

# LAW 1448 OF 2011

(June 10)

*by which measures of attention, assistance and integral reparation are dictated to the victims of the internal armed conflict and other provisions are dictated.*

The Congress of the

Republic DECREE:

TITLE I GENERAL

PROVISIONS

CHAPTER I

## **Purpose, scope and definition of victim**

The purpose of this law is to establish a set of individual and collective judicial, administrative, social and economic measures for the benefit of the victims of the violations contemplated in article 3 of this law, within a framework of transitional justice, which will make it possible for them to enjoy their rights to truth, justice and reparation with a guarantee of non-repetition, so that their status as victims is recognized and dignified through the materialization of their constitutional rights.

**ARTICLE 2. SCOPE OF THE LAW.** This law regulates humanitarian aid, care, assistance and reparation for the victims referred to in article 3 of this law, providing tools for them to claim their dignity and assume their full citizenship.

The measures of attention, assistance and reparation for indigenous peoples and Afro-Colombian communities shall be part of specific norms for each of these ethnic groups, which shall be consulted beforehand in order to respect their customs and customs, as well as their collective rights, in accordance with the provisions of article 205 of this law.

**ARTICLE 3. VICTIMS.** For the purposes of this Act, victims are considered to be those persons who, individually or collectively, have suffered damage as a result of violations of the law, as a result of events that occurred on or after 1 January 1985.

international humanitarian law or serious and manifest violations of international human rights standards that occurred on the occasion of the internal armed conflict.

Also victims are the spouse, permanent partner, same-sex partners and first degree of consanguinity, first civilian of the direct victim, when the victim has been killed or is missing. In the absence of these, those who are in the second degree of ascending consanguinity will be.

Similarly, persons who have suffered harm by intervening to assist the victim in danger or to prevent victimization are considered victims.

The status of victim is acquired regardless of whether the perpetrator is individualized, apprehended, prosecuted or convicted of the punishable conduct and the family relationship that may exist between the perpetrator and the victim.

**Paragraph 1.** When members of the security forces are victims under the terms of this article, their economic reparation shall correspond for every concept to which they are entitled according to the special regime applicable to them. In the same way, they shall have the right to the satisfaction measures and guarantees of non-repetition indicated in the present law.

**Paragraph 2:** Members of organized armed groups outside the law shall not be considered victims, except in cases in which children or adolescents have been separated from the organized armed group outside the law as minors.

For the purposes of this Act, the spouse, permanent partner, or relatives of members of organized paramilitary armed groups shall be considered as direct victims for the damage to their rights under this article, but not as indirect victims for the damage suffered by members of such groups.

**Paragraph 3: For the** purposes of the definition contained in this article, those who have suffered damage to their rights as a result of acts of common crime shall not be considered as victims.

**Paragraph 4.** Persons who have been victims of events that occurred before 1 January 1985 have the right to the truth, symbolic reparation measures and the right to a fair trial.

guarantees of non-repetition provided for in this law, as part of the social conglomerate and without the need for them to be individualized.

**Paragraph 5.** The definition of victim contemplated in the present article may in no case be interpreted or presumed to be of any political nature with respect to terrorist and/or illegal armed groups that have caused the damage to which this law refers as a victimizing act, within the framework of international humanitarian and human rights law, in particular the provisions of article three (3) common to the Geneva Conventions of 1949. The exercise of the powers and functions corresponding to the Armed Forces by virtue of the Constitution, the law and the regulations to combat other criminal actors shall not be affected at all by the provisions contained in this law.

## CHAPTER II

### General principles

**ARTICLE 4. DIGNITY.** The axiological foundation of the rights to truth, justice and reparation is respect for the integrity and honor of the victims. Victims will be treated with consideration and respect, will participate in decisions that affect them, for which they will have information, advice and necessary accompaniment and will obtain effective protection of their rights by virtue of the constitutional mandate, positive duty and principle of dignity.

The State undertakes to carry out, as a matter of priority, actions aimed at strengthening the autonomy of victims so that the measures of care, assistance and reparation established in this Act may contribute to their recovery as citizens in full exercise of their rights and duties.

**ARTICLE 5. PRINCIPLE OF GOOD FAITH.** The State shall presume the good faith of the victims covered by this law. The victim may prove the damage suffered by any legally accepted means. Consequently, it will suffice for the victim to summarily prove the damage suffered before the administrative authority, for the latter to proceed to relieve it of the burden of proof.

In proceedings involving administrative reparation measures, the authorities should use rules of evidence that make it easier for victims to prove the harm suffered and always apply the principle of good faith in their favour.

In legal proceedings for the restitution of land, the burden of proof shall be regulated by the provisions of article 78 of this Law.

**ARTICLE 6. EQUALITY.** The measures provided for in this Act shall be recognized without distinction as to gender, respecting freedom or sexual orientation, race, social status, profession, national or family origin, language, religious belief, political or philosophical opinion.

**ARTICLE 7. GUARANTEE OF DUE PROCESS.** The State, through the competent bodies, must guarantee a fair and effective process, in accordance with the conditions laid down in article 29 of the Constitution.

**ARTICLE 8. TRANSITIONAL JUSTICE.** Transitional justice is understood to mean the different judicial or extrajudicial processes and mechanisms associated with society's attempts to ensure that those responsible for the violations contemplated in article 3 of this Law are held accountable for their actions, that the rights to justice, truth and comprehensive reparation are satisfied for the victims, that the necessary institutional reforms are carried out for the non-repetition of acts and the dismantling of illegal armed structures, with the ultimate aim of achieving national reconciliation and lasting and sustainable peace.

**ARTICLE 9. CHARACTER OF THE TRANSITIONAL MEASURES.** The State recognizes that every individual who is considered a victim under the terms of this law has the right to truth, justice, reparation and that the violations referred to in Article 3 of this law are not repeated, regardless of who is responsible for the crimes.

The measures of attention, assistance and reparation adopted by the State shall be aimed at helping the victims to overcome their suffering and, to the extent possible, to restore the rights violated against them. These measures shall be understood as transitional tools to respond to and overcome the violations contemplated in article 3 of this Law.

Therefore, the measures of attention, assistance and reparation contained in this law, as well as all those that have been or will be implemented by the State with the objective of recognizing the victims' rights to truth, justice and reparation, do not imply recognition nor can they be presumed or interpreted as recognition of the right to truth, justice and reparation, as well as all those that have been or will be implemented by the State with the objective of recognizing the victims' rights to truth, justice and reparation.

The State is not liable for the unlawful damage attributable to it under article 90 of the National Constitution, nor for any other type of liability for the State or its agents.

The fact that the State recognizes the status of victim under the terms of this law may not be taken into account by any judicial or disciplinary authority as evidence of the responsibility of the State or its agents. Such acknowledgement will not revive the terms of expiration of the direct repair action.

Within the framework of transitional justice, the competent judicial and administrative authorities should adjust their actions to the primary objective of achieving reconciliation and lasting and stable peace. For these purposes, fiscal sustainability shall be taken into account, as well as the magnitude of the consequences of the violations referred to in article 3 of this Law and their nature.

In events in which victims go to the contentious-administrative jurisdiction in the exercise of direct reparation action, when assessing the amount of reparation, the judicial authority must assess and take into account the amount of reparation in favor of victims that has been adopted by the State, in order to contemplate the transitional nature of the measures that will be implemented under this law.

**ARTICLE 10. CONVICTIONS IN SUBSIDIARITY.** Judicial sentences ordering the State to make economic and subsidiary reparation to a victim due to the insolvency, impossibility of payment or lack of resources or property of the convicted offender or of the organized armed group outside the law to which he belonged, do not imply recognition nor can they be presumed or interpreted as recognition of the responsibility of the State or its agents.

In the criminal proceedings in which the perpetrator is convicted, if the State must contribute subsidiarily to indemnify the victim, the payment that the victim must recognize shall be limited to the amount established in the corresponding regulation for individual indemnification through administrative channels that this law deals with in Article 132, without prejudice to the obligation of the perpetrator to recognize the totality of the indemnification or reparation decreed within the judicial process.

**ARTICLE 11. EXTERNAL COHERENCE.** The provisions of this law seek to complement and harmonize the various efforts of the State to guarantee the rights to

the truth, justice and reparation of the victims, and pave the way for peace and national reconciliation.

**ARTICLE 12. INTERNAL COHERENCE.** The provisions of this law seek to complement and harmonize measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, with a view to paving the way for peace and national reconciliation.

**ARTICLE 13. DIFFERENTIAL APPROACH.** The principle of differential approach recognizes that there are populations with particular characteristics due to their age, gender, sexual orientation and disability situation. For this reason, the measures of humanitarian aid, attention, assistance and integral reparation that are established in the present law, will count on this approach.

The State shall offer special guarantees and protection measures to groups exposed to the greatest risk of the violations contemplated in article 3 of this Law, such as women, young people, children, the elderly, persons with disabilities, peasants, social leaders, members of trade unions, human rights defenders and victims of forced displacement.

For this purpose, in the execution and adoption by the National Government of policies of assistance and reparation in the development of the present law, differential criteria must be adopted that respond to the particularities and degree of vulnerability of each of these population groups.

Likewise, the State will make efforts to ensure that the care, assistance and reparation measures contained in the present law contribute to the elimination of discrimination and marginalization schemes that may have been the cause of the victimizing acts.

**ARTICLE 14. JOINT PARTICIPATION.** Overcoming the victims' manifest vulnerability involves a series of actions:

The duty of the State to implement measures of care, assistance and reparation for victims.

The duty of civil society and the private sector to show solidarity and respect for victims, and to support the authorities in reparation processes; and

The active participation of victims.

**ARTICLE 15. MUTUAL RESPECT.** The actions of the officials and the applications submitted by the victims in the framework of the procedures derived from this law, will always be governed by mutual respect and cordiality.

The State should remove administrative obstacles that prevent victims' real and effective access to care, assistance and reparation measures.

**ARTICLE 16. OBLIGATION TO SANCTION THOSE RESPONSIBLE.** The provisions of this Law do not exempt the State from its responsibility to investigate and punish those responsible for the violations contemplated in Article 3 of this Law.

**ARTICLE 17. PROGRESSIVITY.** The principle of progressivity implies the commitment to initiate processes that lead to the effective enjoyment of human rights, an obligation that is added to the recognition of a minimum or essential content of satisfaction of these rights that the State must guarantee to all people, and gradually increase them.

**ARTICLE 18. GRADUALITY.** The principle of gradualness implies the State's responsibility to design operational tools with a defined scope in time, space and budgetary resources that allow for the staggered implementation of care, assistance and reparation programmes, plans and projects, without ignoring the obligation to implement them throughout the country within a given period of time, respecting the constitutional principle of equality.

**ARTICLE 19. SUSTAINABILITY.** For the purpose of complying with the measures of humanitarian aid, attention, assistance and reparation set forth in the present framework, the National Government shall, within six (6) months following the issuance of this Law, create a National Financing Plan through a CONPES document that aims at the sustainability of the law, and shall take the necessary measures to preferentially guarantee the effective prosecution of the assets of the perpetrators in order to strengthen the Reparations Fund referred to in article 54 of Law 975 of 2005.

The development of the measures referred to in this law shall be done in such a way as to ensure fiscal sustainability in order to give them, as a whole, continuity and progressiveness, in order to guarantee their viability and effective compliance.

**ARTICLE 20. PRINCIPLE OF PROHIBITION OF DOUBLE REPARATION AND OF COMPENSATION.** The compensation received through administrative channels will be deducted from the reparation defined through judicial channels. No one may receive double reparation for the same concept.

**ARTICLE 21. COMPLEMENTARITY PRINCIPLE.** All measures of care, assistance and reparation should be established in a harmonious manner and aim at the protection of the rights of victims.

Individual reparations, whether administrative or judicial, as well as collective or collective reparations, must be complementary to achieve comprehensiveness.

**ARTICLE 22. ACTION OF REPETITION AND SUBROGATION.** The State shall To exercise the actions of repetition and those in which it is subrogated in accordance with the law, against the person directly responsible for the crime as determined in the corresponding judicial process.

**ARTICLE 23. RIGHT TO THE TRUTH.** Victims, their families and society in general have the imprescriptible and inalienable right to know the truth about the motives and circumstances in which the violations referred to in article 3 of this Law were committed, and in the event of death or disappearance, about the fate of the victim and the clarification of his whereabouts. The Attorney General's Office and judicial police agencies must guarantee the right to search for victims until they are found alive or dead.

The State must guarantee the right and access to information by the victim, his representatives and lawyers in order to enable the materialization of his rights, within the framework of the norms that establish legal reserve and regulate the handling of confidential information.

**ARTICLE 24. RIGHT TO JUSTICE.** It is the duty of the State to conduct an effective investigation leading to the clarification of the violations contemplated in Article 3 of this Law, the identification of those responsible, and their respective sanctions.



Victims shall have access to the care, assistance and reparation measures provided for in this Act or other relevant legal instruments, without prejudice to their exercise of the right of access to justice.

**ARTICLE 25. RIGHT TO FULL REPARATION.** The victims have the right to be compensated in an adequate, differentiated, transformative and effective manner for the damage they have suffered as a consequence of the violations referred to in Article 3 of this Law.

Reparation includes measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, in their individual, collective, material, moral and symbolic dimensions. Each of these measures will be implemented in favor of the victim depending on the violation of their rights and the characteristics of the victimizing act.

**Paragraph 1:** The additional assistance measures enshrined in this Act are aimed at comprehensive reparation for victims and are considered complementary to reparation measures by increasing their impact on the beneficiary population. The remedial effect of the assistance measures provided for in this Act is therefore recognized, insofar as they devote additional actions to those developed within the framework of the National Government's social policy for the vulnerable population, include prioritization criteria, as well as particular characteristics and elements that respond to the specific needs of the victims.

Despite this repairing effect of the assistance measures, these do not replace or replace the repair measures. Therefore, the cost or disbursements incurred by the State in providing assistance services shall in no case be deducted from the administrative or judicial compensation to which the victims are entitled.

**Paragraph 2.** Humanitarian aid defined in the terms of this law does not constitute reparation and consequently will not be deducted from the administrative or judicial compensation to which the victims are entitled.

**ARTICLE 26. HARMONIC COLLABORATION.** State entities shall work in a harmonious and articulated manner for the fulfillment of the purposes provided for in this law, without prejudice to their autonomy.

**ARTICLE 27. REGULATORY IMPLEMENTATION.** Under the provisions of this law, the provisions of international treaties and conventions ratified by Colombia on international humanitarian law and human rights that prohibit their limitation during states of emergency, as they form part of the constitutional bloc, shall prevail. In cases of administrative reparation, the interpreter of the norms enshrined in the present law has the duty to choose and apply the regulation or interpretation that most favors the dignity and freedom of the human person, as well as the validity of the human rights of the victims.

**ARTICLE 28. RIGHTS OF VICTIMS.** The victims of the violations contemplated in article 3 of this Law shall have, among others, the following rights within the framework of the regulations in force:

1. Right to truth, justice and reparation.
2. The right to take part in institutional and community dialogue.
3. The right to benefit from affirmative actions taken by the State to protect and guarantee the right to life in conditions of dignity.
4. The right to seek and receive humanitarian attention.
5. The right to participate in the formulation, implementation and monitoring of the public policy of prevention, care and integral reparation.
6. The right to a differential approach to the public policy dealt with in this law.
7. The right to family reunification when the family nucleus has been divided because of the type of victimization.
8. The right to return to one's place of origin or to relocate under conditions of voluntariness, security and dignity, within the framework of the national security policy.
9. The right to restitution of land if it has been dispossessed, in the terms established in this Law.
10. The right to information on the routes and means of access to the measures provided for in this Act.
11. The right to know the status of judicial and administrative proceedings in progress, in which they have an interest as a party or interveners.
12. Women's right to live free from violence.

**ARTÍCULO 29. DESARROLLO DEL PRINCIPIO DE PARTICIPATION MEETING.** By virtue of the principle of joint participation established in this Act, victims shall:

Provide truthful and complete information to the authorities responsible for recording and monitoring your situation or that of your household at least once a year, unless there are justified reasons for not providing this information. The authorities shall guarantee the confidentiality of the information provided by the victims and, exceptionally, it may be made known to the various entities that make up the National System of Care and Reparation for Victims, for which purpose they shall sign a confidentiality agreement on the use and handling of the information.

Make use of care and reparation mechanisms in accordance with the objectives for which they were granted.

**ARTICLE 30. PRINCIPLE OF ADVERTISING.** The State, through the different entities to which responsibilities are assigned in relation to the measures contemplated in this law, shall promote effective publicity mechanisms, which shall be aimed at victims. Through them, they must provide information and guidance to victims on their rights, measures and resources, as well as on the judicial and administrative means and routes through which they will be able to access the exercise of their rights.

**ARTICLE 31. SPECIAL PROTECTION MEASURES.** The authorities  
The competent authorities should adopt comprehensive protection measures for victims, witnesses and public officials involved in administrative and judicial procedures for reparation and, in particular, land restitution, through which victims claim their rights, when necessary according to the level of risk assessed for each particular case, and to the extent that there is a threat to their fundamental rights to life, physical integrity, liberty and personal security, taking into account existing jurisprudence and regulations on the matter.

These measures may be extended to the nuclear family, provided that this is necessary according to the level of risk assessed for each particular case, that there is a threat to the fundamental rights to life, physical integrity, liberty and personal security of the nuclear-weapon-free zone, and that there is a threat to the fundamental rights to life, physical integrity, liberty and personal security of the nuclear-weapon-free zone.

the family nucleus and is shown to be related to the victim. The technical study of risk level will be reserved and confidential.

When the judicial or administrative authorities or the Public Prosecutor's Office become aware of risk situations referred to in this article, they shall immediately forward such information to the competent authority designated in accordance with the protection programmes, so that they may initiate the urgent procedure leading to the protection of the victim, in accordance with the risk assessment referred to in this article.

**Paragraph 1:** The protection programs contemplated in this Law shall be developed within the framework of the existing programs on the subject, at the time of issuance of this Law, and ensuring its consistency with national security and defense policies.

**Paragraph 2: Bearing in mind** that judicial and administrative reparation processes may represent a special risk for the victims and public officials involved in these actions, sufficient preventive measures must be established to mitigate those risks, taking into account the information from the Early Warning System of the Ombudsman's Office, if applicable. Especially in municipalities where restitution processes are underway, mayors should formulate public security strategies in conjunction with the Ministry of Interior and Justice, the Ministry of Defense and the Ministry of Agriculture and Rural Development, in order to prevent impacts on the rights of victims, their representatives, as well as officials.

The foregoing is without prejudice to the protection measures contemplated in this law according to the risk analysis.

**Paragraph 3.** The definition of protection measures for women victims must take account of the forms of aggression, the characteristics of the risks they face, the difficulties in protecting themselves from their aggressors and their vulnerability to them.

## **ARTICLE 32. CRITERIA AND ELEMENTS FOR THE REVIEW AND IMPLEMENTATION OF COMPREHENSIVE PROTECTION PROGRAMMES.**

The protection programmes should include in their review and implementation a comprehensive character that includes the following criteria:

1. Protection programmes should include measures proportional to the level of risk of the victim before, during and after his or her participation in judicial or administrative proceedings provided for in the regulations relating to such programmes.

2. The criteria for risk assessment established by the jurisprudence of the Constitutional Court, as well as the decision of the protection measure, must be previously known by the victim or witness.

3. The risk and the factors that generate it must be identified and evaluated in accordance with the jurisprudence that the Constitutional Court has established in this regard. The risk must be evaluated periodically and the measures updated in accordance with this evaluation, in accordance with current regulations.

4. Protective measures should be timely, specific, adequate and efficient for the protection of the victim or witness. Once the protection measure has been decided upon by the competent body, the victim or witness may suggest alternative or complementary measures to the one decided upon if he or she considers that it is not appropriate to the particular circumstances of the case. Its appropriateness, feasibility and applicability shall be determined by the competent body. This will be done within the framework of the existing institutional offer of protection.

5. Protection programmes must protect, without any discrimination, victims and witnesses whose lives, safety and freedom are at risk as a result of their participation in judicial or administrative proceedings provided for in the regulations relating to such programmes. Accordingly, the programmes shall establish measures without prejudice to the type of offence being investigated or prosecuted, the alleged offender, the date of occurrence of the offence or the judicial or administrative procedure for claiming rights, provided that there is a clear causal link between the threats and the victim's or witness's participation in, or impediment to participation in, any judicial or administrative proceedings.

6. Protection programmes, criteria for the evolution of risk and decisions on measures must take into account and take into consideration criteria differentiated by gender, capacity, culture and life cycle, in accordance with the jurisprudence of the Constitutional Court.

7. Protection programmes should be in permanent coordination with victim care programmes in order to address the trauma caused by the victimizing event and the risk situation generated.

8. Interviews with victims within the framework of the protection programme should be conducted in safe and confidential places, particularly when they involve women, girls, boys and adolescents.

9. Permanent information should be provided to the judicial and administrative authorities conducting the investigation processes that caused or aggravated the risk, in order to take into account the situation of the victim and witness in the course of the investigation. In particular, reasons that may prevent or hinder the participation of the victim or witness in the proceedings shall be taken into account and corrective measures shall be taken to ensure that the victim's or witness's participation is not hindered.

In addition to the criteria set forth in this Article, the following elements shall be taken into account in the review, design and implementation of comprehensive protection programmes:

The Ministry of National Defence and the Armed Forces, in coordination with the Ministry of the Interior and Justice, the Ministry of Agriculture and Rural Development through the Special Administrative Unit for Management of Stripped Lands, shall take the necessary measures to ensure security in restitution processes before, during and after they are carried out.

Community and victim organizations present in the areas where restitution and collective reparation processes are carried out may provide inputs to the competent bodies for risk assessment and analysis.

The competent authorities will launch a sustained communication campaign in prevention, guarantee and defence of the rights of the victims that promotes social solidarity at local and national level.

**Paragraph 2:** The review and adaptation to the criteria established in the present article of the existing protection programs shall be carried out within a period of no more than six (6) months from the effective date of the present law.

### **ARTICLE 33. PARTICIPATION OF CIVIL SOCIETY AND BUSINESS**

**PRIVATE.** The present law recognizes that transitional efforts that tend to promote the

The implementation of victims' rights, especially to reparation, involves the State, civil society and the private sector. To that end, the National Government will design and implement programmes, plans, projects and policies aimed at involving civil society and private enterprise in achieving national reconciliation and the realization of victims' rights.

**ARTICLE 34. STATE COMMITMENTS.** The Colombian State reiterates its real and effective commitment to respect and ensure respect for the constitutional principles, treaties and conventions and instruments that form part of the bloc of constitutionality by preventing an act of its own or its agents, regardless of its ideological or electoral origin, from causing any violation to any of the inhabitants of its territory, in particular within the circumstances that inspired this law.

