

Incidence of Amicus Curiae in the Special Jurisdiction for Peace in Colombia – South America

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Abstract:- The objective of this research work was to address a study in which the figure of Amicus Curiae is theoretically analyzed and quantitatively examined with a statistical survey in groups focused on the city of Cartagena, for to get the perception of lawyers on the incidence of Amicus Curiae in the special jurisdiction for peace in Colombia; The unit of analysis was to establish whether the incidence of Amicus Curiae in the special jurisdiction for peace in Colombia, is an interference with Colombian domestic law or a recognition of international human rights law, and as variables we have: Examine the Amicus Curiae from the perspective of the theory of human rights and protection instruments; Perform a Normative, Jurisprudential and Doctrinal analysis on the Special Justice for Peace and Amicus Curiae in Colombia and in Comparative Law. The investigation that was carried out is socio legal. The method that was applied was the case study. As primary sources, surveys were used. The analysis was done through statistical survey and content analysis. As findings we have that the participation of these foreigners in the Special Justice of Peace that is implemented in our country, is not exempt from a great debate on the sovereignty of Colombia to solve the conflict with the FARC that lasted more than fifty years, for what the implications of the investigation consist in that the committee of election of the friends of the court received the citizen observations on the foreign candidates who wanted to conform the Integral System of Truth, Justice, Reparation and Non-Repetition in Colombia.

Keywords:- Armed Conflict, Peace Agreement, Special Justice, Amicus Curiae, Human Rights, International Humanitarian Law.

I. INTRODUCTION

On September 26, 2016, the history of war that Colombia had lived through for many years changed, that day the signing of the agreement that ends the armed conflagration between the State and the most warlike guerrillas that had emerged in this country, the FARC, began since this guerrilla, one of the oldest and most organized in America, has handed over the weapons and has become a political party, with political aspirations for the presidency of the republic, as well as for the senate and chamber in the Colombian congress and so that these demobilized could participate in the electoral elections, the JEP was created and to support their processes, the figure of Amicus Curiae was created. Once President Juan Manuel Santos and the top leader of the FARC, Rodrigo Londoño, alias Timochenko, signed the peace agreement, Colombians had to endorse the text in a referendum, but this process of Colombian democracy split society in two of that country.

The campaigns for the votes in the Plebiscite were in favor incarnated respectively by the Government with the support of the progressive forces and against, led by the ex-president Álvaro Uribe and his political group Democratic Center; subsequently the votes reflected a social fracture that, to a large extent, still persists, because Colombian society does not fully agree with what was agreed in Havana (Cuba). In the votes of the plebiscite he won the *NO*, by the minimum vote, but the executive political power did not back down with the signing of the peace agreement, what was done was to review the terms of the first pact and on November 24, 2017 one was signed again, which is the one that is being developed for the construction of a stable and lasting peace. By this agreement of peace, later in December 2017 the former president Santos received the Nobel Peace Prize, in Oslo Norway.

Amicus Curiae is a form of intervention as a “friend of the court”, with non-binding technical-legal criteria, useful for an adequate interpretation of fundamental rights, in order to contribute to the supremacy of the Political Constitution and the recognition of the International Law of Human Rights in our country. This form of intervention in Colombian justice is recognized and accepted by national jurisdictional bodies such as the Constitutional Court of Colombia, as well as by supranational entities such as the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IA.CourtHR), since it is clear that it does not imply undue interference in the jurisdictional function, but, on the contrary, constitutes a sample of how our legal system requires the inter-institutional collaboration of entities that are not judicial in our country, in the common task to guarantee the effective validity of the fundamental rights of all the members of Colombia.

The participation of these foreign lawyers in the Special Justice for Peace is for some an affront to Colombian sovereignty and for others an opportunity to exercise a more neutral justice; Therefore, the question that guides this research is: What is the perception of carthaginian lawyers about the impact of Amicus Curiae in the special jurisdiction for peace in force in Colombia today? The General Objective of this investigation was to establish the perception of Cartagena’s lawyers about whether the incidence of Amicus Curiae in the Special Jurisdiction for Peace is an interference with Colombian domestic law or recognition of international human rights law. The Specific Objectives were: To examine the Amicus Curiae from the perspective of the theory of human rights and protection instruments and to carry out a Normative, Jurisprudential and Doctrinal analysis on the Special Justice for Peace and look over the Amicus Curiae in Colombia and in Comparative Law. The hypothesis was that Amicus Curiae as a legal figure of Human Rights and International Humanitarian Law has a transcendental role in the framework of the Special Justice for Peace in Colombia; It will not only be a liaison device with the sources of international law, but as an advisory body that is called to strengthen the democratic legitimacy of that jurisdiction.

