justice, reparation and non-repetition, and that consequently it is a just agreement free of impunity;
4. Considers that both the signing of the recent agreement on the victims and the reaffirmation of the other agreements reached previously on comprehensive rural reform, political participation and a democratic openness to build peace, and on the solution to the problem of illicit drugs, constitute decisive steps to achieving a final peace agreement that is endorsed by Colombian society and makes it possible to attain a stable and lasting peace that will put an end to more than half a century of internal armed conflict and take into account most notably the right of the victims of the conflict to full, true and fair reparation for the physical, moral and material damages suffered;
5. Calls for the process under way to be extended to include the National Liberation Army (ELN) or, if appropriate, for parallel negotiations to be organised along the same lines and with similar deadlines;
6. Wishes to see the negotiations conclude as soon as possible and in any case within the six-month period set on 23 September 2015 in Havana so that 23 March 2016 marks a final end to the conflict and a real milestone in Colombia's modern-day history;
7. Recognises the great political effort, realism and perseverance demonstrated by both the Government of Colombia and the FARC in the process of bringing their conflicting views into line and gradually creating an area of commitment that has allowed progress in the negotiations to achieve the stable and lasting peace so eagerly desired by all Colombians, ensuring the non-repetition of the conflict;
8. Reiterates once again that violence is not a legitimate method of political struggle, and calls on those who have been of that conviction to embrace democracy with all its implications and requirements – as a first step, the final and permanent abandonment of weapons, and the defence of their ideas and aspirations through democratic rules and the rule of law; calls, in this regard, for the opposition's right to pursue its political activities to be respected, without coming up against the systematic persecution that it has historically been subjected to;
9. Recognises too the important role played so far by Cuba and Norway as guarantor countries and Chile and Venezuela as countries accompanying the peace process, giving special thanks to Pope Francis for his moral leadership and efforts to help achieve this longed-for peace in Colombia;
10. Welcomes the decision of 1 October 2015 of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, to appoint Eamon Gilmore, former Deputy Prime Minister and former Minister for Foreign Affairs and Trade of the Republic of Ireland, as the European Union's Special Envoy for the Peace Process in Colombia; is committed to making all the necessary efforts to provide the new Special Envoy as soon as possible with the budgetary resources needed for the successful performance of his important mission; calls on the Special Envoy to meet both parties to the conflict;

11. Reiterates its readiness to provide all possible assistance to support the implementation of the final peace agreement, and to this end renews its call on European Union Member States to create a trust fund to accompany the post-conflict phase; considers that this fund should be administered with the agreement of both parties and that the communities and civil society organisations should have direct access to this fund;
12. Welcomes the decision to grant a broad amnesty or pardon for political or politically related crimes connected to the conflict, and calls on the Government of Colombia to pass a statutory law that defines clearly the scope of political crimes and which brings too clarity on other common crimes such as drug trafficking and their possible link to political crimes; notes that, in keeping with Colombia's existing legislation, political crimes are considered to be crimes against the constitutional system, notably rebellion, sedition and riot;
13. Notes with satisfaction that, by excluding crimes against humanity, genocide and serious war crimes from any amnesty or pardon, the Peace Agreement is aligned with international criminal and humanitarian law and international instruments and standards in the field of human rights;
14. Emphasises the need to set up effective systems to assess the relationship between drug-trafficking crimes and the armed conflict in order to avoid common crimes committed outside of the context of the armed conflict being brought before the Jurisdiction;
15. Considers it essential that the sentences passed on perpetrators of crimes play their part in victim reparations and political reconciliation, and supports therefore the idea that those who have admitted having committed less serious crimes may serve their sentences outside of prison, such that they may contribute to victim reparation and re-establish links with the community;
16. Welcomes the agreement by the parties to establish, once the final peace agreement has been signed, a Commission for the Clarification of the Truth, Coexistence and Non-Repetition as an independent, impartial and extra-judicial mechanism so that a true historical version of events may be jointly drawn up – for only through an honest description of the past and the assuming of all responsibilities is it possible to build a reconciled future and confirm the rights of all victims;
17. Supports strongly the discussions under way to bring about agreement on a definitive ceasefire and the complete cessation of hostilities before 23 March 2016; calls in this regard for all of Colombia's political forces to make a concerted effort concerning this agreement in order that, where appropriate, it receives the strongest possible support from citizens and may thus constitute the first and best step towards social reconciliation, this being, by any reckoning, essential to surmounting so many years of violence which has caused an enormous number of victims;
18. Calls once again for human rights to be fully and permanently upheld by the Colombian political system and its institutions the length and breadth of the country; considers that the subculture of violence has to be completely eradicated from a country in which 50 years of conflict have on occasion led to extra-legal responses and habits and conduct in some State institutions that are not in accordance with the rule of law and the required respect for human rights; insists in that respect on human rights defenders in Colombia

being protected and calls on these civic organisations to cooperate in good faith and to the best of their ability in order to restore reconciled coexistence in Colombia;

19. Takes a positive view of the recent announcement by the Colombian armed forces that Colombia's military doctrine will be reviewed in order to adapt it and prepare the armed forces so they respond well and quickly to the new challenges in the post-conflict phase while at the same time acting as guarantors of the peace agreements; believes likewise that the recent announcement by the FARC that they will suspend military training in order to concentrate henceforth on political and cultural training as part of the process of bringing the armed conflict to an end constitutes another and similarly encouraging step forward in the right direction;
20. Instructs its President to forward this resolution to the Council, the Commission, the EU rotating Presidency, the High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly and the Government and the Congress of Colombia.