## TITLE II

### VICTIMS' RIGHTS IN JUDICIAL PROCEEDINGS

**ARTICLE 35. ADVICE AND SUPPORT INFORMATION.** The victim and/or his representative must be informed of all legal, health care, therapeutic or other relevant aspects related to their case, from the beginning of the action. To this end, the authorities involved in the initial proceedings, judicial police officers, family defenders and family commissioners in the case of children and adolescents, prosecutors, judges or members of the Public Prosecutor's Office must provide the following information:

1. The entities or organizations to which you can turn for advice and support.
2. The services and guarantees to which you are entitled or that you can find in the different entities and organizations.
3. The place, form, authorities and requirements for filing a complaint.
4. The follow-up to the complaint and the rights and mechanisms that the victim can use in each of them. The authorities must inform women about the right not to be confronted by the aggressor or his aggressors.
5. The authorities to which you may apply for protection and the minimum requirements and conditions you must meet in order to access the relevant programmes.

6. The entities and/or authorities that can provide you with free guidance, legal advice or legal representation services.

7. The competent institutions and the rights of relatives of victims in the search, exhumation and identification in cases of enforced disappearance and preventive measures for the recovery of victims.

8. The procedures and requirements to make effective the rights that assist you as a victim.

**Paragraph 1:** With regard to crimes against freedom, integrity and sexual training, as well as crimes against personal freedom and integrity such as forced disappearance and kidnapping, the authorities involved in the initial proceedings must provide reinforced guarantees of information, through personnel specialized in psychosocial care, on the institutions to which they must turn for specialized medical and psychological assistance, as well as with regard to their rights and the legal route they must follow.

**Paragraph 2.** In each public entity that provides care and/or assistance to victims, trained personnel will be available to assist victims of sexual and gender-based violence and to advise and assist victims.

**ARTICLE 36. GUARANTEE OF COMMUNICATION TO VICTIMS.** In order to victims should be informed of the initiation, development and termination of the process, of the instances in which they can participate, of the judicial remedies available to them, and of the possibility of presenting evidence, among other guarantees provided for in the legal provisions in force. In particular, the competent Prosecutor, Judge or Magistrate shall inform the victim of the following:

1. Of the course or procedure given to your complaint.
2. The initiation of the formal investigation and the possibility of becoming part of the action.
3. The capture of the alleged perpetrator(s).
4. The decision taken on the pretrial detention or provisional release of the alleged perpetrators.



5. The merit with which the summary was qualified or the hearing of charges imputation.
6. From the beginning of the trial.
7. The holding of preparatory and trial public hearings and the possibility of participating in them.
8. The sentence pronounced by the Judge or Magistrate.
9. The remedies available against the judgement.
10. The exhumation of remains or corpses that could correspond to a missing relative, the identification of possible burial sites and the procedure in which the victims must participate in order to identify the remains.
11. The measures in place for the protection of victims and witnesses and the mechanisms for accessing them.
12. Decisions on precautionary measures on goods intended for repair.
13. Other legal proceedings affecting the rights of victims.

The communications shall be made in writing, by electronic means or by any means suitable for the victim, and the official shall record or record them in his office.

**Paragraph 2.** The communication about the execution of the judicial proceedings in which the victim may participate shall be made within a reasonable period of time, and in accordance with the respective process.

**ARTICLE 37. HEARING AND PRESENTATION OF EVIDENCE.** The victim will have the right, whenever he so requests, to be heard in the criminal proceedings, to ask for evidence and to provide any evidence he may have in his possession.

The competent authority may question the victim to the extent strictly necessary for the clarification of the facts under investigation, with full respect for his or her rights, in particular his or her dignity and moral integrity, and endeavouring in all cases to use appropriate language and attitude to prevent his or her revictimization.

**ARTICLE 38. PRINCIPLES OF EVIDENCE IN CASES OF VIOLENCE SEXUAL.** In cases where crimes involving sexual violence against victims are investigated, the Judge or Magistrate will apply the following rules:

1. Consent may not be inferred from any word or conduct of the victim when force, the threat of force, coercion or the use of a coercive environment have diminished his or her ability to give free and voluntary consent;

2. Consent shall not be inferred from any word or conduct of the victim when the victim is unable to give free and voluntary consent;

3. Consent may not be inferred from the victim's silence or lack of resistance to the alleged sexual violence;

4. The credibility, honour or sexual availability of the victim or a witness shall not be inferred from the sexual nature of the previous or subsequent behaviour of the victim or a witness;

5. The Judge or Magistrate shall not admit evidence of the previous or subsequent sexual behaviour of the victim or a witness.

**Paragraph.** The Office of the Attorney-General of the Nation, with contributions from the Office of the People's Advocate, the Office of the Attorney-General of the Nation, international bodies and organizations working in this area, will create a protocol for the investigation of crimes against sexual freedom, integrity and training, which will include legal and psychosocial measures and aspects such as strengthening the capacities of officials for investigation, treatment, care and assistance to victims during all stages of the procedure, and specific actions for the care of women, children and adolescent victims.

**ARTICLE 39. DECLARATION IN CAMERA.** When for security reasons, or because the crime entity makes it difficult to describe the facts in a public hearing, or when the presence of the accused generates alterations in the state of mind of the victims, the Judge or Magistrate of the case will decree, ex officio or at the request of a party, that the statement be given in a closed room, in the presence only of the prosecutor, the defense, the Public Prosecutor's Office and the Judge or Magistrate himself. In this case, the victim should be informed that her statement will be recorded by audio or video.

**ARTICLE 40. TESTIMONY BY AUDIO OR VIDEO.** The Judge or  
A magistrate may permit a witness to give testimony orally or by audio or video, provided that this procedure allows the witness to be questioned by the magistrate.

Prosecutor, by the Defense and by the Knowledge Officer, at the time of giving testimony.

The competent authority shall ensure that the location chosen for audio or video testimony guarantees the truthfulness, privacy, security, physical and psychological well-being, dignity and privacy of the witness. The authority shall have the obligation to guarantee the safety and the means necessary to give testimony in the case of a child or adolescent.

**Paragraph.** In the case of child victims, the judge or magistrate shall have the obligation to protect them and guarantee all necessary means to facilitate their participation in judicial proceedings.

**ARTICLE 41. SPECIAL MODALITY OF TESTIMONY.** The Judge or A magistrate may, ex officio or at the request of the public prosecutor, the defence counsel, the Public Prosecutor's Office or the victim, order special measures to facilitate the testimony of the victim, a child, an adolescent, an elderly person or a victim of sexual violence. The competent official, taking into account the integrity of persons and taking into consideration that the violation of the privacy of a witness or a victim may involve a risk to his or her safety, shall diligently control the manner in which he or she is questioned in order to avoid any kind of harassment or intimidation and paying special attention to the case of victims of crimes of sexual violence.

**ARTICLE 42. PRESENCE OF SPECIALIZED PERSONNEL.** When the Judge o The Magistrate, ex officio or at the request of a party, may decree that the testimony of the victim be received with the accompaniment of expert personnel in traumatic situations, such as psychologists, social workers, psychiatrists or therapists, among others. The victim shall also have the right to choose the sex of the person to whom he or she wishes to make a statement. This rule shall apply especially in cases where the victim is a woman or an older adult, or has been subjected to sexual violence, torture or other cruel, inhuman or degrading treatment, and shall be mandatory in cases where the victim is a child or adolescent.

**Paragraph.** When victims do not express themselves in Spanish, translators or interpreters shall be available to obtain their statements, submit applications and bring forward the proceedings in which they are to intervene.

**ARTICLE 43. LEGAL AID.** The Ombudsman's Office shall provide the services of guidance, advice and judicial representation to the victims referred to in this law. To this end, the Ombudsman shall make such adjustments or modifications as may be necessary to adjust his institutional capacity to fulfil this mandate.

**Paragraph 1:** Within six (6) months, the Ombudsman shall reorganize the organizational structure of the Office of the Ombudsman in order to guarantee the fulfillment of the functions assigned in this law.

**Paragraph 2:** The Ombudsman's Office shall provide judicial representation services to victims who request it through the National Public Defender's Office System. To this end, it will appoint judicial representatives who will devote themselves exclusively to judicial assistance for victims through a special programme that fulfils this task, incorporating differential advisory criteria and a component of assistance for women victims.

**ARTICLE 44. EXPENSES OF THE VICTIM IN RELATION TO THE JUDICIAL PROCEEDINGS.** Victims who are found to be summarily and expeditiously lacking resources to cover court costs shall be subject to measures to facilitate legitimate access to criminal proceedings.

In a preferential manner and taking into account the available monetary and non-monetary resources, they may be subject to measures such as access to audiences through teleconferences or any other technological means that allows the respective procedural stages to be advanced.

**Paragraph 1:** When victims voluntarily decide to file appeals for protection or go to administrative contentious justice to obtain reparation or compensation for the damage suffered, the attorneys or attorneys representing them in the process may not, in any case, receive, agree or agree on fees that exceed two (2) legal minimum monthly wages in force in the case of actions for guardianship, or twenty-five (25) legal minimum monthly wages in force in the case of actions before the contentious-administrative jurisdiction, including the amount agreed upon as a success rate, *litis rate*, or percentage of the amount decreed in favor of the victim by the victim.

judicial authority. The foregoing shall apply irrespective of whether one or more proxies are involved and irrespective of whether a process brings together several victims.

**Paragraph 2:** The provisions of this article shall be regulated by the National Government within a period of no more than one (1) year from the effective date of this law.

The bodies with permanent functions of the Judicial Police shall assign, from their current staff, a specialized group of their agents to carry out work of identification of property and assets that the accused persons have concealed from undermining the rights of the victims dealt with in this law.

**ARTICLE 46.** When from the material evidence, physical evidence, legally obtained information, or other evidence collected during a criminal investigation for damage to the rights of the victims covered by this law, it can reasonably be inferred that the illegal structure or organization to which the investigated person belonged received financial support, on a voluntary basis, from a national or foreign natural or legal person, with a subsidiary or subsidiary in the national territory, or that public servants had the public function to promote actions for violations of international human rights norms or breaches of international humanitarian law by the respective illegal structure, the prosecutor shall forward the file and evidence collected to an ordinary prosecutor, in accordance with the Code of Criminal Procedure and the rules regulating the matter.

In the events in which during the procedure regulated in Law 975 of 2005, the Justice and Peace Prosecutor notices any of the circumstances mentioned in the previous paragraph, he must submit the file and evidence collected to an ordinary Prosecutor, in accordance with the Code of Criminal Procedure and the rules governing the matter.

In events in which the criminal responsibility of the natural person or of the representative of the national or foreign legal person with an affiliate or subsidiary in the national territory or of the public servant, as the case may be, is declared, the judge of knowledge, upon request of the prosecutor or the Public Ministry, shall immediately open a special incident of reparation, which shall be provided in accordance with the provisions of the Code of Criminal Procedure, without the need to identify the victims, however the judge or magistrate of knowledge shall take into consideration the damage to rights caused by the armed group outside the law that has been supported.

When deciding the incident of reparation, the Judge or Magistrate of knowledge shall order, by way of reparation to the victims, that the same sum of money with which the condemned person or persons contributed or contributed to the financing of the illegal structure or organization, or its equivalent in money if the support was in kind, or the sum that the Judge or Magistrate deems pertinent in case the same is not determined within the process, be deposited in favor of the Fund for Reparation to the Victims of Violence.

The judge or magistrate may also order the sentenced person to execute satisfaction measures, which must be carried out directly by the sentenced person. This provision shall have no effect on the subsidiary responsibility of the State which shall be governed by the provisions of Article 10 of this Law.

**Paragraph 1:** When, in the course of criminal proceedings, the judge hearing the case establishes reasonable grounds for believing that the illegal structure or organization to which the accused belonged received financial support, on a voluntary basis, from a national or foreign natural or legal person, with a subsidiary or affiliate in the national territory, he shall forward the file and the evidence collected to an ordinary public prosecutor, in accordance with the Code of Criminal Procedure and the rules governing the matter.

**Paragraph 2:** The legal person whose legal representative is convicted in accordance with the terms of this article must attend the incident of reparation under the terms of the Code of Criminal Procedure as a civilly responsible third party. Likewise, the Judge or Magistrate may also order the execution of satisfaction measures in favor of victims by the legal persons referred to in this article.

**Paragraph 3:** In no case, under the terms of this article, may a Judge or Magistrate order a juridical person, by way of reparation, to consign to the Fund for Reparation to Victims of Violence on more than one occasion for the same acts.

### TITLE III

## HUMANITARIAN AID, CARE AND ASSISTANCE

### CHAPTER I

#### **Humanitarian aid to victims**

**ARTICLE 47. HUMANITARIAN AID.** Victims covered by article 3 of this law shall receive humanitarian aid in accordance with the immediate needs that they may have.

are directly related to the victimizing act, with the objective of helping, assisting, protecting and attending to their needs for food, personal hygiene, handling of supplies, kitchen utensils, emergency medical and psychological care, emergency transport and temporary housing in dignified conditions, and with a differential focus, at the moment of the violation of rights or at the moment when the authorities become aware of it.

Victims of crimes against freedom, integrity and sexual training shall receive specialized emergency medical and psychological assistance.

**Paragraph 1:** The territorial entities in the first instance, the Special Administrative Unit for Victim Care and Reparation, and the Colombian Family Welfare Institute subsidiarily, shall provide temporary housing and food in dignified conditions and immediately after the violation of rights or when the authorities become aware of it.

**Paragraph 2:** Hospital institutions, public or private, in the national territory, which provide health services, have the obligation to provide emergency care immediately to victims who require it, regardless of the socioeconomic capacity of the applicants for these services and without requiring prior condition for admission, when they require it because of a violation referred to in Article 3 of this Law.

**Paragraph 3:** The Special Administrative Unit for Care and Reparation shall take appropriate action before the various entities that make up the National System of Care and Reparation for Victims to ensure humanitarian aid. Similarly, and in accordance with article 49 of Law 418 of 1997 and its corresponding extensions, it will provide humanitarian aid only once, through effective and efficient mechanisms, ensuring free processing and according to its competence.

**Paragraph 4:** The provisions of Chapter III of this Title shall apply to the provision of humanitarian assistance to victims of forced displacement.

**ARTICLE 48. CENSUS.** In the event of terrorist attacks and mass displacements, the Municipal Mayor's Office, through the Secretariat of Government, dependency, official or authority as appropriate, accompanied by the following

Personería Municipal, shall conduct the census of persons affected in their fundamental rights to life, personal integrity, personal freedom, freedom of domicile, residence, and property.

This census must contain at least the victim's identification, location and description of the event, and send it to the Special Administrative Unit for Comprehensive Care and Reparation for Victims within eight (8) working days of the event.

The information shall be recorded in a single, mandatory format, which shall be issued for this purpose by the Special Administrative Unit for Comprehensive Care and Reparation of Victims and shall be part of the Single Registry of Victims, replacing the declaration referred to in article 155 with respect to the victimizing events recorded in the census.

**Paragraph.** In the case of mass displacements, the census shall proceed in accordance with article 13 of Decree 2569 of 2000, insofar as it exempts the persons who make up the mass displacements from making an individual declaration in order to apply for registration in the Single Registry of Victims.

## CHAPTER II

### **Measures of Assistance and Attention to Victims**

**ARTICLE 49. ASSISTANCE AND CARE.** Victim assistance is understood to be the integrated set of measures, programmes and resources of a political, economic, social and fiscal nature, among others, under the responsibility of the State, aimed at re-establishing the effective exercise of victims' rights, providing them with the conditions to lead a dignified life and guaranteeing their incorporation into social, economic and political life.

Attention refers to the provision of information, guidance and legal and psychosocial support to the victim, with a view to facilitating access to and qualifying the exercise of the rights to truth, justice and reparation.

**ARTICLE 50. FUNERAL ASSISTANCE.** In compliance with their object and in the development of their powers, territorial entities, in accordance with the legal provisions of Articles 268 and 269 of Decree-Law 1333 of 1986, shall pay, from their budgets and without intermediaries, the victims referred to in this law,



the funeral expenses of the same, provided that they do not have resources to cover them.

**Paragraph.** The funeral and transfer costs, in the event of the victim's death in a municipality other than his habitual place of residence, shall be borne by the municipalities where the death occurred and the municipality in which the victim resided.

**ARTICLE 51. MEASURES IN THE FIELD OF EDUCATION.** The different educational authorities shall adopt, in the exercise of their respective powers, the necessary measures to ensure access to and exemption from all types of academic costs in official educational establishments at the preschool, basic and intermediate levels for the victims referred to in this law, provided that they do not have the resources to pay for them. If access to the official sector is not possible, the educational service may be contracted with private institutions.

In higher education, professional technical institutions, technological institutions, university institutions or technological schools and universities of a public nature, within the framework of their autonomy, shall establish selection, admission and enrolment processes that enable victims under the terms of this Act to have access to the academic programmes offered by these institutions, especially women heads of household and adolescents and persons with disabilities.

For its part, the Ministry of National Education will include the victims covered by the present law within the strategies of attention to the diverse population and will take steps to include them within the special credit lines and subsidies of ICETEX.

Within the quotas set and to be set aside for the training provided by the National Apprenticeship Service (SENA), priority will be given to facilitating and guaranteeing access to the victims covered by this Act.

**ARTICLE 52. HEALTH MEASURES.** The General System of Social Security in Health will guarantee the coverage of health assistance to the victims of this law, in accordance with the competencies and responsibilities of the actors of the General System of Social Security in Health.

Any person who is included in the Single Registry of Victims covered by this Act shall thereby be eligible for the affiliation provided for in article 32.2 of Law 1438 of 2011, and shall be considered eligible for the health subsidy, except in cases where the victim's ability to pay is demonstrated.

**Paragraph 1: In order to** guarantee health care coverage for the victims covered by this law, prioritizing and taking into account the particular needs of this population, the Compulsory Health Plan will be updated, in accordance with the competencies and responsibilities of the actors of the General Health Security System and in the terms of Law 1438 of 2011.

**Paragraph 2.** Victims who are registered in Sisbén 1 and 2 will be exempt from any co-payment or moderate fee for any type of health care they require. If they are not affiliated to any scheme, they must be immediately affiliated to the subsidized scheme.

**ARTICLE 53. EMERGENCY HEALTH CARE.** The institutions  
(b) The State party should ensure that all public and private hospitals in the national territory that provide health services have the obligation to provide emergency care immediately to victims who require it, regardless of the socioeconomic capacity of the persons requesting such services and without requiring a prior condition for admission.

**ARTICLE 54. HEALTH CARE SERVICES.** The services of medical, surgical and hospital care shall consist of:

1. Hospitalization.
2. Medical-surgical material, osteosynthesis, orthosis and prosthesis, in accordance with the technical criteria established by the Ministry of Social Protection.
3. Medications.
4. Medical fees.
5. Support services such as blood banks, laboratories, diagnostic imaging.
6. Transport.
7. HIV and STD testing, in cases where the person has been a victim of violent carnal access.

8. Voluntary interruption of pregnancy services in cases permitted by the jurisprudence of the Constitutional Court and/or the law, with absolute respect for the will of the victim.

9. Attention to the sexual and reproductive rights of women victims.

**Paragraph.** The recognition and payment of medical, surgical and hospital assistance services referred to in this chapter shall be made through the Ministry of Social Protection and charged to the resources of Fosyga, subaccount of Catastrophic Events and Traffic Accidents, only in cases in which the assistance services must be rendered to attend to permanent transitory injuries and other health affects that have a direct causal relation with violent actions that produce damage in the terms of article 3 of this law, unless they are covered by voluntary health plans.

**ARTICLE 55. REFERRALS.** Members of the General Health Social Security System, who are victims under this law, will be treated by health care institutions and once they are given emergency care and stabilization is achieved, if these institutions do not have the availability or capacity to continue providing the service, they will be referred to the hospital institutions that define the insurance entities to continue the treatment required there. The admission and care of victims in such hospital institutions is of immediate and obligatory acceptance by them, in any part of the national territory, and these institutions must immediately notify Fosyga of the admission and care provided.

**Paragraph.** Those persons who are in the situation provided for in this Act and who are not affiliated to the contributory social security health system or to an exceptional system shall be entitled to the benefits provided for in article 158 of Act No. 100 of 1993 as long as they are not affiliated to the contributory system by virtue of an employment contract or must be affiliated to such system.

**ARTICLE 56. HEALTH POLICIES.** The expenses that demand the attention of the victims covered with policies of health insurance companies or contracts with companies of prepaid medicine, will be covered by the State in accordance with the established in

this Chapter, when they are not covered or are insufficiently covered by the respective insurance or contract.

**ARTICLE 57. EVALUATION AND CONTROL.** The Ministry of Social Protection or the National Superintendency of Health, as the case may be, shall exercise evaluation and control over the aspects related to:

1. Number of patients attended.
2. Medical-surgical actions.
3. Hospital supplies and supplies expended.
4. Exit cause and forecast.
5. Condition of the patient in front of the hospital.
6. Cash payment to the lender.
7. Denial of timely care by lenders or insurers.
8. The conditions of quality in the attention on the part of IPS, EPS or exempted regimes.
9. The other factors that constitute costs of the service, in accordance with the provisions of this law.

**ARTICLE 58. INSPECTION AND SURVEILLANCE.** Failure to comply with the provisions of this chapter shall be for the entities providing health services, for EPSs, special regimes and for responsible employees, cause for sanction by the competent authorities in carrying out their inspection and surveillance functions, in accordance with the provisions of Articles 49 and 50 of Law 10 of 1990, and other concordant norms.

**ARTICLE 59. ASSISTANCE FOR THE SAME FACTS.** The victims have benefited from any of the above measures, they will not be assisted again by the same victimizing act, unless it is proven that the assistance is required for a supervening event.

### CHAPTER III

#### **Attention to victims of forced displacement**

**ARTICLE 60. APPLICABLE LAW AND DEFINITION.** Attention to victims of forced displacement, shall be governed by the provisions of this chapter and shall be complemented by the public policy of prevention and socioeconomic stabilization of forced displacement.

(a) The State party should take all necessary measures to ensure the protection of the displaced population established by Act No. 387 of 1997 and other regulations regulating it.

Existing provisions aimed at achieving the effective enjoyment of the rights of the displaced population, which do not contravene this Act, shall remain in force.

**Paragraph 1:** The cost incurred by the State in providing the offer addressed to the displaced population shall in no case be deducted from the amount of administrative or judicial compensation to which this population is entitled.

This offer, provided that it is a priority, prevalent and addresses their specific vulnerabilities, has a remedial effect, with the exception of immediate, emergency and transitional humanitarian attention.

For the purposes of this Act, it shall be understood that any person who has been forced to migrate within the national territory, abandoning his place of residence or usual economic activities, because his life, physical integrity, personal security or freedom have been violated or are directly threatened, on the occasion of the violations referred to in article 3 of this Act, shall be a victim of forced displacement.

**ARTICLE 61. THE STATEMENT OF THE FACTS MAKING UP THE DISPLACEMENT SITUATION.** The person victim of

Forced displacement must make a declaration before any of the institutions that make up the Public Prosecutor's Office, within two (2) years following the occurrence of the event that gave rise to the displacement, provided that these events had occurred on or after January 1, 1985, and is not registered in the Single Registry of Displaced Population.