This investigation is theoretically justified because the figure of Amicus Curiae (“friends of the Court”) takes shape in the field of the Special Jurisdiction for Peace (JEP) which has generated expectations that have been set around this Jurisdiction as a court hybrid, made up of foreign and national judges. Its introduction in the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR) on the one hand, rescues a quota of foreign participation with a link or bridge function with the broad normative and doctrinal spectrum of international law around problems of Colombian armed conflict. On the other hand, it restricts this participation to the limits that in the political debate, after the plebiscite of October 2, 2016, were determined; specifically, that of a strict advisory body in a system that is aimed at resolving multiple of the sensitive problems of the armed conflict that Colombia has experienced in recent years. The result of what becomes the

institution of Amicus Curiae in the practice of Special Justice for Peace, must weigh both the consultative need and the (political) limits of its intervention in the judicial scene.

In the delimitation of its consultative nature and in its use, there will be an important reason to ensure the integrality of Special Justice for Peace as a judicial device of the SIVJRNR. It is precisely in the exercise as an advisory body that its role as an independent participant or, on the contrary, the material character of a procedural party will be defined. In determining this, the procedural conditions for participation will also be significantly weighed. The consultative nature would lose its essence if the Amicus Curiae were given the powers of intervention that position it as a true counter-power to the work of the judges of the Special Justice for Peace.

The distinction between the prior idea of the foreign judge and the figure of the Amicus Curiae conceived now is fixed on the form and contents of the consultation and its respective incorporation into the internal judicial debate. The elements of judgment, information and assessments which they submit cannot be conceived as compensatory devices of the judicial decision. The recognition of limits to the intervention of experts consulted in a judicial process has already been done by the Constitutional Court itself. The Court clearly argues that such advisory interventions do not define or decide legal cases, its concept is not binding, does not subrogate the autonomy of the judicial corporation and those who surrender it are required to state the conflict of interest cases (Constitutional Court. Judgment C-513 of 1993).

These conditions of intervention are consistent with article 2 (3) of the Rules of Procedure of the Inter-American Court of Human Rights, Rule 103 (1) of the Rules of Procedure and Evidence of the International Criminal Court (RPP-ICC) and Rule 67(1) of the Rules of Procedure and Testing of the Kosovo Specialist Chambers (RPP-KSC); even following these rules of the International Criminal Court - ICC and the Kosovo Specialist Chambers - KSC, the prosecutor and the defense in the process should have the opportunity to respond to the comments made by the Amicus Curiae.

Socially this investigation is justified, because it is expected that the Special Justice for Peace will have to be subjected to the reported ex-combatants of the FARC of heinous crimes and other offenses against the State and Colombian domestic law and because the victims of the they expect the components of truth, justice, reparation and guarantees of non-repetition to be met. Moreover, because the Amicus Curiae who are foreign jurists, they have the possibility of handing over concepts in the right to Special Justice for Peace. They will not be able to make decisions, will not have a voice or vote at hearings, and their role is limited solely to adjudicating disputes and providing advice on decision-making based on international law and their experience as criminals, and finally the Amicus Curiae chosen for to be in the Special Justice for Peace, are:

- *Ambos, Kai (German)*
- *De Prada Solaesa, José Ricardo (Spanish)*
- *Mantilla Falcón, Julissa (Peruvian)*
- *Salmón Gárate, Elizabeth Silvia (Peruvian)*
- *Albán Alencastro, Juan Pablo (Ecuadorian)*
- *Duttwiler, Michael (Swiss)*
- *Herencia Carrasco, Salvador (Peruvian)*
- *Hunneus Quesney, Alexandra Valeria (Chilean)*
- *Quintana Osuna, Karla Irasema (Mexican)*
- *Roht Arriaza, Naomi (U.S)*
- *Kravetz Miranda, Daniela (Chilean)*
- *Raimondo, Fabián (Argentinian)*
- *Josi, Claudia Daniela (Swiss)*
- *Criado de Diego, Marcos (Spanish)*

II. METHOD

Methodologically this research is socio legal, because Ramírez [1] says, the effectiveness of the Amicus Curiae in the Special Justice for Peace is analyzed by conducting a statistical survey applied to carthaginian lawyers. The Amicus Curiae, are foreign lawyers who are experts in Human Rights and/or Criminal Law, who have the possibility of handing over concepts in law to judges that make up Special Justice for Peace. There is an increasing agreement on the added value of using quantitative methods in the evaluation of plans, programmes and projects, as quantitative methods contribute to establishing in lengths, the initial conditions of beneficiaries and the resulting change for their participation in a programme.

