

JOINT COMMUNIQUÉ HAVANA, AUGUST 5, 2014

The delegations of the National Government and the FARC – EP, as a result of the four preparatory meetings that we have held over the last month, which ended with the meeting held between August 3 and 5, have reached additional agreements regarding the following: i) Measures aimed at successfully arranging the visits of the victims to Havana; ii) Historical Commission of the conflict and its victims; iii) Sub-commission related to item 3 of the Agenda of the General Agreement: “End of the Conflict”; and iv) Sub-commission on gender.

1. Measures aimed at successfully arranging the visits of the victims to Havana

We reiterate that it is essential that balance, pluralism, consistency and fairness prevail in the election of the delegations, and different social sectors and populations should be taken into account, as well as the territorial approach. In particular, the delegations agreed to inform the organizers about the following measures aimed at successfully arranging the visits:

- We reiterate the importance of listening to victims of the entire universe of human rights violations and infringements of IHL, without any kind of discrimination.
- We recognize that this is a necessary measure in order to build the agreements and we will afford the greatest transcendence to these hearings. Thus, it is not only essential to listen to their testimonies and proposals, but also to open spaces for dialogue and reflection.
- The victims will be treated with respect and under the principles of protection and recognition.
- The fact that direct victims of the conflict are selected does not preclude the possibility of those victims being part of an organization and reflecting such organization’s viewpoints.
- We have emphasized that the organizers should resort to all necessary mechanisms in order to enable the inclusion of victims residing abroad in the delegations, as well as on the need to guarantee the effective participation of women.
- In any case, we recognize that the delegations that will come to Cuba do not represent all the millions of victims left by the conflict.
- It is important to remind that the hearings in Havana are one more mechanism aimed at guaranteeing the participation of the victims in the process. Prior to the victims’ forums, the Dialogue Table had received more than 4,000 proposals of victims and organizations.
- In the three regional forums already held in Villavicencio, Barrancabermeja and Barranquilla, and the National Forum held in Cali, more than 3,000 people participated, most of them victims. The proposals of the victims’ forums constitute the basic material for the work at the Table.

2. Historical Commission of the Conflict and its Victims (CHCV, for its acronym in Spanish)

The National Government and the FARC – EP agree to set up the Historical Commission of the Conflict and its Victims (CHVC) in order to contribute towards the understanding of the complexity of the historical context of the internal conflict (see mandate), and to provide inputs for the delegations in the discussion of the different items of the General Agreements that are still pending.

In view of the foregoing, the creation of the Historical Commission of the Conflict and its Victims is framed within the “General Agreement for ending the conflict and building a stable and long-lasting peace”, signed between the Government and the FARC – EP on August 26, 2012. Likewise, it has the “Declaration of principles for the discussion of item 5 of the Agenda: Victims”, as a reference framework.

a. Mandate:

The Commission will have twelve experts and two rapporteurs. Each one of the twelve experts shall prepare a profound, yet concise report. The reports shall have a maximum length, which will be determined by the Table in consultation with the experts, without prejudice to the length and detail of the documents or supporting materials the expert may wish to attach. Each report, including the summary report, will address the following three items:

- The origins and multiple causes of the conflict;
- Main factors and conditions that have facilitated or contributed to the persistence of the conflict; and
- The most notorious effects and impacts of the conflict on the population.

Based on the experts’ reports, the rapporteurs will prepare the summary report referred to in this mandate, reflecting with utmost objectivity the consensus, the dissents and the plurality of the experts’ views. The Commission’s report shall contain both the summary report prepared by the rapporteurs as well as the reports prepared by the experts.

The Commission’s Report shall be a fundamental input for understanding the complexity of the conflict and of the responsibilities of those who have taken part in or had an incidence on it, and for elucidating the truth. To this extent, it will be a basic input for the future truth commission and will contribute towards the reconciliation.

The Joint Communiqué dated June 7, 2014, informs about the creation of the CHCV for the following: “in order to guide and contribute to the discussion of item 5, the parties decide to create a historical commission of the conflict and its victims, made up of experts, which does not replace the mechanism for determining the whole truth, which shall include universal participation, in particular of the victims”.

The commission, to the extent possible, will reach conclusions that contribute towards the understanding of the historical context in order to overcome the conflict.

The experts will define the time limits of their studies, and, on their own decision, may elect to prepare joint reports.