The declaration shall become part of the Single Registry of Victims, in accordance with the provisions of Article 155 of this Law. The assessment made by the official in charge of receiving the application for registration must respect the constitutional principles of dignity, good faith, legitimate expectations and the prevalence of substantive law.

**Paragraph 1:** A period of two (2) years is established for the reduction of under-registration, a period in which the victims of the displacement of previous years may declare the facts in order to decide whether or not to include them in the Register.

To this end, the National Government will carry out a nationwide dissemination campaign to ensure that victims of forced displacement who have not testified approach the Public Prosecutor's Office to give their testimony.

**Paragraph 2:** In statements submitted two years after the occurrence of the event that gave rise to the forced displacement, the official of the Public Prosecutor's Office must inquire into the reasons why the statement was not made earlier, in order to determine whether there are barriers that hinder or impede the accessibility of victims to the protection of the State.

In any case, one should ask about the circumstances of time, manner and place that generated his displacement in order to have precise information to decide on the inclusion or not of the declarant to the Registry.

**Paragraph 3:** In the event of force majeure that has prevented the victim of the forced displacement from making the declaration within the term established in this article, it shall be counted from the moment when the circumstances giving rise to such impediment cease to exist.

The victim of forced displacement must inform the officer of the Public Prosecutor's Office, who will investigate the circumstances and send the diligence to the Special Administrative Unit for Comprehensive Care and Reparation for Victims so that it can take appropriate action in accordance with the events mentioned herein.

**ARTICLE 62. STAGES OF HUMANITARIAN ASSISTANCE.** Three phases or stages for the humanitarian care of victims of forced displacement:

1. Immediate attention;
2. Emergency Humanitarian Care; and
3. Transitional Humanitarian Care.

**Paragraph.** The stages established here vary according to their temporality and the content of such aid, in accordance with the qualitative assessment of the condition of vulnerability of each victim of displacement carried out by the competent entity.

**ARTICLE 63. IMMEDIATE ATTENTION.** Humanitarian aid delivered to people who claim to be displaced and who are in a situation of heightened vulnerability and require temporary shelter and food assistance.

This aid will be provided by the territorial entity at municipal level receiving the displaced population. It will be dealt with immediately from the moment the declaration is submitted, until the moment in which the inscription is made in the Single Registry of Victims.

**Paragraph 1:** This humanitarian aid may be accessed by persons who submit the declaration referred to in article 61 of this Law, and whose event that gave rise to the displacement occurred within the three (3) months prior to the request.

When cases of force majeure arise that prevent the victim of forced displacement from presenting his or her statement within the period established in this paragraph, the statement shall be counted from the moment when the circumstances giving rise to such impediment cease to exist, in which case the official of the Public Prosecutor's Office shall investigate the circumstances and inform the competent entity so that they may take the pertinent actions.

**Paragraph 2.** Until the Single Registry of Victims comes into operation, the functioning of the Single Registry of Displaced Population shall be maintained in accordance with the provisions of article 153 of this Law.

**ARTICLE 64. EMERGENCY HUMANITARIAN CARE.** It's the help  
In the case of persons or households in a situation of displacement, the humanitarian assistance to which they are entitled once the administrative act that includes them in the Single Registry of Victims has been issued, shall be delivered in accordance with the degree of need and urgency with respect to their minimum subsistence.

Once the registry has been completed, a copy of the information relating to the criminal acts will be sent to the Attorney General's Office so that it may carry out the necessary investigations.

**Paragraph 1:** Emergency humanitarian assistance shall continue to be provided by the Presidential Agency for Social Action and International Cooperation until it is guaranteed the operating resources of the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

The Special Administrative Unit for Comprehensive Care and Reparation for Victims should deliver humanitarian aid through effective and efficient mechanisms, ensuring that the process is free of charge and that beneficiaries receive it in full and in a timely manner.

**Paragraph 2.** Until the Single Registry of Victims comes into operation, the functioning of the Single Registry of Displaced Population shall be maintained in accordance with the provisions of article 154 of this Law.

**ARTICLE 65. TRANSITIONAL HUMANITARIAN CARE.** It's the help  
The situation, however, in light of the assessment made by the Special Administrative Unit for Integral Attention and Reparation to Victims, does not present the characteristics of gravity and urgency that would make them recipients of Emergency Humanitarian Attention.

**Paragraph 1:** The Colombian Family Welfare Institute shall take appropriate action to guarantee food for displaced households. Similarly, the Special Administrative Unit for Comprehensive Care and Reparation for Victims and territorial entities will take the necessary measures to guarantee temporary housing for displaced persons.

**Paragraph 2:** Employment programmes for the victims covered by this Act shall be considered part of transitional humanitarian aid.

**Paragraph 3.** Until the Single Registry of Victims comes into operation, the functioning of the Single Registry of Displaced Population shall be maintained in accordance with the provisions of article 154 of this Law.

**ARTICLE 66. RETURNS AND RELOCATIONS.** In order to guarantee comprehensive care for victims of forced displacement who voluntarily decide to return or relocate, under favourable security conditions, they will endeavour to remain in the place they have chosen so that the State can guarantee the effective enjoyment of their rights, through the design of special accompaniment schemes.

When the security conditions for staying in the chosen place do not exist, the victims must approach the Public Prosecutor's Office and declare the facts that generate or could generate their displacement.

**Paragraph 1:** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall take appropriate action before the various entities.



which make up the National System of Care and Reparation for Victims to ensure effective comprehensive care for the returned or relocated population, especially in relation to the minimum rights of identification under the National Registry of Civil Status, health under the Ministry of Social Protection, education under the Ministry of National Education, The Ministry of the Environment, Housing and Territorial Development is responsible for urban housing and the Ministry of Agriculture and Rural Development is responsible for rural housing and occupational guidance is responsible for the National Apprenticeship Service.

**Paragraph 2.** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall regulate the procedure to ensure that victims of forced displacement who are outside the national territory on the occasion of the violations referred to in article 3 of this Act are included in the return and relocation programmes referred to in this article.

**ARTICLE 67. CESSATION OF THE CONDITION OF VULNERABILITY AND MANIFEST WEAKNESS.** The condition of manifest vulnerability and weakness caused by the very fact of displacement will cease when the victim of forced displacement through his or her own means or through programmes established by the National Government achieves the effective enjoyment of his or her rights. To this end, it shall have access to the components of comprehensive care referred to in the public policy of prevention, protection and comprehensive care for victims of forced displacement in accordance with article 60 of this Act.

**Paragraph 1:** The National Government shall establish the criteria for determining the cessation of the situation of vulnerability and manifest weakness due to the fact of displacement itself, in accordance with the indicators of effective enjoyment of comprehensive care rights defined in case law.

**Paragraph 2:** Once the condition of vulnerability and manifest weakness caused by the fact of displacement itself ceases, the Single Registry of Victims shall be modified to record the cessation referred to in this article.

In any event, the dismissed person will maintain his or her status as a victim, and will therefore retain the additional rights arising from that situation.

**Paragraph 3.** Until the Single Registry of Victims comes into operation, the functioning of the Single Registry of Displaced Population shall be maintained in accordance with the provisions of article 154 of this Law.

**ARTICLE 68. EVALUATION OF THE CESSATION OF THE STATUS OF VULNERABILITY AND MANIFEST WEAKNESS.** Every two years, the Special Administrative Unit for Comprehensive Care and Reparation for Victims and the municipal or district mayors of the place where the displaced person resides shall assess the conditions of vulnerability and manifest weakness caused by the displacement itself.

This evaluation will be carried out through existing mechanisms for monitoring households, and those for declaring the condition of vulnerability and manifest weakness ceased in accordance with the previous article.

National, regional or local entities should focus their institutional offer to meet the needs associated with displacement, in accordance with the results of the assessment of cessation.

#### TITLE IV REPARACIÓN□

#### OF THE VICTIMS

#### CHAPTER I

#### **General provisions**

**ARTICLE 69. REPARATION MEASURES.** The victims of this law have the right to obtain reparation measures that promote restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in their individual, collective, material, moral and symbolic dimensions. Each of these measures will be implemented in favor of the victim depending on the violation of their rights and the characteristics of the victimizing act.

The Colombian State, through the National Plan for Comprehensive Care and Reparation for Victims, shall adopt a comprehensive program that includes the victim's return to his or her place of residence or the relocation and restitution of his or her real property.

## CHAPTER II

### **General restitution provisions**

**ARTICLE 71. RESTITUTION.** Restitution is understood to be the realization of measures for the re-establishment of the situation prior to the violations contemplated in Article 3 of this Law.

## CHAPTER III

### **Land restitution. General Provisions**

#### **ARTICLE 72. ACTIONS FOR RESTITUTION OF DISPOSSESSED PERSONS.**

The

The Colombian State shall adopt the measures required for the legal and material restitution of lands to the dispossessed and displaced. If restitution is not possible, to determine and recognize the corresponding compensation.

The actions of reparation of the dispossessed are: the legal and material restitution of the dispossessed property. In subsidy, it will proceed, in its order, the restitution by equivalent or the recognition of a compensation.

In the case of vacant property, the right of ownership of the vacant lot shall be awarded to the person who had been exercising his economic exploitation if the conditions for the award were met during the plundering or abandonment.

The legal restitution of the stripped property will take place with the restoration of property rights or possession, as the case may be. The re-establishment of the property right will require the registration of the measure in the real estate registration sheet. In the case of the right of possession, its re-establishment may be accompanied by a declaration of belonging, in the terms indicated in the law.

In cases in which the legal and material restitution of the dispossessed property is impossible or when the dispossessed person is unable to return to it, for reasons of risk to his or her life and personal integrity, he or she shall be offered restitution alternatives for the equivalent to access land of similar characteristics and conditions in another location, after consultation with the affected party. Cash compensation shall only be paid in the event that no form of restitution is possible.

The National Government shall regulate the matter within six (6) months following the issuance of this law.

**ARTICLE 73. PRINCIPLES OF RESTITUTION.** The restitution covered by this Act shall be governed by the following principles:

1. Preferred. Land restitution, accompanied by post-restitution support actions, is the preferred comprehensive reparation measure for victims;

2. Independence. The right to restitution of land is a right in itself and is independent of whether or not the return of the victims to whom that right assists is made effective;

3. Progressivity. It shall be understood that the restitution measures contemplated in the present law have the objective of progressively promoting the restoration of the victims' life project;

4. Stabilization. Victims of forced displacement and forced abandonment have the right to voluntary return or relocation in conditions of sustainability, security and dignity;

5. Legal certainty. Restitution measures shall be aimed at ensuring legal certainty as to the restitution and clarification of the situation of the land to be restituted. For this purpose, the titling of property as a restitution measure will be favoured, considering the legal relationship that the victims had with the land subject to restitution or compensation;

6. Prevention Restitution measures shall take place within a framework of prevention of forced displacement, protection of the life and integrity of claimants and legal and physical protection of the property and possessions of displaced persons;

7. Participation The planning and management of return or relocation and reintegration into the community will involve the full participation of victims;

8. Constitutional Prevalence. It is the duty of the judicial authorities covered by this Act to guarantee the prevalence of the rights of victims of dispossession and forced abandonment, who have a special constitutionally protected link, with the property from which they were dispossessed. By virtue of the foregoing, they will give priority restitution to the most vulnerable victims, and to those who have a link with the land that is subject to special protection.

**ARTICLE 74. FORCED DISPOSSESSION AND ABANDONMENT OF LAND.** It is understood

by dispossession the action by which, taking advantage of the situation of violence, it is

arbitrarily deprives a person of his or her property, possession or occupation, whether in fact, through legal business, administrative act, sentence, or through the commission of crimes associated with the situation of violence.

Forced abandonment of land is understood to be the temporary or permanent situation to which a person is forced to move, which is why they are prevented from exercising administration, exploitation and direct contact with the land they had to neglect in their displacement during the period established in article 75.

The disturbance of the possession or abandonment of the immovable property, due to the situation of violence that obliges the forced displacement of the possessor during the period established in article 75, shall not interrupt the statute of limitations in his favour.

The dispossession of the possession of the property or the forced displacement of the holder during the period established in Article 75 shall not interrupt the term of usury required by the regulations. In the case of having completed the period of possession required by the regulations, in the same process, the action of declaration of belonging in favour of the re-established holder may be presented.

If the dispossession or forced displacement disrupted the economic exploitation of a vacant lot, the duration of such exploitation shall not be taken into account when awarding the right of ownership in favour of the dispossessed lot. In these cases the Magistrate must accept the criteria on the Family Agricultural Unit as the maximum extension to the holder and any award that exceeds this extension will be ineffective.

The owner or possessor of land or economic operator of a vacant lot shall inform any of the following entities of the fact of the displacement: the Municipal Authority, the Ombudsman's Office, the Agrarian Attorney's Office, the Special Administrative Unit for the Management of Restitution of Stripped Land or the Attorney General's Office of the Nation, in order to bring forward the actions that may take place.

**Paragraph.** The configuration of dispossession is independent of criminal, administrative, disciplinary, or civil liability, both of the person who deprives the right to property, possession, occupation or tenure of the property, and of the person who carries out threats or acts of violence, as the case may be.

**ARTICLE 75. HOLDERS OF THE RIGHT TO RESTITUTION.** The persons who were owners or possessors of properties, or operators of vacant lots whose

(b) In the event that the property is intended to be acquired by adjudication, that they have been dispossessed of these or that they have been forced to abandon them as a direct and indirect consequence of the facts that constitute the violations referred to in article 3 of this Law, between 1 January 1991 and the term of validity of the Law, they may request the legal and material restitution of the land dispossessed or forcibly abandoned, under the terms established in this chapter.

RETURN PROCEEDINGS AND PROTECTION OF THE RIGHTS OF THIRD  
PARTIES

**ARTICLE 76. REGISTRATION OF LAND ALLEGEDLY DISPOSSESSED AND FORCIBLY ABANDONED.** Create the "*Register of Land forcibly Abandoned and Deprived*" as an instrument for the restitution of land referred to in this law. The Register of Forcibly Despoiled and Abandoned Lands shall also record the persons who were despoiled of their lands or forced to abandon them and their legal relationship with them, determining with precision the land subject to despoilment, preferably through georeferencing, as well as the period during which armed influence was exercised in relation to the land.

The register will be implemented gradually and progressively, in accordance with the regulations, taking into account the security situation, the historical density of dispossession and the existence of conditions for return. The creation and administration of the registry shall be the responsibility of the Special Administrative Unit for the Management of Restitution of Despoiled Lands created by this Law.

Entry in the register shall be ex officio or at the request of the person concerned. The registry shall determine the property that is the object of forced dispossession or abandonment, the person and the family nucleus of the dispossessed person or of the person who abandoned the property. When several properties are stripped of the same property or multiple abandonments, the Unit will register them individually in the register. In this case all restitution and compensation claims will be processed in the same process.

Once the application for registration of a property in the registry has been received by the interested party, or the ex officio procedure has been initiated, the Special Administrative Unit for the Management of Restitution of Stripped Land, shall communicate said procedure to the owner, possessor or occupant who is in the property object of registration, so that he may provide the following information

documentary evidence attesting to the ownership, possession or occupation of such property in good faith, in accordance with law. This Unit has a term of sixty (60) days, counted from the moment it undertakes the study in accordance with the second paragraph of this article, to decide on its inclusion in the Register. This term may be extended for up to thirty (30) days, when circumstances exist or arise that justify it.

The registration of a plot of land in the register of land dispossessed shall be a procedural requirement for initiating the action for restitution referred to in this Chapter.

The Special Administrative Unit for the Management of Restitution of Despoiled Lands will have access to all databases on victims of dispossession or forced abandonment, the Agustín Codazzi Geographic Institute and decentralized cadastres, notaries' offices, the Colombian Institute of Rural Development, the Superintendency of Notaries and Registration, the registry offices of public instruments, among others.

For these purposes, entities will have information exchange services in real time with the Special Administrative Unit for Management of Restitution of Stripped Lands, based on the security standards and policies defined in Decree 1151 of 2008 on the Online Government strategy.

In cases in which the technological infrastructure does not allow the exchange of information in real time, the public servants of the respective entities and organizations shall deliver the information within a maximum term of ten (10) days, counted from the request. Public servants who obstruct access to information or fail to comply with this obligation shall be guilty of an extremely serious misdemeanour, without prejudice to any criminal sanctions that may apply.

**Paragraph 1:** Authorities receiving information on forced abandonment and land dispossession must submit to the Special Administrative Unit for Management of Restitution of Dispossessed Land, on the working day following its receipt, all relevant information in order to expedite registration and restitution processes.

**Paragraph 2:** The Special Administrative Unit for the Management of Restitution of Stripped Land shall allow access to information by the Special Administrative Unit for the Integral Attention and Reparation of Victims, for the purpose of

Guarantee the integrity and interoperability of the National Information Network for Comprehensive Care and Reparation for Victims.

**ARTICLE 77. PRESUMPTIONS OF DISPOSSESSION IN RELATION TO LAND REGISTERED IN THE REGISTER OF DISPOSSESSED LAND.** In

The following presumptions shall be taken into account in relation to land registered in the Register of Forcibly Despoiled and Abandoned Lands:

1. *Presumptions of law in relation to certain contracts.* For evidentiary purposes within the restitution process, it is presumed from law that there is a lack of consent, or unlawful cause, in business and purchase contracts or any other by means of which a real right, possession or occupation of the property object of restitution, concluded during the period provided for in Article 75, is transferred or promised between the victim of this, his or her spouse, permanent partner, relatives or adults with whom he or she lives, his or her successors in title with persons who have been convicted of belonging to, collaborating with or financing armed groups acting outside the law, whatever their name may be, or for drug trafficking or related offences, whether the latter have acted on their own in the business or through third parties. The absence of consent in the contracts and businesses mentioned in this numeral generates the non-existence of the act or business in question and the absolute nullity of all subsequent acts or businesses held on all or part of the property.

2. *Legal presumptions regarding certain contracts.* Unless there is evidence to the contrary, for evidentiary purposes within the restitution process, it is presumed that in the following legal transactions there is an absence of consent or of lawful cause, in purchase contracts and other legal acts by means of which a right in rem is transferred or promised, the possession or occupation of real estate, provided that it is not found that the situation is foreseen in the previous numeral, in the following cases:

a. In the vicinity of which there have been acts of generalized violence, phenomena of forced collective displacement, or serious violations of human rights at the time when the threats or acts of violence alleged to have caused dispossession or abandonment occurred, or in those properties in which the individual and collective protection measures referred to in Act No. 387 of 1997 have been requested, except in the following cases



authorized by the competent authority, or those by means of which the victim of dispossession has been displaced, his or her spouse, permanent partner, family members or adults with whom he or she lived, or his or her successors in title.

b. On properties adjacent to those in which, subsequently or concomitantly with the threats, acts of violence were committed or the dispossession would have produced a phenomenon of concentration of land ownership in one or more persons, directly or indirectly; on properties adjacent to those in which there would have been significant alterations in land use, such as the substitution of consumer agriculture and support for monocultures, extensive cattle ranching or industrial mining, after the time when the threats, acts of violence or dispossession occurred.

c. With persons who have been extradited for drug trafficking or related offences, whether the latter have acted themselves in business or through third parties.

d. In cases where the value formally enshrined in the contract, or the value actually paid, is less than fifty percent of the real value of the rights whose ownership is transferred at the time of the transaction.

e. When the absence of consent in the contracts and businesses mentioned in any of the literals of this article is not distorted, the act or business in question shall be deemed non-existent and all subsequent acts or businesses held on all or part of the good shall be vitiated by absolute nullity.

f. As opposed to property adjudicated in accordance with Law 135 of 1961 and Decree 561 of 1989, to community enterprises, associations or peasant cooperatives, when after the forced displacement there has been a transformation in the members of the enterprise.

3. *Legal presumptions about certain administrative acts.* Where the opposing party has proved ownership, possession or occupation and the subsequent dispossession of immovable property, it may not be denied restitution on the ground that a subsequent administrative act legalized a legal situation contrary to the victim's rights. For evidentiary purposes within the restitution process, such acts are legally presumed to be null and void. Therefore, the judge or magistrate may decree the nullity of such acts. The nullity of such acts leads to the decay of all subsequent administrative acts, and the

nullity of all acts and private legal transactions relating to all or part of the property.

4. *Presumption of due process in judicial decisions.* When the applicant has proven ownership, possession or occupation, and the subsequent dispossession of a real estate, his restitution cannot be denied on the grounds that a judgment that made transit to res judicata granted, transferred, expropriated, extinguished or declared the property in favor of a third party, or that said property was the object of an auction diligence, if the respective judicial process was initiated between the time of the threats or acts of violence that originated the displacement and the time of the judgment that terminates the process dealt with by this law.

For evidentiary purposes within the restitution process, it is presumed that the acts of violence prevented the dispossessed person from exercising his fundamental right of defense within the process through which a situation contrary to his right was legalized. As a result of the foregoing, the judge or magistrate may revoke judicial decisions that violate the victim's rights and order adjustments to implement and make effective the decision in favor of the victim of dispossession.

5. *Presumption of non-existence of possession.* Where possession of the property subject to restitution has been commenced during the period provided for in article 75 and the judgment terminating the proceedings covered by this Act, such possession shall be presumed never to have occurred.

**ARTICLE 78. REVERSAL OF THE BURDEN OF PROOF.** The summary evidence of ownership, possession or occupation and recognition as displaced in the judicial process, or failing that, summary evidence of dispossession, in order to shift the burden of proof to the defendant or to those who oppose the victim's claim in the course of the restitution process, unless they have also been recognized as displaced or dispossessed of the same property.

**ARTICLE 79. JURISDICTION TO HEAR AND DETERMINE THE LAWSUITS. RESTITUTION.** The Magistrates of the Superior Courts of the Judicial District, Civil Chamber, specialized in land restitution, will decide in only one instance the processes of land restitution, and the processes of formalization of titles of the dispossessed and of those who forcibly abandoned their properties, in those cases in which they are recognized.

opponents within the process. Also, they will know of the consultations of the sentences dictated by the Civil Judges of the Circuit, specialized in restitution of lands.

The Civil Judges of the Circuit, specialized in land restitution, will hear and decide in only one instance the processes of land restitution and the processes of formalization of titles of the dispossessed and of those who forcibly abandoned their properties, in those cases in which no opponents are recognized within the process.

In proceedings in which opponents are recognized, the Civil Judges of the Circuit, who specialize in land restitution, will process the proceedings up to the time of the ruling and will refer them to the Superior Judicial District Court for jurisdiction.

Judgments handed down by the Civil Judges of the Circuit specialized in restitution of land that do not decree restitution in favor of the dispossessed shall be subject to consultation before the Superior Court of the Judicial District Civil Chamber, in defense of the legal system and the defense of the rights and guarantees of the dispossessed.

The Magistrates of the High Court of the Judicial District of the Civil Chamber, specialized in land restitution, may order ex officio any additional evidence they deem necessary, which shall be carried out within a period of no more than twenty (20) days.

**Paragraph 2.** Where there is no Civil Judge of the Circuit specialized in restitution of lands, the demand for restitution may be presented before any municipal civil judge, of the circuit or promiscuous, who within the following two (2) days must send it to the competent official.

**ARTICLE 80. TERRITORIAL JURISDICTION.** The judges and magistrates of the place where the assets are located shall have exclusive jurisdiction, and if they are located in several municipalities with different jurisdictions, the judge and magistrates of the municipality of the respective jurisdiction where the lawsuit is filed shall have exclusive jurisdiction.

**ARTICLE 81. LEGITIMATION.** The persons referred to in article 75 shall be the holders of the action regulated by this law.

Your spouse or permanent partner with whom you live at the time of the events or threats that led to dispossession or forced abandonment, as the case may be.

When the dispossessed person, or his or her spouse or permanent companion, has died, or is missing, the action may be initiated by those called upon to succeed him or her, in accordance with the Civil Code, and in relation to the spouse or permanent companion, marital or de facto cohabitation shall be taken into account at the time the events occurred.

In the cases contemplated in the previous numeral, when the calls to succeed them are minors or incapable persons, or these live with the dispossessed and depend economically on it, at the time of the victimization, the Special Administrative Unit for Management of Restitution of Dispossessed Lands will act in their name and in their favor.

The owners of the share may request the Special Administrative Unit for the Management of Despoiled Land to exercise the share on their behalf and in their favour.

**ARTICLE 82. REQUEST FOR RESTITUTION OR FORMALISATION BY THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF RESTITUTION OF DESPOILED LAND.** The Special Administrative Unit for the Management of Restitution of Despoiled Lands may request the Judge or Magistrate to give title and title to the respective land included in the register of lands despoiled in favor of the owner of the action and represent him in the process.

**Paragraph.** The owners of the action may process collectively the applications for restitution or formalization of land registered in the Unit, which gives uniformity with respect to the vicinity of property stripped or abandoned, time and cause of displacement.

**ARTICLE 83. REQUEST FOR RESTITUTION OR FORMALIZATION BY PART OF THE VICTIM:** Once the procedural requirement referred to in article 76 has been fulfilled, the stripped person may address himself directly to the Judge or Magistrate, in accordance with the provisions of article 79, by means of the presentation of a written or oral request, by himself or through an attorney-in-fact.

**ARTICLE 84. CONTENTS OF THE APPLICATION.** The request for restitution or formalization must contain:

a) The identification of the property that must contain at least the following data: the location, the department, municipality, corregimiento or sidewalk, the registry identification, number of the real estate registration and cadastral identification, number of the cadastral cédula.

b) The proof of inscription of the property in the register of land dispossessed.

c) The factual and legal grounds for the application.

d) Name, age, identification and address of the dispossessed person and his or her family nucleus, or of the group of applicants, as the case may be.

e) The certificate of tradition and freedom of real estate registration that identifies the property.

f) The certification of the value of the cadastral appraisal of the property.

**Paragraph 1:** The procedures referred to in this article shall be guaranteed to victims free of charge, including exemption from the judicial fee referred to in Act No. 1394 of 2010.

**Paragraph 2.** In cases in which it is not possible to include the documents contained in subparagraphs (e) and (f) of this article with the application, proof may be furnished by any of the admissible means of evidence specified in the Code of Civil Procedure of the person's capacity as owner, possessor or occupier of the land subject to restitution.

**ARTICLE 85. PROCESSING OF THE APPLICATION.** The application shall be dealt with by the Judge or Magistrate, as the case may be, who shall be responsible for apportionment by the President of the Chamber on the same day or no later than the following working day. The Judge or Magistrate shall take into consideration the manifest vulnerability of the victims in order to consider the preferential processing of their claims.

**ARTICLE 86. ADMISSION OF THE APPLICATION.** The car that admits the application must provide:

a) The inscription of the application in the Office of Registry of Public Instruments indicating the real estate registration sheet and the order of remittance of the inscription slip by the registrar to the Magistrate, together with the certificate on the legal status of the property, within five (5) days following receipt of the inscription order.

b) The provisional subtraction of the commerce of the property or properties whose restitution is requested, until the execution of the sentence.

c) The suspension of declaratory processes of rights in rem on the property whose restitution is requested, the processes of succession, seizure, division, demarcation and demarcation, easements, possessions of any nature, restitution of tenure, declaration of membership and vacant property and displays, which have been initiated before the ordinary justice in relation to the property or property whose restitution is requested, as well as executive, judicial, notary and administrative processes affecting the property, with the exception of expropriation processes.

d) Notification of the start of the process to the legal representative of the municipality where the property is located, and to the Public Prosecutor's Office.

e) Publication of the admission of the application in a newspaper of wide national circulation, including the identification of the property and the names and identification of the person and the family nucleus of the dispossessed person or of the person who left the property whose restitution is requested, so that persons who have legitimate rights related to the property, secured creditors and other creditors of obligations related to the property, as well as persons who consider themselves affected by the suspension of administrative processes and procedures appear at the process and assert their rights.

**Paragraph.** Additionally, the Judge or Magistrate in this order or in any state of the process may decree the precautionary measures that he considers pertinent to prevent an imminent damage or to make cease the damage that is being caused on the property.

**ARTICLE 87. TRANSFER OF THE APPLICATION.** The transfer of the application will be provided to those who appear as registered holders of rights in the certificate of tradition and freedom of real estate registration where the property on which the restitution is requested is included and to the Special Administrative Unit of Management of Restitution of Stripped Land when the application has not been processed with its intervention.

The publication referred to in subparagraph (e) of the foregoing article shall be understood as assuming the transfer of the application to indeterminate persons who consider that they must appear at the proceedings to assert their legitimate rights and to those who consider themselves affected by the restitution proceedings.

Once the above formalities have been completed without the specific third parties appearing, they will be appointed a judicial representative for the process within five (5) days.

**ARTICLE 88. OPPOSITIONS.** Oppositions must be filed with the judge within fifteen (15) days of the request. Oppositions to the application made by private individuals shall be presented under the gravity of the oath and shall be admissible, if appropriate. The oppositions presented by the Special Administrative Unit for the Management of Restitution of Stripped Land, when the application has not been processed with its intervention, must be assessed and taken into account by the Judge or Magistrate.

The Special Administrative Unit for the Management of Restitution of Stripped Land, when it has not acted as an applicant, may file an opposition to the request for restitution.

The notice of opposition shall be accompanied by the documents that are intended to be used as proof of the quality of dispossession of the respective property, of good faith exempt from guilt, of the just title of the right and other evidence that the opponent intends to use in the process, referring to the value of the right, or the blemish of the quality of dispossession of the person or group in whose favor the application for restitution or formalization was filed.

When the request has been presented by the Special Administrative Unit for the Management of Restitution of Stripped Lands in accordance with the provisions of this chapter and there are no opponents, the Judge or Magistrate will proceed to issue a sentence based on the body of evidence presented with the request.

**ARTICLE 89. EVIDENCE.** All evidence recognized by law is admissible. In particular, the Judge or Magistrate shall take into account the documents and evidence provided with the application, shall avoid the duplication of evidence and the delay of the process with the practice of evidence that he does not consider relevant and conducive. As soon as the Judge or Magistrate becomes convinced of the litigious situation, he or she may render the judgment without the need to decree or practice the evidence requested.

The value of the property may be credited by the opponent through the commercial appraisal of the property prepared by a Real Estate Exchange of the qualities determined by the National Government. If there is no controversy over the price, the total value of the property will be the appraisal presented by the competent cadastral authority.

Evidence from the Special Administrative Unit for the Management of Restitution of Land Dispossessed of the Registry of Dispossessed and Forcibly Abandoned Land referred to in this law is presumed to be reliable.

**ARTICLE 90. PROBATIONARY PERIOD.** The probationary period shall be thirty years.

(30) days, within which the tests that have been decreed in the process will be practiced.

**ARTICLE 91. CONTENT OF THE FAULT.** The sentence shall be pronounced definitively on the property, possession of the property or occupation of the vacant lot object of the lawsuit and shall decree the compensations to which there was place, in favor of the opponents who proved good faith exempt from guilt within the process. The judgment therefore constitutes sufficient title.

The judgment shall refer to the following aspects, in an explicit and sufficiently reasoned manner, as the case may be:

a. Each and every one of the pretensions of the applicants, the exceptions of opponents and the applications of third parties;

b. The identification, individualisation, demarcation of the properties to be returned, indicating their location, extension, general and special characteristics, boundaries, geographical coordinates, cadastral and registry identification and the real estate registration number.

c. Orders to the registry office of public instruments to register the sentence, in the office where by territorial circumscription corresponds the registration of the restituted or formalized property.

d. Orders to the office of registration of public instruments to cancel all antecedent registration of liens and limitations of ownership, titles of possession, leases, of the so-called false tradition and precautionary measures registered after the dispossession or abandonment, as well as the cancellation of the corresponding entries and registrations;

e. Orders for restituted property to be protected under the terms of Law 387 of 1997, provided that the subjects to whom the property is restituted agree that such an order of protection is made;

f. In the event that the declaration of belonging proceeded, if the term of possession required to usucapir had been added provided for by the regulations, the orders to the office of registration of public instruments so that it registers said declaration of belonging;



g. In the case of the exploitation of vacant lots, the Incoder shall be ordered to carry out the adjudications of vacant lots.

h. The necessary orders to restore the holder favored in his right by the sentence within the restitution process, in accordance with the provisions of this law, when he is not recognized the right of dominion in the respective order;

i. The necessary orders to disengage or parcel the respective properties when the property to be returned is part of a larger one. The Judge or Magistrate will also order that the properties be included when the property to be restituted includes several smaller properties;

j. The relevant orders for the effective enforcement of the compensations covered by the law, and those aimed at securing the rights of all parties in relation to improvements to property subject to restitution;

k. The necessary orders for the compensated person to transfer to the Administrative Unit Fund the property that was taken from him and that was impossible to return to him.

l. The declaration of the nullity of the judicial decisions that by the effects of their sentence, lose legal validity, in accordance with the established in the present law.

m. The declaration of nullity of the administrative acts that extinguish or recognize individual or collective rights, or modify particular and concrete legal situations debated in the process, if there is merit for it, in accordance with the provisions of this law, including permits, concessions and authorizations for the use of natural resources that would have been granted on the respective property;

n. The order to cancel the registration of any right in rem held by a third party in the property subject to restitution, by virtue of any civil, commercial, administrative or tax obligations contracted, in accordance with what has been discussed in the proceedings;

o. The pertinent orders for the public force to accompany and collaborate in the diligence of material delivery of the goods to be returned;

p. Such orders as may be necessary to ensure the effectiveness of the legal and material restitution of the immovable property and the stability in the exercise and effective enjoyment of the rights of the persons repaired;

q. The enforceable orders and convictions of those who have been called as security in the proceedings in favor of the plaintiffs and/or the bona fide defendants defeated in the proceedings;

r. The orders necessary to ensure that the parties in good faith who have expired in the proceedings are compensated when appropriate, under the terms established by this law;

s. The award of costs to the unsuccessful party in the restitution proceedings under this Act when it is proven that he was guilty of fraud, recklessness or bad faith;

t. Referral of offenses to the Attorney General's Office in the event that as a result of the process the possible occurrence of a punishable act is perceived.

**Paragraph 1:** Once the sentence has been executed, it shall be complied with immediately. In any case, the Judge or Magistrate shall maintain the competence to guarantee the effective enjoyment of the rights of the defendant in the process, continuing within the same file the measures of execution of the sentence, applying, as appropriate, article 335 of the Code of Civil Procedure. This competence will be maintained until the causes of the threat to the rights of the claimant in the process are completely eliminated.

**Paragraph 2.** The Judge or Magistrate shall render the judgment within four months of the request. Failure to comply with the terms applicable in the proceedings will constitute a very serious fault.

**Paragraph 3:** A very serious offense shall be committed by an official who unjustifiably omits or delays the fulfillment of the orders contained in the judgment or does not provide the Judge or Magistrate with the support required by the latter for the execution of the sentence.

**Paragraph 4.** The title of the property must be given in the name of the two spouses or permanent companions, who at the time of displacement, abandonment or dispossession, cohabited, thus at the time of the delivery of the title are not united by law.

**ARTICLE 92. APPEAL FOR REVISION OF JUDGMENT.** Against  
In accordance with article 379 et seq. of the Code of Civil Procedure, an appeal for review may be filed before the Civil Cassation Chamber of the Supreme Court of Justice.

The Supreme Court of Justice shall issue interlocutory orders in a term of no more than ten (10) days and a decision in a maximum term of two (2) months.

**ARTICLE 93. NOTIFICATIONS.** Orders issued shall be notified by the means deemed most effective by the Judge or Magistrate.

**ARTICLE 94. INADMISSIBLE PROCEEDINGS AND FORMALITIES.** In this process

The counterclaim, the exclusionary or intervening intervention, incidents due to facts constituting previous exceptions, or the conciliation are not admissible. In the event that such actions or proceedings are proposed, the Judge or Magistrate shall reject them outright, by order which shall have no recourse whatsoever.

**ARTICLE 95. CUMULATION OF PROCEEDINGS.** For the purposes of the restitution process dealt with in this law, procedural accumulation shall be understood as the exercise of concentration in this special procedure of all judicial, administrative or any other type of proceedings or acts carried out by public authorities or notaries in which rights are compromised over the property that is the object of the action. Also subject to accumulation will be lawsuits in which several subjects claim adjacent properties, or properties that are located in the same neighborhood, as well as challenges to land records in the Registry of Land Stripped and forcibly abandoned.

In order to make this accumulation effective, as soon as the officials mentioned are informed of the initiation of the restitution procedure by the judge hearing the case, they will lose jurisdiction over the respective proceedings and will proceed to send them to him or her within the time limit indicated by the judge hearing the case.

The accumulation of proceedings is aimed at obtaining a legal and material decision with criteria of integrality, legal certainty and unification for the closure and stability of judgments. In addition, in the case of neighboring or adjacent properties, the accumulation is directed to criteria of procedural economy and to seek the returns with collective character directed to re-establish the communities in an integral way under criteria of restorative justice.

**Paragraph 1:** In the cases of procedural accumulation referred to in this article, the terms shall be extended for a period equal to that established for such proceedings.

**Paragraph 2.** In any case, during the proceedings, notaries, registrars and other authorities shall refrain from initiating, ex officio or at the request of a party, any action that may be taken by the notary.

action that by reason of its powers affects the properties object of the action described in this law including permits, concessions and authorizations for the use of natural resources that would have been granted on the respective property.

**ARTICLE 96. INFORMATION FOR RESTITUTION.** In order to facilitate the accumulation of proceedings, the Superior Council of the Judiciary or whoever serves, the Superintendency of Notaries and Registry, the Agustín Codazzi Geographic Institute or the competent decentralized cadastre, the Colombian Institute of Rural Development or whoever serves, must inform the Judges, the Magistrates, the Public Instruments Registry Offices, the Notaries and their dependencies or territorial offices about the actions or requirements of the restitution process.

In order to facilitate communications, exchange of information, provision of evidence and compliance with court orders in the area of restitution action, the above-mentioned institutions will integrate, on the basis of previously established and standardized protocols, their information systems with that of the Judicial Branch.

In addition to agile communications between the institutions and the Judges and Magistrates, the institutions must make the necessary technical and human adjustments to facilitate the internal flow of information to fulfill this purpose.

**Paragraph.** While the articulation of information systems is being implemented, entities shall meet the objectives of this article by the most appropriate means.

**ARTICLE 97. COMPENSATION IN KIND AND RELOCATION.** How subsidiary claim, the applicant may request the Judge or Magistrate, as compensation and with charge to the resources of the Fund of the Special Administrative Unit for the Management of Stripped Lands, to deliver a real estate property of similar characteristics to the stripped one, in those cases in which the material restitution of the property is impossible for any of the following reasons:

- a. For being a property located in an area of high risk or threat of flood, landslide, or other natural disaster, as established by the state authorities in the matter;
- b. Because it is a property on which successive dispossessions were presented, and this would have been restituted to another victim dispossessed of the same property;

c. When within the process there is evidence that proves that the legal and/or material restitution of the property would imply a risk to the life or personal integrity of the dispossessed or restituted person, or his family.

d. In the case of immovable property which has been partially or totally destroyed and which cannot be reconstructed in conditions similar to those it had before the dispossession.

**ARTICLE 98. PAYMENT OF COMPENSATION.** The value of the compensations decreed by the sentence in favor of the opponents who proved the good faith exempt from guilt within the process, will be paid by the Fund of the Special Administrative Unit of Management of Restitution of Despojadas Lands. In no case shall the value of the compensation or compensations exceed the value of the property credited in the process.

In cases in which it is not appropriate to bring forward the process, and when in accordance with article 97 the compensation in kind or other compensations ordered in the judgment are appropriate, the Special Administrative Unit for the Management of Restitution of Stripped Lands shall be competent to agree and pay the corresponding economic compensation, with a charge to the resources of the fund. The National Government will regulate the matter.

The value of monetary compensations must be paid in money.

**ARTICLE 99. CONTRACTS FOR THE USE OF RESTITUTED LAND.**

When there are productive agro-industrial projects on the land subject to restitution and for the purpose of fully developing the project, the Magistrate who knows the process may authorize, through the incidental procedure, the conclusion of contracts between the beneficiaries of restitution, and the opponent who was developing the productive project, based on recognition of the right of ownership of the restituted or restituted, and the opponent has proved his good faith exempt from fault in the process.

When good faith without guilt is not proven, the Magistrate shall deliver the productive project to the Special Administrative Unit for the Management of Restitution of Stripped Land so that it may be exploited through third parties and the proceeds of the project may be used for collective reparation programs for victims in the vicinity of the property, including the beneficiary of the restitution.

The Magistrate shall ensure that the rights of the parties are protected and that the parties obtain adequate financial compensation.

**ARTICLE 100. DELIVERY OF THE RESTITUTED PROPERTY.** Delivery of the property

the object of restitution shall be made to the stripped person directly when the latter is the applicant, or to the Special Administrative Unit for the Management of Restitution of Stripped Land in favour of the stripped person, within three days following the payment of the compensations ordered by the Judge or Magistrate, where applicable, or within three days following the execution of the sentence.

For the delivery of the real estate the Judge or Magistrate of knowledge will practice the respective diligence of eviction in a peremptory term of five (5) days and for it it will be able to commission to the Municipal Judge, who will have the same term to fulfill the commission. The police authorities will lend their immediate assistance for the eviction of the premises. A report shall be drawn up and shall not contain any objections.

If there are no inhabitants on the premises at the time of the eviction proceedings, a search shall be carried out in accordance with articles 113 and 114 of the Code of Civil Procedure. In this case an inventory of the goods will be made, leaving them in the care of a depositary.

**ARTICLE 101. PROTECTION OF RESTITUTION.** To protect the The right to obtain restitution shall not be transferable by act between the living for any reason during the following two years counted from the delivery of the property, unless it is an act between the dispossessed and the State.

Likewise, once restitution has been obtained, any negotiation between the living of the land restituted to the dispossessed within two (2) years following the date of enforcement of the restitution decision, or of delivery, if later, shall be ineffective as of right, without the need for a judicial declaration, unless prior, express and reasoned authorization is obtained from the Judge or Court that ordered the restitution.

**Paragraph.** The authorization referred to in the second paragraph of this article shall not be necessary when it is a question of backing credits in the name of the restituted one granted by entities supervised by the Superintendence of Finance.

**ARTICLE 102. MAINTENANCE OF JURISDICTION AFTER THE EXPIRY OF THE**

After pronouncing the sentence, the Judge or Magistrate will maintain his competence over the process to dictate all those measures that, as the case may be, guarantee the

use, enjoyment and disposition of property by the dispossessed to those who have been returned or formalized land, and security for their lives, their personal integrity, and that of their families.

**SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF  
RESTITUTION OF DESPOILED LAND**

**ARTICLE 103. SETTING UP OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF THE RESTITUTION OF DESPOILED LAND.** Create

Unity

Administrativa Especial de Gestión de Restitución de Tierras Despojadas por el término de diez (10) años, como una entidad especializada de carácter temporal, adscrita al Ministerio de Agricultura y Desarrollo Rural, con autonomía administrativa, personería jurídica y patrimonio independiente. Its domicile is in the city of Bogota and it will have the plural number of dependencies that the National Government has, according to the needs of the service.

**ARTICLE 104. OBJECTIVE OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF RESTITUTION OF DESPOILED LAND.** The Unit

The main objective of the Special Administrative Body for the Management of Restitution of Stripped Lands shall be to serve as an administrative body of the National Government for the restitution of lands of stripped persons referred to in the present law.

**ARTICLE 105. FUNCTIONS OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF THE RESTITUTION OF DISPLACED LAND.** They shall

be functions of

the Special Administrative Unit for the Management of Restitution of Land Dispossessed of the following:

1. To design, administer and maintain the Registry of Forcibly Despoiled and Abandoned Lands in accordance with this law and the regulations.
2. Include in the register land that has been dispossessed and forcibly abandoned, either ex officio or at the request of a party, and certify that it has been entered in the register.
3. Collect evidence of forced dispossession and abandonment of land for presentation in the restitution proceedings referred to in this chapter.
4. Identify physically and legally, the properties that do not have cadastral or registry information and order the Office of Registry of Public Instruments to

the consequent opening of a registration sheet in the name of the Nation and the assignment of a real estate registration number.

5. Proceedings before the competent authorities for the restitution of land belonging to the dispossessed or for the formalization of abandoned land in the name of the owners of the action, in the cases provided for in this Act.

6. To pay on behalf of the State the sums ordered in judgments in restitution proceedings in favour of bona fide third parties who are not at fault.

7. To pay compensation to the dispossessed and displaced when, in particular cases, it is not possible to return the land to them, in accordance with the regulations issued by the National Government.

8. Formulate and execute programs to alleviate liabilities associated with restituted and formalized properties.

9. To create and administer subsidy programs in favor of the restituted or those who formalize the properties in accordance with this chapter, for the cancellation of the territorial and national taxes directly related to the restituted properties and the relief of credits associated with the restituted or formalized property.

10. The other functions related to its objectives and functions as indicated by law.

The Office of the Attorney General of the Nation, and the military and police authorities shall provide the support and collaboration required by the Director of the Special Administrative Unit for the Management of Stripped Lands for the performance of the functions provided for in paragraphs 2 and 3 of this article.

**Paragraph 2:** Until the Special Administrative Unit for the Management of Restitution of Stripped Lands comes into operation, the functions of this body may be exercised by the Ministry of Agriculture and Rural Development.

**ARTICLE 106. DIRECTION AND REPRESENTATION.** The Special Administrative Unit for the Management of Restitution of Stripped Land shall be directed by its Board of Directors and by the Executive Director of the Unit, who shall be its legal representative.

**ARTICLE 107. BOARD OF DIRECTORS OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF RESTITUTION OF DESPOILED LAND.** The

The Board of Directors of the Special Administrative Unit for the Management of Restitution of Stripped Land shall be composed as follows:



The Minister of Agriculture and Rural Development or his delegate, who shall preside. The Minister of the Interior and Justice, or his delegate.

The Minister of Finance and Public Credit or his delegate.