For the compliance with this mandate, the experts will have no restrictions regarding the topics to be addressed.

b. Some of the guiding principles (applicable to all the reports):

- The experts' reports and the summary report are inputs for the delegations' discussions, but they do not condition the progress at the Table.
- They do not replace or pre-determine any elements of the future truth commission, but they will be a basic input for it.
- The summary report should reflect both consensus as well as dissents, and the plurality of the experts' views, and it should faithfully represent the documents delivered by them.
- The summary report resulting from the experts' reports should contribute to show, as objectively as possible, the complexity of the historical context of the conflict.
- The reports may include new findings and viewpoints that may contribute to the elucidation and better understanding of the phenomena they analyze.
- The inputs are of an academic and historic nature and they do not constitute the vision of the Table or the delegations, but they will be a basic input for the debates and developments of the Table.
- The experts' reports on the topics of the mandate do not release anybody from their responsibility for violations committed in the course of the conflict.
- In regards to the mandate, the report should not attribute individual responsibilities and it shall not be written with the purpose of producing judicial effects.
- The respect and dignity of all the victims should be at the core of the report.
- It is an analytical report built based on the available information and research and on the experts' knowledge and record of accomplishment.
- In order to facilitate the proper performance of their functions, the Government will provide the members of the Commission with access to the information that is not legally reserved.
- The members of the Commission (12 experts plus rapporteurs) will carry out their activities with academic independence and autonomy.
- The members of the Commission shall act on a timely and quick manner.
- The members of the Commission shall refrain from any media exposure and shall act with utmost discretion.

c. Composition:

- The CHCV consists of twelve experts invited by the Table, based on the names suggested by each delegation.
- Two rapporteurs, whose selection mechanism will be set forth by the Table. The members of the Commission must have ample academic recognition, and independence.

d. Set up:

The Commission shall be set up and opened by the Dialogue Table in Havana, on August 21, 2014.

e. Operational framework:

- Each expert will prepare his/her own report, unless two or more experts, upon their own decision, elect to prepare joint reports.
- The Commission will determine its own operating system and work methodology.
- The experts will determine the mechanisms and criteria needed for their proper operation as a Commission, including the possibility of commenting and discussing the reports prepared by each one of them.
- The summary report shall be shared, discussed and commented by all the experts pursuant to the methodology determined by them.

f. Operational details:

- The Commission shall set its own work timeline, providing times for the delivery of the experts' reports and the drafting of the summary report, which will be prepared by the rapporteurs.
- The experts may deliver preliminary reports about their work to the Table.
- The Government will facilitate and fund the meeting spaces required by the Commission.
- A reasonable compensation will be set for the experts and rapporteurs. In determining the amount, the experts' need for an assistant will be taken into consideration.

g. Report delivery:

- In addition to the reports delivered individually or collectively by the experts, they may deliver preliminary reports on each one of the items of the mandate.
- The summary report should reflect, as objectively as possible, the consensus, dissents and the plurality of the experts' reports.
- The Final Report will contain the summary report and the experts' individual or collective reports.

h. Duration:

Up to 4 months until the delivery of the Commission's Final Report, starting as of the opening of the Commission in Havana.

i. Dissemination:

The Commission's Final Report, which will comprise both the summary report as well as the experts' individual or collective reports, will be formally delivered to the Table and will be published and widely disseminated.

3. Sub-commission related to item 3 of the General Agreement: "End of the Conflict"

We have agreed to set up and open the sub-commission on item 3 on August 22, 2014. This sub-commission will address the sub-items related to the final and bilateral ceasefire, the end of the hostilities and the laying down of arms, and it will start by reviewing and analyzing national and international best practices on the matter. The sub-commission will consist of up to 10 members of each delegation, who will define a timeline for their work.

4. Gender sub-commission

We have agreed that the gender sub-commission will meet in the next dialogue cycle in order to continue ensuring an adequate gender approach on the agreements reached and on an eventual final agreement.

Once again, we reiterate that, as set forth in item five of the General Agreement, "the compensation of the victims will be at the core of the agreement between the National Government and the FARC – EP". Likewise, as set forth in the declaration of principles, "the victims of severe human right violations and infringements of IHL on occasion of the conflict are entitled to the truth, to justice, to reparation, and to the guarantees of non-repetition."

We invite everybody to continue sending his or her proposals via the website www.mesadeconversaciones.com.co

Finally, we thank Cuba and Norway's guarantors for their contribution to the development of the dialogues, and to the agreements we have reached.

Cycle 27 will start on August 12, 2014.