The Minister for the Environment, Housing and Territorial Development or his delegate. The Minister of National Defence or his delegate.

The Director of the National Planning Department or his delegate.

The Director General of the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

The Director of the Colombian Institute of Rural Development (Incoder). The President of Banco Agrario.

The President of the Fund for Agricultural Financing (Finagro). The Ombudsman or his delegate.

Two representatives of the National Table of Victim Participation according to Title VIII.

The Executive Director of the Special Administrative Unit for Management of Restitution of Stripped Land will attend the sessions of the Council with a voice.

**ARTICLE 108. EXECUTIVE DIRECTOR OF THE UNIT.** The Director The Executive of the Unit shall be its legal representative, an official of free appointment and removal, designated by the President of the Republic.

**ARTICLE 109. INTERNAL STRUCTURE.** Within six (6) months following the entry into force of this law, the National Government shall establish the internal structure and the personnel liaison regime of the Unit, taking into account the knowledge and experience of the candidates in the topics of this chapter, in such a way that inter-institutional coordination is maintained and the proposed objectives regarding the restitution of the dispossessed are met.

**ARTICLE 110. LEGAL STATUS OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF RESTITUTION OF DESPOILED LAND.** The legal regime of the Special Administrative Unit for the Management of Restitution of Despoiled Lands shall be that contemplated in this Law, and the regime of public establishments of the national order shall be that which is not provided for in this Law.

**ARTICLE 111. OF THE FUND OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE MANAGEMENT OF RESTITUTION OF DESPOILED LAND.** Believe the Fund of the Special Administrative Unit for the Management of Restitution of Stripped Land as a fund without legal personality, attached to the Special Administrative Unit for the Management of Restitution of Stripped Land. The main purpose of the Fund shall be to serve as a financial instrument for the restitution of land from the dispossessed and the payment of compensation.

**ARTICLE 112. ADMINISTRATION OF THE FUND.** The resources of the Fund shall be administered through a commercial administration trust, contracted with one or more trust companies, whose constituent and beneficiary shall be the Special Administrative Unit for the Management of Restitution of Despoiled Lands. The administration of the resources of the Fund shall be subject to the regime of the trust company administering the Fund. The Government will regulate the matter.

**ARTICLE 113. RESOURCES OF THE FUND.** The following resources shall be paid into the Fund:

1. The resources coming from the General Budget of the Nation.
2. Public or private donations for the development of the objectives of the Special Administrative Unit of Management of Restitution of Despoiled Lands.
3. Contributions of any kind, coming from international cooperation for the fulfillment of the objectives of the Special Administrative Unit of Management of Restitution of Despoiled Lands.
4. Goods and resources transferred to it by the Ministry of Agriculture and Rural Development and other entities in accordance with the rules in force.
5. The other properties and other assets that you acquire in any title with the resources of the Fund and the sums that you receive in the event of the alienation of these.
6. Revenues and yields from the administration of the Fund's resources and assets.
7. Other assets and resources acquired or transferred to you in any capacity.
8. Rural properties that have been subject to domain extinction and that are currently under the administration of the National Narcotics Directorate,

The same as those of which the property acquires in the future, in the amounts and percentages determined by the National Government.

9. The rural properties that are ceded by those returned to the Fund.

**Paragraph.** La Central de Inversiones S. A. - CISA S. A. may deliver to the Special Administrative Unit for Management of Restitution of Stripped Land the goods that it requires for its headquarters. Likewise, the SAE and the DNE may deliver goods to the Unit for the development of its object and fulfillment of its functions at the lowest possible value, without this exceeding the cost of acquisition of those goods.

**ARTICLE 114. PREFERENTIAL ATTENTION FOR WOMEN IN  
RESTITUTION PROCEEDINGS.**

**ADMINISTRATIVE AND JUDICIAL FORMALITIES OF THE  
PROCESS OF**

**RESTITUTION.** Women victims of forced dispossession or abandonment shall enjoy special protection from the State in the administrative and judicial proceedings related to this law. To this end, the Special Administrative Unit for the Management of Restitution of Despoiled Land will have a special programme to guarantee women's access to the procedures envisaged for restitution, through preferential service windows, personnel trained in gender issues, measures to facilitate access by women's organizations or networks to reparation processes, as well as areas of care for children and adolescents and the disabled that make up their family group, among other measures deemed appropriate.

The Special Administrative Unit for the Management of Restitution of Stripped Land will process the applications of stripped women heads of household with priority over other applications.

**ARTICLE 115. PREFERENTIAL ATTENTION IN THE PROCESSES OF  
RESTITUTION.** Requests for restitution submitted by the Special Administrative Unit for the Management of Restitution of Stripped Land in favour of mothers who are heads of household and stripped women, as well as requests submitted to the judge or magistrate by women seeking restitution of land in accordance with the mandates of this Act, will be dealt with in priority, for which other requests will be postponed.

**ARTICLE 116. DELIVERY OF LAND.** Once the judgement orders the surrender of land to a stripped woman, the Special Administrative Unit for the Management of Restitution of Stripped Land and the police or military authorities shall give their special cooperation to ensure the timely surrender of the land and to seek to maintain the security conditions that will allow her to use her property, provided that the prior consent of the women victims is given and that a concerted decision on the adoption and execution of these measures is guaranteed.

**ARTICLE 117. PRIORITY IN THE BENEFITS ENSHRINED IN THE LAW 731 OF 2002.** Women to whom land is restituted or formalized under the terms of this Act shall have priority in the application of the benefits referred to in Act No. 731 of 2002, in the areas of credit, land allocation, guarantees, social security, education, training and recreation, family subsidy, reforestation plans and programmes, and identification days.

**ARTICLE 118. TITLING AND RESTITUTION OF PROPERTY RIGHTS.** Pursuant to the provisions contained in this chapter, in all cases in which the plaintiff and his or her spouse or permanent partner have been victims of forced abandonment and/or dispossession of the immovable property whose restitution is claimed, the judge or magistrate in the judgment shall order that restitution and/or compensation be made in favour of both, and when, as a consequence of the sentence, ownership of the property is granted, it shall also order the Office of the Registry of Public Instruments to carry out the respective registration on behalf of both of them, even if the spouse or permanent companion did not appear at the trial.

#### **OTHER PROVISIONS**

**ARTICLE 119. CREATION OF POSTS.** The Superior Council of the Judiciary shall create the posts of Magistrates of the Superior Courts and Civil Judges of the Circuit, specialized in land restitution, in accordance with numeral 5 of article 85 of Law 270 of 1996 and concordant norms. The Superior Council of the Judiciary shall create the offices of other officials as may be required for the fulfillment of this Law. The creation of the positions referred to in this article will be done gradually and progressively, according to the needs of the service.

**Paragraph 1:** The National Government shall create, within the Superintendency of Notaries and Registries and on a transitory basis, the Superintendency Delegated for the Protection, Restitution and Formalization of Lands and the posts of regional land coordinators and other professional, technical and operational personnel required to attend to the judicial and administrative dispositions related to the registry procedures referred to in this law.

**Paragraph 2:** The Office of the Attorney General of the Nation and the Office of the Attorney General of the Nation shall assign a sufficient and suitable number of personnel that the National Government shall provide in accordance with the extraordinary faculties foreseen in numeral 2 of article 10 of Law 1424 of 2010, to fulfill their constitutional and legal duties, mainly to attend and intervene in the processes of restitution of lands before the judges and Superior Courts of the Judicial District.

**ARTICLE 120. PENAL REGIME.** The one who obtains the inscription in the registry of lands deprived altering or deliberately simulating the conditions required for its inscription, or hiding those that had prevented it, will incur in prison of eight (8) to twelve (12) years. In the same way, the public servant who, having knowledge of the fraudulent alteration or simulation, facilitates, or carries out the inscription in the registry of dispossessed lands, shall incur the same penalty and disqualification for the exercise of rights and public functions from ten (10) to twenty (20) years.

The same penalties shall be imposed on anyone who submits to the Court an application for restitution of land pursuant to the provisions of this Act, without having the status of dispossessed, or on anyone who opposes an application for restitution by fraudulent means or false documents and who uses evidence in the process that does not correspond to reality.

Those who resort to the process and confess the illegality of the titles or dispossession of the lands or rights claimed in the process shall benefit from the principle of opportunity provided for in the Code of Criminal Procedure.

**ARTICLE 121. REPARATIVE MECHANISMS IN RELATION TO THE LIABILITIES.** In relation to the victims' liabilities, generated during the time of dispossession or displacement, the following should be taken into account by the authorities as measures with a restorative effect:

1. Systems of relief and/or exoneration of the delinquent portfolio of the property tax or other taxes, rates or contributions of the municipal or district order related to the restituted or formalized property. To this end, territorial entities shall establish mechanisms to alleviate and/or exonerate these liabilities in favour of victims of forced eviction or abandonment.

2. The delinquent portfolio of domiciliary public services related to the provision of services and the credit debts of the financial sector existing at the time of the facts to the restituted or formalized properties shall be subject to a portfolio forgiveness program that may be in charge of the National Plan for Integral Attention and Reparation to the Victims.

**ARTICLE 122. SPECIAL RULES.** The provisions contained in this chapter regulate in a general manner the restitution of land in the context of this Act and shall prevail and serve to supplement and interpret any special rules which may be laid down in this field. In the event of conflict with other provisions of the law, the provisions of this chapter shall apply preferably, provided that they are more favourable to the victim.

#### CHAPTER IV

##### **Restitution of housing**

##### **ARTICLE 123. MEASURES FOR THE RESTITUTION OF HOUSING.**

Victims whose homes have been affected by dispossession, abandonment, loss or impairment shall have priority and preferential access to housing subsidy programs in the modalities of improvement, on-site construction and home purchase established by the State. This is without prejudice to the fact that the offender may be sentenced to construction, reconstruction or compensation.

Victims will be able to access the Family Housing Allowance in accordance with the regulations in force governing the matter and the special mechanisms provided for in Act No. 418 of 1997 or the regulations extending, modifying or supplementing it.

The Ministry of the Environment, Housing and Territorial Development, or the entity acting in its place, or the Ministry of Agriculture and Rural Development, or the entity acting in its place, as the case may be, shall exercise the functions conferred on it by the regulations in force governing the matter in relation to the family housing subsidy dealt with in this chapter, taking into account

It should therefore give priority to applications from households that have been victims under this Act.

The National Government shall take the necessary steps to generate housing supply in order that the subsidies allocated under this article have effective application in housing solutions.

**Paragraph 1:** The population that is the victim of forced displacement shall have access to programmes and projects designed by the Government, giving priority to displaced women heads of household, displaced older adults and the displaced disabled population.

**Paragraph 2:** Priority shall be given to access to family housing subsidy programmes for those households that decide to return to the affected properties, subject to verification of security conditions by the competent authority.

**ARTICLE 124. APPLICATIONS FOR FAMILY HOUSING ALLOWANCE.**

Applicants for the Family Housing Subsidy under the conditions dealt with in this chapter may apply for any of the plans declared eligible by the National Housing Fund or the entity acting in its place, or by the Agrarian Bank or the entity acting in its place, as the case may be.

**ARTICLE 125. MAXIMUM AMOUNT.** The maximum amount of the family housing allowance covered by this chapter shall be that which is granted at the time of application to beneficiaries of social housing.

**ARTICLE 126. ENTITY IN CHARGE OF PROCESSING APPLICATIONS.**

Applications for the Family Housing Subsidy discussed in this chapter will be handled by the Ministry of the Environment, Housing and Territorial Development if the property is urban, or by the Ministry of Agriculture and Rural Development if the property is rural, with charge to the resources allocated by the National Government for the Social Interest Housing Subsidy.

**ARTICLE 127. APPLICABLE LAW.** The Family Housing Subsidy dealt with in this chapter shall be subject to the provisions of the regulations in force governing the matter, insofar as they are not contrary to what is set forth herein.

CHAPTER V

## **Credit and liabilities**

### **ARTICLE 128. CREDIT MEASURES.** With regard to

The victims of credit assistance covered by this law shall have access to the benefits contemplated in paragraph 4 of articles 16, 32, 33 and 38 of Law 418 of 1997, under the terms established by such regulations.

Loans granted by credit institutions to victims covered by this law who, as a consequence of the victimizing events, have fallen into arrears or have been subject to refinancing, restructuring or consolidation shall be classified in a special risk category in accordance with the regulations issued by the Superintendence of Finance. The financial operations described in this Article shall not be regarded as restructuring.

**Paragraph.** It is presumed that those credits that have entered into arrears or have been subject to refinancing, restructuring or consolidation, after the moment in which the damage occurred, are a consequence of the violations referred to in article 3 of this Law.

**ARTICLE 129. REDISCOUNT RATE.** Finagro and Bancoldex, or the entities that act in their place, will establish rediscount lines under preferential conditions aimed at financing credits granted by credit establishments to the victims covered by this law, to finance activities aimed at recovering their productive capacity. For this purpose, the provisions of Law 418 of 1997, extended, amended and supplemented by Laws 548 of 1999, 782 of 2002, 1106 of 2006 will be taken into account. and 1421 of 2010.

**Paragraph.** The rediscounting entities covered by this article shall ensure that the rediscounting credit institutions make a proportional transfer of the profits on the rediscounting fee to the final beneficiaries of those credits.

## **CHAPTER VI**

### **Training, job creation and administrative career**

**ARTICLE 130. TRAINING AND URBAN EMPLOYMENT PLANS AND RURAL.** The National Apprenticeship Service, SENA, will give priority and ease of access for youth and adult victims, under the terms of the present law, to its technical training and education programs.



Within six (6) months of the enactment of this Act, the National Government, through the Ministry of Social Protection and the National Apprenticeship Service (Sena), shall design special programmes and projects for the generation of rural and urban employment in order to support the self-sustainability of victims, which shall be implemented through the National Plan for Comprehensive Care and Reparation for Victims.

**ARTICLE 131. PREFERENTIAL RIGHT OF ACCESS TO THE CAREER**

**ADMINISTRATIVE** The quality of victim shall be a criterion for the tiebreaker, in favour of victims, in competitions belonging to the general career systems and special careers for access to public service.

**Paragraph.** The right enshrined in this article shall prevail over the benefit provided in numeral 3 of article 2 of Law 403 of 1997.

CHAPTER VII

**Administrative indemnity**

**ARTICLE 132. REGULATIONS.** The National Government shall regulate, within six (6) months following the enactment of this Law, the procedure, procedure, mechanisms, amounts and other guidelines for granting individual compensation through administrative channels to victims. This regulation should determine, through the establishment of criteria and objectives and assessment tables, the ranges of amounts that will be given to victims as administrative compensation depending on the victimizing event, as well as the procedure and guidelines necessary to ensure that the compensation contributes to overcoming the state of vulnerability in which the victim and his family nucleus find themselves. It must also determine the manner in which the compensation awarded to victims should be articulated prior to the issuance of this law.

The victim may accept, expressly and voluntarily, that the delivery and receipt of administrative compensation is understood to have taken place within the framework of a transaction contract in which the victim accepts and declares that the payment made includes all the sums that the victim must recognize as victimization, with the aim of preventing future legal proceedings or ending a pending litigation. The foregoing, without prejudice to the recognition of the other measures of reparation enshrined in the Convention.

(b) The State party shall take all necessary measures to ensure that the present law does not infringe the non-pecuniary rights of victims, and on the understanding that this does not relieve the offender of his obligation to make reparation to the victim as established within the framework of a judicial process of any nature.

In the event that the victim accepts that the delivery and receipt of administrative compensation is understood to have taken place within the framework of a transaction contract, the amount of this compensation shall be greater than the value that would be given to the victim for the same concept, according to the regulations issued for this purpose by the national government. Officials or personnel in charge of advising victims should make clear, simple and explanatory the implications and differences of whether or not to accept that the compensation is made under a transaction contract.

**Paragraph 1:** This article shall be effective for administrative compensations that are delivered from the date of issuance of this law, even if the request was made earlier. Likewise, victims who at the time of the issuance of this law had received administrative compensation from the State shall have one (1) year from the issuance of this law to express in writing to the Presidential Agency for Social Action and International Cooperation or to the Special Administrative Unit for Victim Care and Reparation if it is already in operation, if they wish to expressly and voluntarily accept that the administrative compensation was delivered within the framework of a settlement contract under the terms of this article. In this event, the Presidential Agency for Social Action and International Cooperation or the Special Administrative Unit for Care and Reparation for Victims, as the case may be, must re-examine the amount of compensation paid to the victim and inform him of the procedure to be followed, in accordance with the regulations established by the National Government for this purpose, in order to pay any additional sums.

**Paragraph 2.** The Executive Committee referred to in articles 164 and 165 of this law shall be responsible for reviewing, at the duly substantiated request of the Minister of Defense, the Attorney General or the Ombudsman, decisions granting compensation through administrative channels. This request for review shall proceed on the grounds and within the framework of the procedure determined by the National Government.

In this sense, the Executive Committee will fulfill the functions of an instance of review of the administrative compensations granted and will establish criteria and guidelines to be followed by the other administrative authorities when deciding on an application for compensation. The decision taken by the Executive Committee shall be final and, while exercising the function of review, access by the victim to the assistance, care and reparation measures covered by this Act shall not be suspended.

**Paragraph 3.** Administrative compensation for displaced persons shall be paid by family nucleus, in cash and through one of the following mechanisms, in amounts defined by the National Government:

- I. Comprehensive land subsidy;
- II. Land exchange;
- III. Acquisition and allocation of land;
- IV. Adjudication and titling of vacant lots for displaced population;
- V. Rural Social Interest Housing Subsidy, in the modality of housing improvement, housing construction and basic sanitation, or
- VI. Subsidy of Housing of Urban Social Interest in the modalities of acquisition, improvement or construction of new housing.

Any sum in addition to the amount for the non-displaced population established in other regulations for the mechanisms referred to in this paragraph shall be deemed to have been paid in the form of administrative compensation.

**Paragraph 4.** The amount of the 40 legal minimum wages in force in the year in which the event occurred, which were awarded under article 15 of Law 418 of 1997 by the Presidential Agency for Social Action and International Cooperation for victimizing acts that cause death or forced disappearance, or the amount of up to 40 legal minimum wages in force granted for permanent incapacity to the person affected by the violence, constitute administrative compensation.

**ARTICLE 133. JUDICIAL COMPENSATION, RESTITUTION AND**

**ADMINISTRATIVE COMPENSATION.** In events in which the victim does not expressly and voluntarily accept that the delivery and receipt of administrative compensation is understood to have taken place within the framework of a transaction contract under the terms of the preceding article, and the State is judicially condemned to repair it, the following shall be deducted from said compensation

condemns the amount of money that the victim has received from any entity of the State and that constitutes reparation. In the same way, the monetary value of the properties that are restituted will be deducted from the judicial sentence, in accordance with the monetary appraisal of the same.

**ARTICLE 134.** The National Government, through the Administrative Unit for Victim Care and Reparation, shall implement an accompaniment program to promote an adequate investment of the resources that the victim receives as administrative compensation in order to rebuild his or her life project, mainly oriented towards:

1. Technical or vocational training for victims or their children.
2. Creation or strengthening of productive enterprises or productive assets.
3. Acquisition or improvement of new or used housing.
4. Acquisition of rural real estate.

## CHAPTER VIII

### **Rehabilitation Measures**

**ARTICLE 135. REHABILITATION.** Rehabilitation as a reparation measure consists of a set of legal, medical, psychological and social strategies, plans, programmes and actions aimed at restoring the physical and psychosocial conditions of victims under the terms of the present law.

Within six (6) months following the enactment of this Law, the National Government shall implement a rehabilitation program that shall include both individual and collective measures that enable the victims to perform in their family, cultural, labor, and social environments and to exercise their basic rights and freedoms individually and collectively.

The psychosocial accompaniment should be transversal to the reparation process and should be prolonged over time according to the needs of the victims, their families and the community, taking into account the gender perspective and cultural, religious and ethnic specificities. It should also integrate family members and, if possible, promote positive discrimination actions in favour of women, children, the elderly and the disabled due to their high vulnerability and the risks to which they are exposed.

## **ARTICLE 137. PSYCHOSOCIAL CARE AND HEALTH PROGRAMME**

**TO VICTIMS.** The National Government, through the Ministry of Social Protection, will create within six (6) months of the issuance of this law, the Program of Psychosocial Care and Comprehensive Health to Victims, which will be implemented through the National Plan for Comprehensive Care and Reparation to Victims, starting in areas with the greatest presence of victims.

The Programme should include the following:

1. **Pro-activity.** Care services should aim at detecting and approaching victims.
2. **Individual, family and community care.** Quality care should be guaranteed by professionals with specific technical training and related experience, especially in the case of victims of sexual violence, for which there should be a component of psychosocial care for women victims. Its benefits should include individual therapy, family therapy and community actions according to care protocols that should be designed and implemented locally depending on the type of violence and the cultural framework of the victims.
3. **Free of charge.** Victims shall be guaranteed free access to the services of the Programme of Psychosocial Care and Comprehensive Health for Victims, including access to medicines where required and financing of travel expenses where necessary.
4. **Preferential attention.** Priority will be given to those services not covered by the programme.
5. **Duration** The care will be subject to the particular needs of the victims and those affected, and to the concept issued by the team of professionals.
6. **Login.** An admission and identification mechanism will be designed to define the status of beneficiary of the Programme of Psychosocial Care and Comprehensive Health for Victims and to allow access to care services.
7. **Interdisciplinarity.** Mechanisms will be created to provide services made up of professionals in psychology and psychiatry, with the support of social workers, doctors, nurses, community promoters and other professionals, depending on the type of service provided.

local needs, guaranteeing the integrality of action for the adequate fulfillment of its ends.

**Paragraph.** The expenses derived from the attention provided by the Program of Psychosocial Attention and Integral Health to Victims will be recognized and paid through the Ministry of Social Protection with charge to the resources of the Solidarity and Guarantee Fund of the General System of Social Security in Health (Fosyga), Sub-account of Catastrophic Events and Traffic Accidents, unless they are covered by another health insurer.

**ARTICLE 138. OF THE STRUCTURE, FUNCTIONS AND OPERATION OF THE COMPREHENSIVE PSYCHOSOCIAL AND HEALTH-CARE PROGRAMME**  
**A**

**VICTIMS.** The National Government, in accordance with the foregoing article, shall regulate the structure, functions and manner in which the Psychosocial Care and Comprehensive Health Program for Victims shall operate.

In the same way, it shall establish the articulation with the territorial entities in accordance with articles 172 and 173 of the present Law, for its compliance at the territorial level, especially for the development of the strategy of the Unified Model of Integral Attention to Victims.

**CHAPTER IX**

**Satisfaction measures**

**ARTICLE 139. SATISFACTION MEASURES.** The National Government, through the National Plan for Comprehensive Care and Reparation for Victims, must take action to restore the dignity of the victim and disseminate the truth about what happened, in accordance with the objectives of the entities that make up the National System of Care and Reparation for Victims.

Satisfaction measures will be those actions that provide well-being and contribute to mitigating the victim's pain.

Satisfaction measures must be interpreted as a mere title, which implies that others can be added to them:

- a. Public recognition of the victim's character, dignity, name and honour before the community and the offender;
- b. To carry out the publications to which there is place related to the previous literal.

- c. Carrying out of commemorative acts;
- d. Carrying out public recognitions;
- e. Performance of public tributes;
- f. Construction of public monuments with a view to reparation and reconciliation;
- g. Support for the reconstruction of the movement and social fabric of peasant communities, especially women.
- h. Full and public dissemination of the victims' account of the fact that she was victimized, as long as it does not cause further unnecessary harm or create safety hazards;
- i. Contributing to the search for the disappeared and collaborating in the identification of corpses and their subsequent burial, according to family and community traditions, through the competent entities for this purpose;
- j. Dissemination of the apologies and acceptances of responsibility made by the perpetrators;
- k. Investigation, prosecution and punishment of those responsible for human rights violations.
- l. Public recognition of the responsibility of perpetrators of human rights violations.

**Paragraph.** For the adoption of any of the measures mentioned above, as well as those that constitute other measures of satisfaction not contemplated in the present law, the participation of the victims must be counted on in accordance with the participation mechanisms provided for in the Constitution and the law, as well as the principle of differential approach established in article 13.

#### **ARTICLE 140. EXEMPTION FROM MILITARY SERVICE.**

Except in the case of foreign war, the victims referred to in this law and who are obliged to perform military service are exempt from doing so, without prejudice to the obligation to register and carry out the other corresponding procedures to resolve their military situation for a period of five (5) years from the date of enactment of this law or the occurrence of the victimizing event, which shall be exempt from any payment of the military compensation quota.

**ARTICLE 141. SYMBOLIC REPARATION.** Symbolic reparation is understood to be any provision made on behalf of the victims or of the community in general that tends to ensure the preservation of the historical memory, the non-repetition of the facts.

the public acceptance of the facts, the request for public forgiveness and the restoration of the dignity of the victims.

**ARTICLE 142. NATIONAL DAY OF REMEMBRANCE AND SOLIDARITY WITH**

**VICTIMS.** On April 9 of each year, the Day of Memory and Solidarity with the Victims will be celebrated and events will be held by the Colombian State to commemorate and recognize the facts that have victimized Colombians.

The Congress of the Republic will meet in plenary that day to listen to the victims in a day of permanent session.

**ARTICLE 143. OF THE STATE'S DUTY OF MEMORY.** The duty of State memory translates into promoting the necessary guarantees and conditions so that society, through its different expressions such as victims, academia, think tanks, social organizations, victims' organizations and human rights organizations, as well as State agencies that have competence, autonomy and resources, can advance in memory reconstruction exercises as a contribution to the realization of the right to the truth of which the victims and society as a whole are holders.

**Paragraph.** In no case may State institutions encourage or promote exercises aimed at the construction of an official history or truth that denies, violates or restricts the constitutional principles of plurality, participation and solidarity and the rights to freedom of expression and thought. The prohibition of censorship enshrined in the Political Charter will also be respected.

**OF THE ARCHIVES ON HUMAN RIGHTS VIOLATIONS AND BREACHES OF INTERNATIONAL HUMANITARIAN LAW THAT OCCURRED DURING THE ARMED CONFLICT**

**INTERNAL.** *Within* six (6) months following the enactment of this Law, the Historical Memory Center shall design, create and implement a Human Rights and Historical Memory Program, which shall have as its main functions the collection, preservation and custody of materials collected or voluntarily delivered by natural or juridical persons, which refer to or document all subjects.



related to the violations contemplated in article 3 of this Law, as well as to the state response to such violations.

The judicial archives shall be under the responsibility of the Judicial Branch, which in the exercise of its autonomy may choose, when it deems it pertinent and appropriate in order to strengthen the historical memory under the terms of this law, to entrust its custody to the General Archive of the Nation or to the archives of the territorial entities.

In no case shall experiences, projects, programs or any other initiative that advance public or private entities or organizations on the reconstruction of historical memory be hindered or interfered with. Local and regional authorities, developing the principles of autonomy and decentralisation, can develop initiatives on the subject and create spaces dedicated to this work.

**Paragraph 2:** The Office of the Attorney General of the Nation shall ensure that administrative records are not destroyed, altered, falsified, stolen or modified in all official institutions at the regional and national levels. The foregoing is without prejudice to the application of the relevant criminal rules and documents of a confidential nature.

**Paragraph 3:** For the purposes of the application of this article, the provisions of Law 594 of 2000 and Chapter X on the conservation of archives contained in Law 975 of 2005 shall be taken into account.

**Paragraph 4:** The documents that are not reserved and are held in private and public archives in which the violations contemplated in article 3 of the present Law are recorded, shall constitute the bibliographic documentary heritage.

**Paragraph 5:** Copies requested shall be obtained at the expense of the applicant.

#### **ARTICLE 145. ACTIONS RELATING TO HISTORICAL MEMORY.**

Within the historical memory actions, the following shall be understood to be included, whether developed by private initiative or by the Historical Memory Centre:

1. Integrate an archive with original documents or reliable copies of all the victimizing facts referred to in this law, as well as documentation of similar processes in other countries, which rest in sites such as museums, libraries or archives of State entities.

2. To compile oral testimonies corresponding to the victims and their families covered by this law, through human rights social organizations, and to send them to the file covered by the previous paragraph, for which purpose what has been done in the public hearings held within the framework of Law 975 of 2005 may be incorporated, provided that there is no legal reserve for this information to be public, and that it does not constitute re-victimization.

3. To make available to interested parties the documents and testimonies referred to in paragraphs 1 and 2 of this article, provided that the documents or testimonies do not contain information that is confidential or subject to reservation.

4. Promote, through existing programs and entities, historical research on the armed conflict in Colombia and contribute to the dissemination of its results.

5. Promote participatory and training activities on issues related to the internal armed conflict, with a differential focus.

6. Carry out exhibitions or exhibitions, dissemination events and awareness-raising on the value of human rights.

7. The Ministry of National Education, in order to guarantee quality and relevant education for the entire population, especially for vulnerable populations affected by violence, will promote, from a rights-based, differential, territorial and restorative approach, the development of programmes and projects that promote the restitution and full exercise of rights, develop civic and scientific-social skills among the country's children and adolescents, and promote reconciliation and the guarantee of non-repetition of acts that undermine their integrity or violate their rights.

**Paragraph.** In these actions, the State should guarantee the participation of victims' and social organizations and promote and recognize civil society initiatives to carry out exercises of historical memory, with a differential approach. In addition, the historical memory activities referred to in this article will place special emphasis on the modalities of violence against women in the context of the violations contemplated in article 3 of this Convention.

**ARTICLE 146. HISTORICAL MEMORY CENTRE.** Create the Center of the Historical Memory, as a public establishment of the national order, ascribed to the

Administrative Department of the Presidency of the Republic, with juridical personality, own patrimony and administrative and financial autonomy, the Historical Memory Center will have as its main headquarters the city of Bogotá, D. C.

**ARTICLE 147. OBJECT, STRUCTURE AND FUNCTIONING.** The

The purpose of Historical Memory shall be to gather and recover all documentary material, oral testimonies and by any other means relating to the violations dealt with in Article 3 of this Law. The information collected will be made available to interested parties, researchers and citizens in general, through museum and pedagogical activities and as many as necessary to provide and enrich the knowledge of the political and social history of Colombia. Researchers and staff at the Historic Memory Center may not be sued or criminally investigated for statements made in their reports.

The National Government shall determine the structure, operation and scope of the Historic Memory Center.

**ARTICLE 148. FUNCTIONS OF THE HISTORICAL MEMORY CENTRE.** They general functions of the Historical Memory Centre, without prejudice to those determined in the Decree establishing its structure and operation:

To design, create and administer a Museum of Memory, aimed at strengthening the collective memory of the facts developed in the recent history of violence in Colombia.

Administer the Human Rights and Historical Memory Program dealt with in article 144 of this Law.

Develop and implement the historical memory actions referred to in Article 145 of this Law.

## CHAPTER X

### **Guarantees of Non-Repetition**

**ARTICLE 149. GUARANTEES OF NON-REPETITION.** The Colombian State shall adopt, inter alia, the following guarantees of non-repetition:

- a) The demobilization and dismantling of illegal armed groups;

b) Verification of the facts and full and public disclosure of the truth, to the extent that it does not cause further unnecessary harm to the victim, witnesses or other persons, or create a danger to their safety;

c) The application of sanctions to those responsible for the violations referred to in article 3 of the present law.

d) The prevention of violations contemplated in article 3 of this Act, for which purpose it shall offer special prevention measures to groups at greatest risk, such as women, children and adolescents, older adults, social leaders, members of trade unions, human rights defenders and victims of forced displacement, who tend to overcome stereotypes that favour discrimination, especially against women and violence against them in the context of the armed conflict;

e) The creation of a social pedagogy that promotes the constitutional values on which reconciliation is based, in relation to the events that take place in the historical truth;

f) Technical strengthening of the criteria for the allocation of humanitarian demining work, which will be at the head of the Programme for Comprehensive Care against Anti-Personnel Mines;

g) Design and implementation of a general communications strategy in Human Rights and International Humanitarian Law, which should include a differential approach;

h) Design of a single training and educational strategy on respect for human rights and international humanitarian law, including a differential approach, aimed at public officials responsible for enforcing the law, as well as members of the security forces. The strategy will include a zero-tolerance policy for sexual violence in State entities;

i) Strengthening the effective participation of vulnerable and/or vulnerable populations in their community, social and political settings, in order to contribute to the exercise and effective enjoyment of their cultural rights;

j) Dissemination of information on the rights of victims living abroad;

k) Strengthening the Early Warning System.

l) Reintegration of children and adolescents who have participated in armed groups outside the law;

m) Design and implementation of reconciliation strategies, projects and policies in accordance with the provisions of Law 975, both at the social level and at the individual level;

n) The exercise of effective control by civilian authorities over the Public Force;

o) The declaration of insubstantiation and/or termination of the contract of public officials convicted of violations contemplated in Article 3 of this Law.

p) The promotion of mechanisms aimed at preventing and resolving social conflicts;

q) Design and implementation of pedagogical strategies in legal empowerment for victims;

r) The repeal of regulations or any administrative act that has allowed or allows the occurrence of the violations contemplated in Article 3 of this Law, in accordance with the respective contentious-administrative procedures.

s) Formulation of national campaigns for the prevention and condemnation of violence against women, children and adolescents, for events that occurred within the framework of the violations contemplated in article 3 of this law.

**Paragraph.** The National Government, through the National Plan for Comprehensive Care and Reparation for Victims, will regulate the corresponding guarantees of non-repetition by strengthening the different plans and programmes that make up the public policy for the prevention and protection of the violations contemplated in article 3 of this law.

#### **ARTICLE 150. DISMANTLING OF STRUCTURES**

**ECONOMIC AND POLITICAL.** The Colombian State shall adopt measures to dismantle the economic and political structures that have benefited and sustained the illegal armed groups, in order to ensure the implementation of the guarantees of non-repetition referred to in the previous article.

### CHAPTER XI

#### **Other repair measures**

**ARTICLE 151. COLLECTIVE REPARATION.** Within six (6) months of the enactment of this Act, the Special Administrative Unit for Comprehensive Care and Reparation for Victims, taking into consideration the recommendations of the National Commission for Reparation and Reconciliation, and through the National Commission for Reparation and Reconciliation.

The National Plan for Comprehensive Care and Reparation for Victims shall implement a Collective Reparation Program that takes into account any of the following events:

- a) The damage caused by the violation of collective rights;
- b) The serious and manifest violation of the individual rights of the members of the collectives;
- c) The collective impact of the violation of individual rights.

**SUBJECTS OF COLLECTIVE REPARATION.** For the purposes of the shall be subject to the collective redress referred to in the foregoing article:

1. Social and political groups and organizations;
2. Communities determined on the basis of legal, political or social recognition of the collective, or on the basis of the culture, area or territory in which they live, or a common purpose.

## TITLE V

### THE INSTITUTIONAL FRAMEWORK FOR THE CARE AND REPARATION OF VICTIMS

#### CHAPTER I

#### **National Information Network for the Care and Reparation of Victims ARTICLE 153.**

**ATTENTION AND REPAIR TO VICTIMS** The Special Administrative Unit for Comprehensive Care and Reparation for Victims will be responsible for the operation of the National Information Network for Care and Reparation for Victims.

The National Information Network for the Care and Reparation of Victims will be the instrument that will guarantee the National System for the Care and Reparation of Victims a rapid and effective national and regional information on the violations referred to in Article 3 of this Law, and will allow the identification and diagnosis of the circumstances that caused and cause harm to victims.

It will assess the magnitude of the problem and enable the National System of Comprehensive Care and Reparation for Victims to adopt measures for immediate care, develop plans for comprehensive care and reparation for victims registered in the Single Registry of Victims.

Similarly, the Special Administrative Unit for Comprehensive Care and Reparation for Victims must guarantee the interoperability of the information systems for registration, care and reparation for victims, for which purpose it will rely on the National Network currently managed by the Presidential Agency for Social Action and International Cooperation for care of the displaced population, which will be transferred to the Unit for Comprehensive Care and Reparation for Victims within one (1) year of the enactment of this law.

## CHAPTER II

### **Single Registry of Victims**

**ARTICLE 154. SINGLE REGISTRY OF VICTIMS.** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall be responsible for the operation of the Single Registry of Victims. This Registry shall be supported by the Single Registry of Displaced Population currently managed by the Presidential Agency for Social Action and International Cooperation for the care of the displaced population, which shall be transferred to the Unit for Comprehensive Care and Reparation for Victims within one (1) year from the enactment of this Law.

**Paragraph.** The Presidential Agency for Social Action and International Cooperation shall operate the victim population registers in its charge and existing at the date of entry into force of this Act, including the Single Registry of Displaced Population, while achieving interoperability of all these registers and the Single Registry of Victims comes into operation guaranteeing the integrity of the current information registers.

**APPLICATION FOR REGISTRATION OF VICTIMS.** The victims shall submit a declaration to the Public Prosecutor's Office within four (4) years from the promulgation of this law for those who have been victimized prior to that time, and two (2) years from the occurrence of the event for those who are victimized after the law came into force, in accordance with the requirements defined for this purpose by the National Government, and through the instrument designed by the Special Administrative Unit for Integral Attention and Reparation to Victims, which shall be of obligatory use by the entities that make up the Public Prosecutor's Office.

In the event of force majeure that has prevented the victim from submitting the application for registration within the period established in this article, the application shall be counted from the moment the circumstances that caused the impediment cease to exist, for which purpose the Public Prosecutor's Office shall be informed and shall forward such information to the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

The assessment made by the official charged with conducting the assessment process must respect the constitutional principles of dignity, good faith, legitimate expectations and the prevalence of substantive law.

**Paragraph.** Persons who are currently registered as victims, after an assessment process, will not have to submit an additional statement for the same victimizing facts. For the purposes of determining whether the person is already registered, the databases existing at the time of issue of this Act shall be taken into account.

In the case of events in which the person refers to victimizing events in addition to those contained in existing databases, he or she shall submit the declaration referred to in this article.

**ARTICLE 156. REGISTRATION PROCEDURE.** Once the application for registration has been submitted to the Public Prosecutor's Office, the Special Administrative Unit for Comprehensive Care and Reparation for Victims will verify the victimizing facts contained therein, for which purpose it will consult the databases that make up the National Information Network for Care and Reparation for Victims (Red Nacional de Información para la Atención y Reparación a las Víctimas).

On the basis of the information contained in the application for registration, as well as the information collected during the verification process, the Special Administrative Unit for Comprehensive Care and Reparation for Victims shall take a decision to grant or deny registration within a maximum period of sixty (60) working days.

Once the victim is registered, he or she will have access to the assistance and reparation measures provided for in this law, depending on the violation of his or her rights and the characteristics of the victimizing event, except for humanitarian aid and emergency health care measures, which can be accessed from the very moment of the victimization. Registration does not confer the status of victim, and the inclusion of the person in the



The Single Registry of Victims will be sufficient for entities to provide assistance, care and reparation to victims as appropriate.

**Paragraph 1: In accordance with** article 15 of the Constitution, and in order to protect the victims' right to privacy and safety, all information provided by the victim and that related to the application for registration is confidential.

**Paragraph 2: In the** event that the victim mentions the name or names of the potential perpetrator of the damage he claims to have suffered in order to access the measures of attention, assistance and reparation provided for in this law, this name or names shall in no case be included in the administrative act by which the registration is granted or denied.

**Paragraph 3:** The National Government shall establish mechanisms for the reconstruction of truth and historical memory, in accordance with articles 139, 143, 144 and 145 of this Law, and they shall be articulated with the mechanisms in force.

**Paragraph 4: With regard to** the registration, monitoring and administration of the information of the population victim of forced displacement, the provisions of Title III, Chapter III of this Act shall apply.

**Paragraph 5** The information referred to in article 48 of this Law shall be taken into account in the registration process.

**Paragraph 6:** The victim may submit additional documents at the time of submitting his statement to the Public Prosecutor's Office, which shall forward it to the entity in charge of the Single Registry of Victims so that they may be taken into account at the time of carrying out the verification process.

#### **ARTICLE 157. APPEALS AGAINST THE DECISION OF THE REGISTRY.**

Against

the decision refusing registration, the applicant may lodge an appeal for reinstatement with the official who made the decision within five (5) days of notification of the decision. The applicant may lodge an appeal with the Director of the Special Administrative Unit for Comprehensive Care and Reparation for Victims referred to in this Law against the decision resolving the appeal for reinstatement within five (5) days following notification of this decision.

The entities that make up the Public Prosecutor's Office may file appeals for reinstatement before the official who made the decision and in subsidy the appeal before the Public Prosecutor's Office.

Director of the Special Administrative Unit for Comprehensive Care and Reparation for Victims covered by this law against the decision granting registration, within five (5) days from the date of communication. Likewise, if the act has been obtained by illegal means, such authorities may request, at any time, the direct revocation of the act for the processing of which it is not necessary to obtain the consent of the registered individual.

**ARTICLE 158. ADMINISTRATIVE PROCEEDINGS.** Proceedings in connection with the registration of victims shall be conducted in accordance with the principles and procedure laid down in the Code of Administrative Disputes. In particular, the constitutional principle of due process, good faith and favourability must be guaranteed. The required evidence will be summary.

It must be ensured that an application for registration is decided in the shortest possible time, within the framework of a swift and expeditious administrative procedure, in which the State will have the burden of proof.

In any administrative action in which the victims have an interest, they have the right to obtain a timely and effective response within the established deadlines, to provide documents or other evidence, to have such documents evaluated and taken into account by the authorities when deciding.

### CHAPTER III

#### **National System of Comprehensive Care and Reparation for Victims**

##### **ARTICLE 159.**

**INTEGRAL REPARATION TO THE VICTIMS.** Create the National System of Comprehensive Care and Reparation for Victims, which will be made up of all public entities at the governmental and state levels at the national and territorial levels and other public or private organizations responsible for formulating or implementing specific plans, programmes, projects and actions aimed at comprehensive care and reparation for the victims covered by this law.

##### **ARTICLE 160. OF THE CONFORMATION OF THE NATIONAL EDUCATION SYSTEM.**

**CARE AND REPARATION FOR VICTIMS.** The National System of Care and Reparation for Victims will consist of the following entities and programs:

In the national order, by:

1. The Ministry of the Interior and Justice
2. The Ministry of Foreign Affairs
3. The Ministry of Finance and Public Credit
4. The Ministry of National Defence
5. The Ministry of Agriculture and Rural Development
6. The Ministry of Social Protection
7. The Ministry of Commerce, Industry and Tourism
8. The Ministry of National Education
9. The Ministry of Environment, Housing and Territorial Development
10. The Ministry of Information and Communication Technologies
11. The Ministry of Culture
12. The National Planning Department
13. The Presidential Agency for Social Action and International Cooperation
14. The Special Administrative Unit for Comprehensive Care and Reparation for Victims  
(Unidad Administrativa Especial de Atención y Reparación Integral a las Víctimas)
15. The Special Administrative Unit for the Management of Restitution of Stripped Land
16. The Attorney General's Office
17. The Ombudsman's Office
18. The National Registry of Civil Status
19. Superior Council of the Judiciary - Administrative Chamber
20. The National Police
21. The National Learning Service
22. Colombian Institute of Credit and Technical Studies Abroad
23. The Colombian Family Welfare Institute
24. The Colombian Institute of Rural Development
25. The General Archive of the Nation
26. The National Institute of Legal Medicine and Forensic Sciences
27. The Agustín Codazzi Geographic Institute
28. The Superintendency of Notaries and Registries
29. The Foreign Trade Bank
30. The Fund for Financing the Agricultural Sector

31. The other public or private organizations that participate in the different actions of attention and reparation within the framework of the present law.

32. The National Victim Participation Roundtable, according to Title VIII. In the territorial order, by:

1. By Departments, Districts and Municipalities

2. By functionally decentralized entities or by services with functions and competencies for the care and reparation of victims referred to in this law.

3. By the Table of Victim Participation of the respective level, according to Title VIII.

And the following programs:

1. Presidential Programme for Comprehensive Care against Anti-Personnel Mines.

2. Presidential Program on Human Rights and International Humanitarian Law.

**ARTICLE 161. OBJECTIVES OF THE SYSTEM OF CARE, AND REPARATION TO THE VICTIMS.** The objectives of the entities that make up the National System of Comprehensive Care and Reparation for Victims, as part of that System, shall be as follows:

1. Participate in the formulation and implementation of the comprehensive policy of care, assistance and reparation for the victims covered by this law.

2. Adopt care measures that facilitate access and qualify the exercise of the victims' rights to truth, justice and reparation.

3. Adopt assistance measures that contribute to restoring the rights of the victims covered by the present law, providing conditions for a dignified life.

4. Adopt measures that contribute to guaranteeing effective and efficient reparation for victims who have suffered harm as a consequence of the violations contemplated in Article 3 of this Law.

5. Adopt plans and programmes that guarantee the effective exercise of victims' rights and the implementation of the measures covered by this law.

6. Integrate public and private efforts for adequate comprehensive care and guarantee of human rights and the application of international humanitarian law that assist victims.

7. To guarantee the timely and efficient channelling of the human, technical, administrative and economic resources that are indispensable for the fulfilment of the plans, projects and programmes for the care, assistance and comprehensive reparation of victims at the national and territorial levels.

8. To guarantee inter-institutional coordination, the articulation of its offer and programs, as well as the programming of resources, allocation, targeting and execution in an integral and articulated manner the provision of public goods and services provided in accordance with the solutions provided.

9. Guarantee the flexibility of the offer of the entities responsible for the different measures of attention, assistance and reparation to the victims in order to comply with the provisions of this law.

10. Make institutional efforts and support the implementation of an information platform to integrate, develop and consolidate the information of the different entities that are part of the National System of Comprehensive Care and Reparation for Victims, in order to carry out monitoring, follow-up and evaluation of compliance with the responsibilities attributed under this law.

11. Support the efforts of civil society organizations that accompany and follow up on the process of care, assistance and comprehensive reparation for victims.

12. To guarantee adequate coordination between the nation and the territorial entities and between these, for the exercise of their competences and functions within the System, in accordance with the constitutional and legal principles of co-responsibility, coordination, concurrence, subsidiarity, complementarity and delegation.

**Paragraph.** In order to achieve the above objectives, the National Plan for Comprehensive Care and Reparation for Victims will be drawn up.

#### **ARTICLE 162. OF THE FUNCTIONING OF THE NATIONAL HEALTH SYSTEM.**

**CARE AND REPARATION FOR VICTIMS.** The system will have two bodies at the national level: the Executive Committee for Victim Care and Reparation, which will design and adopt public policy on victim care, assistance and reparation in coordination with the body referred to in the following article, and a Special Administrative Unit for Comprehensive Care and Reparation for Victims, which will coordinate the implementation of this public policy.

In the territorial order, the System will have the Transitional Justice Territorial Committees, created by district and municipal governors and mayors.

**ARTICLE 163. GOVERNING BODIES, COORDINATION AND IMPLEMENTATION OF PUBLIC POLICY ON ASSISTANCE,**

**CARE AND REPARATION FOR VICTIMS.** For the formulation and adoption of policies, general plans, programmes and projects for assistance, care and reparation for the victims of the violations contemplated in article 3 of this Law, social inclusion, care for vulnerable groups and social and economic reintegration, a first-level institution of the Public Administration, the central sector, the Executive Branch of the national order shall be created.

**ARTÍCULO 164. COMITÉ EJECUTIVO PARA LA ATENCIÓN Y REPARATION TO THE VICTIMS.**

The Executive Committee for the Care and Reparation of Victims shall be formed as follows:

1. The President of the Republic, or his representative, who shall preside.
2. The Minister of the Interior and Justice, or whoever he delegates.
3. The Minister of Finance and Public Credit, or whoever he delegates.
4. The Minister of Agriculture and Rural Development, or his delegate.
5. The Director of the National Planning Department, or whoever he or she delegates.
6. The Director of the Presidential Agency for Social Action and International Cooperation, or whoever he or she delegates.
7. The Director of the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

The Technical Secretariat of the Executive Committee for Comprehensive Care and Reparation for Victims shall be exercised by the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

**Paragraph 2.** The Ministers and Directors who make up the Committee may only delegate their participation to the Vice-Ministers, Deputy Directors, Secretaries General or Technical Directors.

**ARTÍCULO 165. FUNCIONES DEL COMITÉ EJECUTIVO PARA LA CARE AND REPARATION FOR VICTIMS.**

The Executive Committee for the Attention and Reparation to the Victims, is the maximum instance of decision of the System.

The aim is to materialize the rights to truth, justice and integral reparation. In carrying out this mandate, it shall have the following functions:

1. To design and adopt policies, strategies, plans, programmes and projects for comprehensive care, assistance and reparation for victims.

2. Design, adopt and approve the National Comprehensive Care and Reparation Plan dealt with in this Law.

3. To provide that the entities of the National System of Attention and Reparation to the Victims guarantee the attainment of budgetary resources, and to manage the attainment of the financial resources coming from sources of financing different from the General Budget of the Nation, to guarantee the adequate and opportune rendering of the services.

4. Support and manage the procurement of budgetary resources for the implementation of policies, strategies, plans, projects and programmes.

5. Approve the bases and criteria for public investment in comprehensive care, assistance and reparation for victims.

6. Determine the instruments of coordination in budgetary matters of planning, execution and evaluation, for the adequate development of its mandate.

7. Monitor the implementation of this Act, taking into account the effective contribution to the victims' rights to truth, justice and full reparation, in accordance with the obligations contained in this Act.

8. Give themselves their own rules.

9. The others that are assigned by the National Government.

The Executive Committee for Victim Care and Reparation shall meet at least once every six (6) months, and extraordinarily when deemed necessary. The Executive Committee will also have such technical subcommittees as may be required for the design of public policy on comprehensive care and reparation.

**Paragraph 2.** For the fulfillment of its functions, the Executive Committee for Victim Care and Reparation may summon as guests representatives or delegates of other entities that it deems appropriate, as well as two representatives of the Executive Committee for Victim Care and Reparation.

National Victim Participation Roundtable in accordance with the provisions of Title VIII of this law.

**ARTICLE 166. OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CARE AND REPARATION FOR VICTIMS.** The Unit for Integral Attention and Reparation to Victims is created as a Special Administrative Unit with legal personality and administrative and patrimonial autonomy, attached to the Administrative Department of the Presidency of the Republic.

The Unit shall have its headquarters in Bogotá D. C., and its patrimony shall be constituted by the contributions of the General Budget of the Nation, the assets transferred to it by the Nation and other public entities of the national order, and the other income that it receives in any capacity.

**ARTICLE 167. OF THE MANAGEMENT AND ADMINISTRATIVE BODIES.** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall have a Director who shall be freely appointed and removed by the President of the Republic, and shall have the internal structure and staff that the National Government sets for it, according to the needs of the service.

**ARTICLE 168. OF THE FUNCTIONS OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE COMPREHENSIVE CARE AND REPARATION OF VICTIMS OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

**VICTIMS.** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall coordinate in an orderly, systematic, coherent, efficient and harmonious manner the actions of the entities that make up the National System of Care and Reparation for Victims with regard to the execution and implementation of the public care policy, The Ministry of Justice will provide comprehensive assistance and reparation to victims and will assume the coordination powers set forth in Acts 387, 418 of 1997, 975 of 2005, 1190 of 2008, and in the other laws regulating the coordination of policies aimed at satisfying victims' rights to truth, justice and reparation. In addition, it has the following functions:

1. Provide the necessary inputs for the design, adoption and evaluation of the public policy for comprehensive care and reparation for victims.
2. Ensure the operation of the National Information Network for Victim Care and Reparation, including the interoperability of the various information systems for victim care and reparation.



3. Implement and manage the Single Registry of Victims, ensuring the integrity of current information records.

4. Apply certification instruments to the entities that make up the National System of Care and Reparation for Victims, with respect to their contribution to the effective enjoyment of the rights to truth, justice and comprehensive reparation for victims, in accordance with the obligations contemplated in the present law.

5. Coordinate with the Ministry of Finance and Public Credit and the National Planning Department the allocation and transfer to territorial entities of the budgetary resources required for the implementation of plans, projects and programmes for care, assistance and comprehensive reparation for victims in accordance with the provisions of this Act.

6. Exercise nation-territory coordination, for which it will participate in territorial transitional justice committees.

7. To administer the necessary resources and provide victims with the administrative means of compensation referred to in this Act.

8. To administer the Fund for the Reparation of Victims and to pay the judicial compensations ordered under Law 975 of 2005.

9. Coordinate the legal defense guidelines of the entities that make up the National System of Attention and Reparation to Victims and assume directly the legal defense in relation to the programs that it executes in accordance with this law.

10. Guarantee mechanisms and strategies for the effective participation of victims with a differential approach in the design of plans, programmes and projects for comprehensive care, assistance and reparation.

11. To coordinate the creation, strengthening and implementation, as well as to manage the Regional Centers of Attention and Reparation that it considers pertinent for the development of its functions.

12. Define the criteria and provide the necessary inputs to design collective reparation measures in accordance with articles 151 and 152, and implement the collective reparation measures adopted by the Executive Committee for Attention and Reparation to Victims.

13. To develop strategies for the management, accompaniment, orientation, and follow-up of humanitarian emergencies and terrorist attacks.

14. Implement actions to ensure timely and comprehensive care in the emergency of mass displacements.

15. Coordinate the returns and/or relocations of persons and families who were victims of forced displacement, in accordance with article 66.

16. To provide humanitarian assistance to the victims referred to in article 47 of this Act, as well as emergency humanitarian aid referred to in article 64, which may be provided directly or through territorial entities. Carry out the assessment referred to in article 65 in order to determine transitional humanitarian care for the displaced population.

17. Carry out special accompaniment and follow-up schemes for victim households.

18. To support the implementation of the necessary mechanisms for community and social rehabilitation.

19. Contribute to the inclusion of victim households in the different social programs developed by the National Government.

20. Implement actions to generate adequate living conditions in the event of terrorist attacks where homes have been affected.

21. The others indicated by the National Government.

**Paragraph.** The Regional Care and Reparation Centres referred to in this article shall unify and bring together the entire institutional offer for the care of victims, so that victims need only go to these Centres to be informed of their rights and referred for effective and immediate access to the measures of assistance and reparation enshrined in this Act, as well as for the purposes of the Single Registry of Victims. To this end, the Special Administrative Unit for Comprehensive Care and Reparation for Victims may enter into inter-administrative agreements with territorial entities or the Public Prosecutor's Office and, in general, enter into any type of agreement that guarantees unified care for the victims covered by this Act. These regional care and repair centres will be supported by

in the infrastructure currently serving victims, for which it shall coordinate with the body referred to in article 163 of this Law.

**ARTICLE 169. DECONCENTRATION.** The Special Administrative Unit for the Care and Reparation of Victims shall perform its functions in a deconcentrated manner, through the territorial units or dependencies that the Presidential Agency for Social Action and International Cooperation currently has, or the entity that fulfills its functions, for which it shall sign the corresponding agreements.

The Special Administrative Unit for Care and Repair may sign the agreements required for the good provision of the service with the entities or bodies of the territorial order.

**ARTICLE 170. TRANSITION FROM INSTITUTIONALITY.** During the year following the entry into force of this Act, the National Government shall make the necessary institutional adjustments to the entities and bodies that currently perform functions related to the subjects covered by this Act, in order to avoid duplication of functions and ensure continuity of service, without at any time affecting the care of victims.

The Presidential Agency for Social Action and International Cooperation shall be transformed into an administrative department responsible for establishing policies, general plans, programmes and projects for assistance, care and reparation for victims of the violations referred to in article 3 of this Law, social inclusion, care for vulnerable groups and social and economic reintegration.

**Paragraph.** Until the structure and staff of the Special Administrative Unit for Comprehensive Care and Reparation for Victims is adopted and the Presidential Agency for Social Action and International Cooperation is transformed into an Administrative Department, this entity, as well as the others that have been performing these functions, will continue to implement the policies of care and reparation for victims covered by this Act.

The administrative career jobs created as a result of the institutional reforms that must be implemented in this law, will be provided through a special call to be advanced by the National Civil Service Commission for such purposes.

**ARTICLE 171. TRANSITION OF THE NATIONAL COMMISSION FOR REPARATION AND RECONCILIATION.** The Unit for Integral Attention and Reparation to Victims shall assume the functions and responsibilities of the National Commission for Reparation and Reconciliation -CNRR, established in Law 975 of 2005 and the other norms and decrees that regulate, modify or add to it, within the year following the issuance of this law. It will also integrate for its functioning all the documentation, experience and knowledge accumulated by the National Commission for Reparation and Reconciliation -CNRR, for which the National Government, in the terms of the previous article, will guarantee the transition to the new institutionality in an efficient, coordinated and articulated manner.

Similarly, the functions of the Regional Commissions for the Restitution of Assets referred to in articles 52 and 53 of Law 975 of 2005 shall be assumed by the Special Administrative Unit for the Management of the Restitution of Stripped Land.

**ARTICLE 172. COORDINATION AND ARTICULATION NATION-TERRITORY.** The Unit for Comprehensive Care and Reparation for Victims shall design, based on the principles of coordination, concurrence and subsidiarity established in the Political Constitution, a strategy to articulate the public offer of national, departmental, district and municipal policies in the areas of humanitarian aid, care, assistance and comprehensive reparation, taking into account the following:

The differential conditions of territorial entities according to factors such as their fiscal capacity, unsatisfied basic needs index and pressure index, the latter understood as the relationship between the victim population of a municipality, district or department and its total population, also taking into account the special needs of the territorial entity in relation to the care of victims.

Articulation of the public offer of national, departmental, municipal and district policies, in terms of humanitarian aid, attention, assistance and reparation to victims.

The structuring of a system of co-responsibility through which it is possible:

3.1. Provide technical support to departmental and local authorities in the formulation of comprehensive victim care and reparation programmes.

3.2. Provide technical, administrative and financial assistance under the terms of this law.

3.3. Carry out communications and timely information on the requirements and decisions taken within the National System of Attention and Reparation to Victims.

3.4. Delegate, by means of agreements, processes of timely attention such as the characterization of the condition of victim and the integral identification of the family nucleus.

3.5. Provide territorial entities with the information they require to adapt their plans for care and reparation for victims and allocate resources efficiently.

3.6. Establish the monitoring and follow-up system of the investments made and the attention given to optimize the attention.

3.7. Carry out a periodic and systematic representative sample to measure the conditions of households served by comprehensive care and reparation programmes in the survey on the effective enjoyment of rights.

3.8. Consider flexible care schemes, in harmony with the territorial authorities and the particular and differentiated conditions existing in each region.

3.9. Establish schemes to complement sectional and local efforts to address territorial priorities vis-à-vis victims under the terms established in this law.

3.10. To provide technical assistance for the design of plans, projects and programmes in accordance with the provisions herein at the departmental, municipal and district levels, with the participation of these territorial entities, the Department of National Planning and the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

**ARTÍCULO 173. DE LOS COMITÉS TERRITORIALES DE JUSTICE TRANSITIONAL.** The National Government, through the Special Administrative Unit for Comprehensive Care and Reparation for Victims, will promote the creation of Territorial Transitional Justice Committees with the support of the Ministry of the Interior and Justice, responsible for drawing up action plans within the framework of development plans in order to achieve comprehensive care, assistance and reparation for victims, coordinate actions with the entities that make up the National System of Care and Reparation for Victims.

at the departmental, district and municipal levels, to articulate the institutional offer to guarantee the victims' rights to truth, justice and reparation, as well as the materialization of guarantees of non-repetition, to coordinate activities in the area of social inclusion and social investment for the vulnerable population, and to adopt measures leading to the materialization of policies, plans, programs and strategies in the area of disarmament, demobilization and reintegration.

These committees shall consist of:

1. The Governor or Mayor who will preside, as the case may be
2. The Secretary of departmental or municipal government, as the case may be.
3. The departmental or municipal Planning Secretary, as the case may be.
4. The departmental or municipal Health Secretary, as the case may be.
5. The Secretary of departmental or municipal education, as the case may be.
6. The Division Commander or Brigade Commander, having jurisdiction in the area.
7. The Commander of the National Police in the respective jurisdiction.
8. The Regional Director or Coordinator of the Zonal Center of the Colombian Institute of Family Welfare.
9. The Regional Director of the National Learning Service (SENA).
10. A representative of the Public Prosecutor's Office.
11. Two representatives of the Victims Participation Tables according to the territorial level as provided in Title VIII of this Law.
12. A delegate of the Director of the Special Administrative Unit for Comprehensive Care and Reparation for Victims.

The committees referred to in this article may convene representatives or delegates of other entities which, within the framework of this law, contribute to guaranteeing the rights to truth, justice and full reparation to victims, and in general to civic organizations or to such persons or representatives as it deems appropriate.

**Paragraph 2:** The Governor or Mayor shall perform the technical secretariat of the territorial transitional justice committees, for which they shall design an instrument that allows them to follow up on the commitments of the entities that are part of the Committee.

**Paragraph 3:** The authorities that make up the Committee referred to in this article may not, under any circumstances, delegate their participation in it or in any of its meetings.

**ARTÍCULO 174. DE LAS FUNCIONES DE LAS ENTITIES TERRITORIALS.** With a view to achieving the objectives set out in article 161, and in accordance with articles 172 and 173, and within one year of the promulgation of this law, territorial entities shall design and implement, through the corresponding procedures, programmes of prevention, assistance, care, protection and comprehensive reparation for victims, which shall have the budgetary allocations within the respective development plans and shall adhere to the guidelines established in the National Plan for Comprehensive Care and Reparation for Victims.

Without prejudice to the foregoing, territorial entities shall perform the following special functions for the care, assistance and comprehensive reparation of victims:

1. From the resources of the departmental, district or municipal budget, subject to the guidelines set forth in their respective Departmental, District and Municipal Development Plans and in accordance with the National Plan of Care and Reparation for Victims, they shall provide emergency assistance, funeral expenses assistance, complement the measures of comprehensive care and reparation, and manage the presence and timely response of the respective national authorities for comprehensive care, assistance and reparation for victims.

2. With charge to the resources they receive from the General System of Participations and subject to the corresponding constitutional and legal rules, guarantee them the efficient and timely provision of health services, education, drinking water and basic sanitation.

3. Subject to the orders and directives issued by the President of the Republic for the maintenance, preservation and restoration of public order, ensure the safety and personal protection of victims with the support of the National Police which must have through the Governors and Mayors as first administrative police authorities in the departmental, district and municipal orders. To this end, the

The Ministry of the Interior and Justice will coordinate the implementation of these measures with the territorial authorities.

4. To draw up and implement action plans to guarantee the application and effectiveness of prevention, assistance, care and comprehensive reparation measures for victims in their respective territories that respond to the various victimizing acts generated by the violations contemplated in article 3 of this Law.

The plans and programmes adopted by the territorial entities must guarantee the fundamental rights of the victims and take into account the differential approach.

**Paragraph 2.** The performance of departments, districts and municipalities corresponds to the performance that in compliance with constitutional and legal mandates must provide for the population, without prejudice to the performance that these and other public authorities must comply with subject to the principles of competition, complementarity and subsidiarity.

**Paragraph 3.** The mayors and the District and Municipal Councils respectively shall guarantee to the District and Municipal Personerías the means and resources necessary for the fulfillment of the functions related to the implementation of this Law.

#### CHAPTER IV

##### **National Plan for Comprehensive Care and Reparation for Victims**

**ARTICLE 175. DISEÑO Y OBJETIVOS DEL PLAN NACIONAL DE COMPREHENSIVE CARE AND REPARATION FOR VICTIMS.** The Government

The National Plan for Comprehensive Care and Reparation for Victims, which shall establish the mechanisms necessary for the implementation of all the care, assistance and reparation measures contemplated in this Law.

For this purpose, the National Government shall prepare a CONPES document which shall contain the execution plan of goals, budget and follow-up mechanism, and shall determine annually, the destination, transfer and execution mechanisms, the amount of resources and entities, according to the obligations contemplated in this law, for the following fiscal period.



**Paragraph.** The National Government will promote the inclusion of victims in the process of designing and monitoring the Plan of Care and Reparation for Victims.

**ARTICLE 176. OF THE OBJECTIVES.** The objectives of the National Plan for Comprehensive Care and Reparation for Victims will include the following, among others:

1. To adopt the measures of assistance and attention indicated in the present law, in the provisions in force and in the pronouncement of the high courts on the matter.

2. Implement comprehensive reparation measures that serve the programs that the Colombian State must design in order to guarantee reparation to the victims, taking into account the principles of International Humanitarian Law, international human rights norms, constitutional norms and others in force on the matter, as well as the reparation criteria set forth by jurisprudence and the National Commission for Reparation and Reconciliation.

3. Adopt mechanisms that facilitate legal assistance to victims in order to guarantee the right to truth, justice, restitution of violated rights and their patrimonial assets, as well as the right to integral reparation.

4. Design and adopt measures that guarantee victims' access to comprehensive urban and rural development plans, programs and projects, offering them the necessary means to repair the damage suffered, avoiding revictimization processes.

5. Give special attention to women and children, preferably widows, female heads of household and orphans.

6. Design a comprehensive victim care strategy to articulate the care provided by State institutions in order to guarantee the effectiveness and efficiency provided to victims, while also seeking full articulation between the central and territorial levels.

7. Program the necessary tools to execute, follow up and monitor the Information System that allows for the management and exchange of information on the victims among the different State institutions that attend them, in order to guarantee fast and effective national and regional information.

**Paragraph.** In order to comply with the National Plan, it is necessary to implement the institutional design at the national and territorial levels, and for the programmes to meet the needs for care and the right to reparation of the victims.

#### CHAPTER IV

## **Reparation Fund for Violence Víctimas**□

### **ARTICLE 177. REPARATION FUND.** Article 54 of Law 975 of 2005

shall be added with the following subsection:

In addition, this Fund will be made up of the following sources:

a) The proceeds of fines imposed on individuals or illegal armed groups in judicial and administrative proceedings;

b) Voluntary contributions made by governments, international organizations, individuals, corporations and other entities;

c) Amounts collected by financial institutions as a result of the voluntary donation option at the end of ATM and Internet transactions;

d) The sums collected by chain stores and large supermarkets as a voluntary donation of the sum required for rounding up the returns;

e) The amount of the economic conviction of those who have been convicted of conspiracy to commit a crime for organizing, promoting, arming or financing illegal armed groups.

f) The amount established in the judgement as a consequence of the support provided by companies that have financed organized armed groups outside the law.

g) The resources coming from the processes of extinction of domain that are supplied by virtue of Law 793 of 2002, in the amounts or percentages determined by the National Government.

**Paragraph 1:** Rural real estate that has entered the Fund for Reparation for Victims of Violence shall be transferred at the request of the Special Unit for the Management of Stripped Lands, in the terms and through the procedure that the National Government shall establish for this purpose. As of the issuance of this law, real estate delivered in the framework of the process of Law 975 of 2005, will be transferred directly to the Special Administrative Unit for Management of Land Stripped of its request, and provided that this does not affect specific destinations for repair as established in Law 975 of 2005 and other rules governing the matter.

**Paragraph 2:** Financial institutions may take the necessary measures to inform their users and customers of ATMs and Internet portals about the option of contributing to the Repair Fund referred to in this article by donating not less than 1% of the daily minimum wage in force for each transaction carried out.

**Paragraph 3:** Chain stores and large supermarkets shall take the necessary measures to inform their customers of the option of contributing voluntarily to the Repair Fund referred to in this article by donating the sum required for rounding off the returns. These sums will be transferred each past due month to the Repair Fund and the costs of the transfer will be directly assumed by the warehouses and large supermarkets.

**Paragraph 4:** The disposition of the assets that make up the Fund for the Reparation of Victims referred to in Article 54 of Law 975 of 2005 shall be carried out through private law. In order to preserve them, they may be marketed, sold or disposed of through any legal transaction, except in cases where there is a request for restitution, formally filed in the judicial process, to which the assets are linked by court order.

Disposal of or any legal transaction in the assets of the Fund shall be carried out by means of an administrative act registered with the relevant Registry Office, when the legal nature of the asset so requires.

## CHAPTER V

**ARTICLE 178. DUTY OF PUBLIC OFFICIALS.** It's homework.  
of public officials vis-à-vis the victims:

1. Respect and ensure that international standards of Human Rights and International Humanitarian Law are respected and applied.
2. To investigate the violations referred to in article 3 of this Law in an effective, prompt, complete and impartial manner.
3. Treat victims with humanity and respect for their dignity and human rights.

4. Immediately take or apply to the competent authority for appropriate measures to ensure the safety, physical and psychological well-being and privacy of themselves and their families, in accordance with existing protection programmes.

5. Treat victims with special consideration and care so that legal and administrative procedures aimed at bringing justice and reparation do not result in new trauma.

6. Ensure equal and effective access to justice; adequate and effective redress of the impaired right; and access to relevant information on violations and redress mechanisms, regardless of who is ultimately responsible for the violation.

7. Take or request from the competent authority, immediately, effective measures to ensure that the violations do not continue.

8. Verify the facts and their full and public disclosure, to the extent that it does not cause further harm or threaten the safety and interests of the victim, his or her family members, witnesses or persons who have intervened to assist the victim or prevent further violations.

9. Advance all actions aimed at searching for missing persons, the identities of abductees and the bodies of murdered persons, including unidentified persons buried as N.N. as well as assisting in establishing the whereabouts of victims, recovering them, identifying them and reburial them according to the explicit or presumed wish of the victim or the cultural traditions or practices of their family and community. The implementation of the National Plan for the Search for Missing Persons is mandatory.

**Paragraph 1.** The duties mentioned in numbers 6, 8, and 9 shall be predictable before the competent authorities.

**Paragraph 2:** The Public Prosecutor's Office shall monitor compliance with the duties enshrined herein, especially the legal duty to search for victims included in the National Registry of Disappeared Persons. The omission of the legal duty of public officials to search for and identify disappeared persons shall be disciplined.

**ARTICLE 179. DISCIPLINARY MISCONDUCT.** A very serious disciplinary offence shall be committed by a public official who:

1. If obliged to do so, refuses to give an official statement restoring the dignity, reputation and rights of the victim and of persons closely associated with the victim;

2. Being obliged to do so refuses to give a public apology that includes recognition of the facts and acceptance of responsibilities;

3. Prevent or hinder the access of victims and their representatives to information, not subject to legal reservation, on the causes of their victimization and on the causes and conditions of the violations referred to in Article 3 of this Law, as well as to know the truth about those violations.

4. Provide false information to victims or about the facts that produced the victimization.

5. Discriminate on the basis of victimization.

**ARTICLE 180. RESPONSIBILITY OF OFFICIALS.** Without prejudice to the In the event of any criminal or disciplinary liability, public officials who in the exercise of criminal proceedings or any other type of jurisdictional or administrative action affect the rights of the victims shall be liable before the competent Courts and Tribunals for such infringements.

## TITLE VII

### COMPREHENSIVE PROTECTION FOR CHILD AND ADOLESCENT VICTIMS

#### **ARTICLE 181: RIGHTS OF CHILDREN AND ADOLESCENTS**

**VICTIMS.** For the purposes of this Act, a child and adolescent means any person under the age of 18. Child and adolescent victims of the violations contemplated in article 3 of this Law shall enjoy all civil, political, social, economic and cultural rights, with preferential status and shall additionally have the right, among others:

1. To truth, justice and integral reparation.

2. To the restoration of their prevailing rights.

3. To protection from all forms of violence, physical or mental violence, injury or abuse, maltreatment or exploitation, including unlawful recruitment, forced displacement, anti-personnel mines and unexploded ordnance and all forms of sexual violence.

**Paragraph.** For the purposes of this Title, children and adolescents conceived as a consequence of rape during the internal armed conflict shall also be considered victims.

**ARTICLE 182. INTEGRAL REPARATION.** Under the terms of this law, child victims have the right to full reparation. This right includes measures of compensation, rehabilitation, satisfaction, restitution and guarantees of non-repetition.

**Paragraph 1:** The full reparation provided for in this article shall be assumed by the State as a whole through the competent entities, in particular those that make up the National Family Welfare System.

**Paragraph 2:** The Executive Committee for the Care and Reparation of Victims, with the support of the Colombian Family Welfare Institute as coordinator of the National Family Welfare System, shall design, on the basis of this law, specific guidelines to guarantee a comprehensive reparation process for child and adolescent victims, which shall be contained in the Conpes document dealt with in this law.

**ARTICLE 183. RESTITUTION OF RIGHTS.** The rights of children and adolescents who have been violated must be restored through the processes and mechanisms provided for that purpose in the Constitution and the laws, and in particular the Code of Childhood and Adolescence.

**ARTICLE 184. RIGHT TO COMPENSATION.** Children and Adolescent victims have the right to obtain compensation. The parents, or in their absence, the family defender, may request, as legal representatives of the child or adolescent, the compensation to which they are entitled.

When children or adolescents have been victims of unlawful recruitment, they must have been removed from the illegal armed group and be minors in order to receive compensation.

**ARTICLE 185. ESTABLISHMENT OF TRUST FUNDS FOR CHILDREN, GIRLS AND TEENAGERS.** The judicial or administrative body that recognizes compensation in favour of a child or adolescent shall, in all cases, order the establishment of a trust in favour of the child or adolescent, ensuring that the child or adolescent has obtained on average the highest financial returns in the last six months. The money will be given to them once they reach the age of majority.

**ACCESS TO JUSTICE.** It is the obligation of the State to investigate and punish the perpetrators and participants in the violations contemplated in article 3 of this Law, of which children and adolescents are victims.

To that end, the Office of the Attorney-General of the Nation, the Office of the Procurator-General of the Nation, the Office of the People's Advocate and the Colombian Family Welfare Institute will jointly design mechanisms to guarantee their participation, with a view to the effective realization of the rights to truth, justice and reparation.

**ARTICLE 187. RECONCILIATION.** Children and adolescents have the right for the State as a whole to guarantee a process of building coexistence and restoring relationships of trust between different segments of society.

To that end, the Colombian Family Welfare Institute, taking into consideration the recommendations of the National Commission for Reparation and Reconciliation, will issue the guidelines for a reconciliation policy to be adopted by the National Family Welfare System.

**ARTICLE 188. ORPHANED CHILDREN AND ADOLESCENTS.** All Children and adolescents who are orphans of both parents, or of only one of them, as a result of the violations referred to in article 3 of this Act, shall have the right to full reparation. Any departmental, regional or local authority and any public servant who has knowledge of this situation must immediately inform the Colombian Family Welfare Institute so that, through the Family Ombudsman, judicial and administrative proceedings may begin to seek full redress of their rights.

**ARTICLE 189. CHILD AND ADOLESCENT VICTIMS OF ANTI-PERSONNEL MINES, UNEXPLODED ORDNANCE AND ARTEFACTS**

**IMPROVISED EXPLOSIVE DEVICES.** All child and adolescent victims of anti-personnel mines, unexploded ordnance and improvised explosive devices shall be entitled to full reparation. Child and adolescent victims of anti-personnel mines, unexploded ordnance and improvised explosive devices shall have the right to receive medical treatment, prostheses, orthoses and psychological assistance, free of charge and for a period of time defined by technical-scientific criteria, to guarantee their full rehabilitation.

**Paragraph.** The recognition and payment of the treatment dealt with in this article shall be made through the Ministry of Social Protection with charge to the resources of the Solidarity and Guarantee Fund of the General System of Social Security in Health, FOSYGA, sub-account of catastrophic events and traffic accidents, unless they are covered by another health insurer and giving full compliance and development to Title III of Law 1438 of 2011.

**ARTICLE 190: CHILD AND ADOLESCENT VICTIMS OF TRAFFICKING IN PERSONS.**

**ILLEGAL RECRUITMENT.** All child and adolescent victims of recruitment shall have the right to full reparation under the terms of the present law. Child and adolescent victims of the crime of unlawful recruitment may claim compensation for the damage, in accordance with the statute of limitations for the crime enshrined in article 83 of the Criminal Code.

The Colombian Family Welfare Institute will be responsible for restoring the rights of children and adolescents. Once children and adolescents reach the age of majority, they may enter the process of social and economic reintegration led by the High Council for the Social and Economic Reintegration of Persons and Groups Raised in Arms, provided that they have the certification of disassociation from an armed group organized outside the law issued by the Operational Committee for the Abandonment of Arms.

**ARTICLE 191. MORE FAVOURABLE RULE.** The rules of this Title shall apply without prejudice to the provisions of other provisions of this Act. In cases of doubt, in administrative redress proceedings, the provision that is most favourable to the child or adolescent shall be applied, in accordance with the best interests of the child.

TITLE VIII



## VICTIM PARTICIPATION

It is the duty of the State to guarantee the effective participation of victims in the design, implementation, execution, and feeling of compliance with the law and the plans, projects, and programs that are created on the occasion of the law. To this end, the democratic mechanisms provided for in the Constitution and the law must be used, for which purpose it must, among others:

Guarantee the availability of the necessary means and instruments for the election of their representatives in the decision-making and monitoring bodies provided for in this law, access to information, and the design of adequate participation spaces for the effective participation of victims at the national, departmental and municipal levels.

To carry out accountability exercises on the fulfillment of plans, projects and programs that are designed and executed within the framework of this law and in compliance with the provisions of Article 209 of the Political Constitution. These exercises should involve victims' organizations.

**ARTICLE 193. VICTIMS' PARTICIPATION COMMITTEE.** The following shall be guaranteed

Timely and effective participation of the victims covered by this law in the design, implementation, execution and evaluation of policy at the national, departmental, municipal and district levels. To this end, the Victims Participation Tables should be created, encouraging the effective participation of women, children and adolescents, and older adult victims, in order to reflect their agendas.

The participation of organizations defending the rights of victims and victims' organizations in these spaces will be guaranteed in order to guarantee the effective participation of victims in the election of their representatives in the different decision-making and monitoring bodies for compliance with the law and the plans, projects and programs created under it, to participate in accountability exercises of the responsible entities and to carry out exercises of citizen oversight, without prejudice to the social control that other organizations outside this space may carry out.

**Paragraph 1:** For the formation of the tables at the municipal, departmental and national levels, the organizations covered by this article interested in participating in that space must register with the Personería in the case of the municipal or district level,

or before the Ombudsman's Office in the departmental and national cases, who in turn will exercise the Technical Secretariat at the respective level.

It will be an indispensable requirement to be part of the Victims Participation Table at the departmental level, to belong to the Victims Participation Table at the corresponding municipal level, and for the Victims Participation Table at the national level, to belong to the table at the corresponding departmental level.

**Paragraph 2.** These tables shall be formed within six (6) months following the issuance of this Law. The National Government must guarantee the means for effective participation through the Administrative Unit for Comprehensive Care and Reparation for Victims.

**Paragraph 3.** At the national level, the Victims' Participation Committee will be responsible for electing the victims' representatives who will be part of the Board of Directors of the Special Administrative Unit for the Management of Restitution of Stripped Land, the representatives before the Executive Committee for Victim Care and Reparation pursuant to article 164, as well as the representatives of the Follow-up and Monitoring Committee established by this Act. Representatives to be elected from the officers.

The Victims Participation Tables at the territorial level will be responsible for the election of victims' representatives to the Transitional Justice Territorial Committees referred to in article 173.

**Paragraph 4.** The Special Administrative Unit for Comprehensive Care and Reparation for Victims shall establish the procedure to ensure that the bodies for the organization and participation of the displaced population existing at the time of the issuance of this Act are incorporated into the roundtables referred to in this article.

**ARTICLE 194. TOOLS FOR PARTICIPATION.** To guarantee the  
In order to provide the necessary conditions for the right to participation, the mayors, governors and the Executive Committee for Victim Care and Reparation will have an effective participation protocol.

This effective participation protocol should guarantee that the public entities in charge of making decisions in the design, implementation and execution of care and reparation plans and programs submit the projected decisions in advance to the Victim Participation Tables at the municipal, district, departmental and national levels, as appropriate, giving the members of the respective tables the opportunity to present observations.

The public entities in charge of making decisions should evaluate the observations made by the Victims Participation Tables, so that there is an institutional response to each observation. The observations that, once assessed, are rejected, should be made known to the respective bureaux with the corresponding justification.

## TITLE IX FINAL PROVISIONS

**ARTICLE 195. EXTRADITED.** By virtue of the principle of external coherence established in Article 12, in order to contribute to the effectiveness of the right to justice, the Colombian State shall adopt measures to guarantee the effective participation of victims in investigations, prosecutions and judicial proceedings of members of organized illegal armed groups or demobilized from these groups who have been convicted for the violations referred to in Article 3 of this Law, and who are in foreign jurisdiction as a result of extradition granted by the Colombian State. Similarly, the State shall endeavour to adopt measures conducive to its collaboration with the administration of justice, through testimonies aimed at clarifying facts and conduct related to the violations contemplated in Article 3 of this Law.

In order to contribute to the effectiveness of the right to the truth, it shall adopt measures to ensure that the persons referred to in this article reveal the motives and circumstances in which the violations were committed and, in the event of death or disappearance, the fate of the victim.

In order to contribute to the effectiveness of the right to reparation, it shall adopt measures to ensure that the assets of extradited persons are handed over or seized with

to the victims' reparation fund established by article 54 of Law 975 of 2005.

**ARTICLE 196. MEASURES OF SATISFACTION AND SYMBOLIC REPARATION BY SOME ACTORS.** The members of the armed organizations outside the law who, in the development of peace processes with the National Government, have benefited from the measures of pardon, amnesty, inhibitory order, preclusion of the investigation or cessation of the procedure, in the terms foreseen in Laws 77 of 1989, 104 of 1993 and 418 of 1997 and the Decrees.

206 of 1990, 213 of 1991 and 1943 of 1991 and the Revolutionary Organization of the People (ORP), will be obliged to exalt the memory of their victims through the execution of the measures of satisfaction and symbolic reparation foreseen in this law.

For this purpose, the National Government through the Ministry of the Interior and Justice shall have a maximum term of four (4) months to make a report of the members of such organizations who obtained criminal benefits from the State.

This information will be sent to the coordinator of the National System of Attention and Reparation to Victims, who in the term of twelve (12) months, will have to impose the necessary measures so that the persons listed in the report presented by the National Government, proceed individually or collectively, to execute the necessary measures of satisfaction or moral compensation and symbolic reparation foreseen in this law.

The assessment of the relevance, sufficiency and proportionality of the measures to be imposed is submitted to the decision of the coordinator of the National System of Attention and Reparation to Victims.

Those who have belonged to armed organizations outside the law, may go directly to the Ministry of Interior and Justice, within a maximum period of three (3) months, to present their intention to exalt the victims, in development of the procedure enshrined in this provision.

As a result of this procedure, the director of the National System of Attention and Reparation to the Victims will proceed, with the collaboration of the competent organisms, to the elaboration and diffusion of a documentary, charged to the Fund for the Development of Public Television, in which the memory of the victims is revive and the following is made public

forgiveness of the perpetrators for the acts committed. All State entities shall be obliged to provide the means at their disposal to guarantee the production of this documentary, which shall be transmitted by the Institutional Channel and by regional and private channels, under the terms established by the National Television Commission, or the entity acting in its place.

**ARTICLE 197. FINANCING OF MEASURES FOR COMPREHENSIVE CARE AND REPARATION FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS AND BREACHES OF INTERNATIONAL HUMANITARIAN LAW DURING THE INTERNAL ARMED CONFLICT.** The

measures that imply an increase in the functions of State institutions should be assumed with the budgetary space established for each in the Medium-Term Fiscal Framework. Likewise, the programs or projects structured in the development of this law must be prioritized by the entities within their institutional offer and fiscal space, without prejudice to the other constitutional and legal functions that have been assigned to other state agencies and entities, which are also a priority.

**ARTICLE 198. FRAUDULENT REGISTRATION OF VICTIMS.** If

after recognition of the administrative compensation, if it is established that the person was not a victim or a beneficiary, or has proved it in a deceitful or fraudulent manner, the compensation measures granted shall be revoked, the reimbursement of the resources recognised and granted in this connection shall be ordered and copies shall be certified to the competent authority for the relevant investigation.

**ARTICLE 199. FRAUD IN THE REGISTRATION OF VICTIMS.** Whoever gets the registration as a victim, deliberately altering or simulating the conditions required for registration, or concealing those which prevented registration, shall be liable to imprisonment for five years.

(5) to eight (8) years. In the same way, the public servant who, having knowledge of the fraudulent alteration or simulation, facilitates or registers the victims, shall incur the same penalty and inability to exercise public rights and functions for five (5) to eight (8) years.

**ARTICLE 200. LAW ENFORCEMENT REPORTS.** The President of the Republic shall submit an annual report on progress in the implementation and monitoring of the

This law shall be submitted to the Congress of the Republic within one month of each commencement of the legislature.

The presentation of this report will be transmitted through the institutional channel and regional channels. It must also be published on the Internet portals of all the entities that make up the National System of Comprehensive Care and Reparation for Victims, and printed copies will be distributed as deemed convenient for victims and their organizations, as well as civil society in general, to access.

**ARTICLE 201. MONITORING AND FOLLOW-UP MECHANISM FOR THE LAW ENFORCEMENT.** The Follow-Up and Monitoring Commission is hereby established, whose primary function will be to follow up the process of design, implementation, execution and compliance with the measures contained in this law.

It will be made up of:

1. The Attorney General of the Nation or his delegate, who will preside over it.
2. The Ombudsman or his delegate, who will run the technical secretariat.
3. The Comptroller General of the Nation or his delegate.
4. Three representatives of the victims in accordance with the procedure established in Title VIII, which must be rotated every two years.

The commission shall meet at least once every six (6) months and submit a report to the Congress of the Republic within one month following each beginning of the legislature of each year.

**Paragraph 2:** The functions of follow-up and monitoring by the Office of the Attorney General of the Nation and the Office of the Comptroller General of the Republic shall be exercised without prejudice to the constitutional and legal functions they exercise as control bodies.

In the same way, they must certify copies to the Attorney General's Office when, in the exercise of the functions attributed to this commission, they evidence the occurrence of an illicit act.

**ARTICLE 202.** The Boards of Directors of the Senate and House First Committees shall form a committee in which all the political parties and movements represented in the respective committees shall be seated, responsible for monitoring the application of this law, receiving complaints arising on the occasion thereof and reviewing the reports requested from the National Government.

The Government shall submit reports within the first ten (10) days of each legislative period to the commissions referred to in this article on the use of the powers conferred upon it by this Act, as well as on measures aimed at improving the social, psychological and economic conditions of the victims. These commissions shall appoint a coordinator respectively.

**ARTICLE 203. ROUTES AND MEANS OF ACCESS.** The Executive Committee for Care and Reparation of Victims, within the framework of its functions, shall elaborate the single route of access to the measures of humanitarian aid, care, assistance and reparation contemplated in this Law, through which victims may exercise their rights.

Similarly, and in accordance with Article 30 of this Law, the Public Prosecutor's Office shall ensure that the entities that make up the National System of Attention and Integral Reparation to Victims make use of the single route.

**ARTICLE 204.** The National Government, through the Ministry of Foreign Affairs, and in accordance with the provisions of article 30, shall ensure that victims covered by this law who are outside the country are adequately informed and guided about their rights, measures, and remedies.

In accordance with article 150, paragraph 10, of the National Constitution, the President of the Republic shall be vested with extraordinary powers for a period of six (6) months from the date of issuance of this law to issue, by means of decrees with the force of law, the regulation of the rights and guarantees of victims belonging to indigenous, ROM, black, Afro-Colombian, Raizales, and Palenqueras communities and peoples with respect to the following

a) Generate the legal framework for the public policy of attention, integral reparation and restitution of lands of victims belonging to indigenous peoples and communities, ROM, black, Afro-Colombian, Raizales and Palenqueras in accordance with the National Constitution, the international instruments that are part of the constitutional block, laws, jurisprudence, international principles of truth, justice, reparation and guarantees of non-repetition.

b) In the elaboration of norms with the force of law to develop differential public policy for victims belonging to indigenous peoples and communities, ROM,

The National Government will consult the ethnic peoples through the authorities and representative organizations under the parameters of constitutional jurisprudence, the law and its own law, in order to fully comply with the fundamental right of prior consultation. The methodology of prior consultation for the elaboration of norms with the force of law to develop differential public policy for victims belonging to indigenous peoples and communities, ROMs, Blacks, Afro-Colombians, Raizales and Palenqueras, will be agreed between the National Government and the ethnic peoples through the authorities and representative organizations.

**Paragraph 1:** Until the approval of the norms with the force of law that develop differential public policy for victims belonging to indigenous peoples and communities, ROM and black, Afro-Colombian, Raizales and Palenqueras, the norms that may affect these communities shall be conditioned upon prior consultation of any project, programme or budget that may affect them.

**Paragraph 2:** The extraordinary powers conferred on the President of the Republic in this article to develop the differential public policy for the attention, integral reparation and restitution of lands to the victims belonging to indigenous peoples and communities, ROM, Black, Afro-Colombian, Raizales and Palenqueras, shall be exercised with the purpose of respecting the culture and material existence of these traditional peoples, as well as to differentiate their rights as victims of serious and manifest violations of International Human Rights Norms or breaches of International Humanitarian Law.

**Paragraph 3:** The powers conferred on the President of the Republic shall include, within the same term, modifying the organizational structure of the Ombudsman's Office by creating, suppressing or merging positions, in order to guarantee the fulfillment and development of the functions and competencies assigned to the institution in this law.

**ARTICLE 206. RURAL DEVELOPMENT.** The National Government, through the Ministry of Agriculture and Rural Development, shall submit within a period of six (6) months from the issuance of this Law, the initiative regulating the rural development of the country, where priority is given to the victims of dispossession and forced abandonment, in the access.



to credits, technical assistance, property adequacy, product marketing programs, among others, that contribute to the reparation of victims.

**ARTICLE 207.** Any person who claims the status of victim under the terms of article 3 of this Act, who uses factual means to invade, use or occupy a piece of land from which he seeks restitution or relocation as a reparative measure, without his legal status within the process of restitution of land stripped and forcibly abandoned having been resolved under the terms of articles 91, 92 and following of this Act, or in the rules that modify, replace or add to them, shall lose the benefits established in Chapter III of Title IV of this Act.

The foregoing is without prejudice to the application of the other rules in force that sanction such conduct.

**ARTICLE 208. VALIDITY AND DEROGATIONS.** The present law is effective as of its enactment and will be in force for ten (10) years, and repeals all provisions that are contrary to it, in particular articles 50, 51, 52 and 53 of Law 975 of 2005.

**Paragraph 1:** The National Government shall submit a detailed annual report to the Congress of the Republic on the development and implementation of this law, as well as the object fulfilled of the powers implemented.

**Paragraph 2.** One year before the expiration of the validity of this law, the Congress of the Republic will have to pronounce itself before the execution and fulfillment of the same one.

Dada in Bogotá D.C., June 10, 2011.

The President of the Honorable Senate of the Republic,

*Armando Benedetti Villaneda.*

The Secretary General of the Honorable Senate of the Republic,

*Emilio Ramón Otero Dajud.*

The Speaker of the Honorable House of Representatives,

*Carlos Alberto Zuluaga Díaz.*

The Secretary General of the Honorable House of Representatives,

*Jesús Alfonso Rodríguez Camargo.*

REPUBLIC OF COLOMBIA - NATIONAL GOVERNMENT

Publish and comply.

Dada in Bogotá, D. C., June 10, 2011.

JUAN MANUEL SANTOS CALDERÓN

The Minister of the Interior and Justice,

*Germán Vargas Lleras.*

The Minister of Finance and Public Credit,

*Juan Carlos Echeverry Garzón.*

The Minister of Agriculture and Rural  
Development,

*Juan Camilo Restrepo Salazar*