III. RESULTS

For Salinas [2] Restorative Justice is an instrument that makes possible the creative and human encounter in search of a consorensuous solution of the process and the generation of new forms of coexistence so that Special Justice for Peace is embodied in this agreement, to define the legal treatment that FARC demobilized persons who are responsible for crimes against humanity will receive, under a special legal system that will be created as part of the peace process and which includes alternative prison sentences. It is also empowered to grant amnesty for guerrillas who are not involved in heinous crimes, such as kidnapping, sexual violence, out-of-combat executions, and are only accused of lifting themselves in arms against the state, committing crimes of Rebellion and Sedition.

As in all Restorative Justice, in this agreement in the right of justice, victims have the right to truth, justice, reparation and the guarantee of non-repetition. All special justice for peace actions will take into account these rights and the seriousness of the suffering inflicted by FARC's demobilized victims as central axes. For this reason, Special Justice for Peace will take decisions that grant full legal certainty to those who participated directly or indirectly in the Colombian armed conflict. All decisions of Special Justice for peace will be judged thing when they are firm and will ensure that they do not change in the future.

This item examines the perception of 150 carthaginian lawyers who answered the survey that was prepared by the researcher and which she applied herself. The sampling used was the random one, since the researcher serves as public defender of the Ombudsman's Office and had access to the different judicial scenarios of the city in which she was able to apply the survey. This perception study aims to show, the opinion of the carthaginian lawyers, on the impact of Amicus Curiae in the special jurisdiction for peace in Colombia.

Variable 1.- Do you know what it's Amicus Curiae?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	80	53%
Not	70	47%
TOTAL	150	100%

Table 1:- Source: Survey applied by the legal partner researcher.

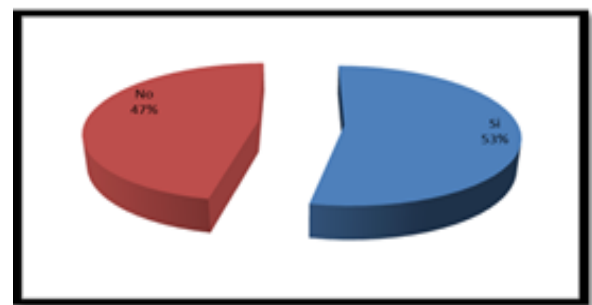


Fig 1

Respondents, carthaginian lawyers, said that they knew what it's Amicus Curiae; if at 53% and not at 47%.

Variable 2.- Amicus Curiae (plural curias del amici), literally translated as "friend of the Tribunal," is an institute of procedural law, which allows third parties outside a dispute, to offer opinions for the resolution of the process. Do you agree with that?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	85	57%
Not	65	43%
TOTAL	150	100%

Table 2:- Source: Survey applied by the legal partner researcher.

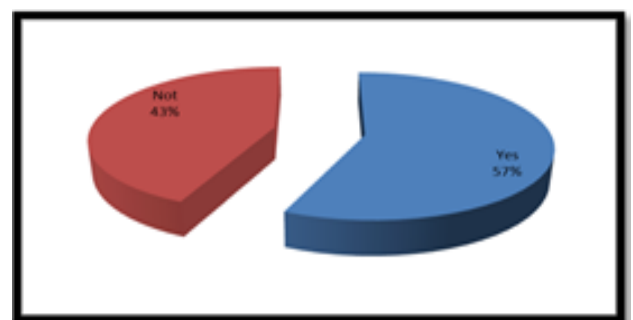


Fig 2

Respondents, carthaginian lawyers, said they agreed that Amicus Curiae (plural curias del amici), literally translated as "friend of the Tribunal," is an institute of procedural law, which admits to third parties outside a dispute, to offer opinions resolution of the process; If at 57% and not at 43%.

Variable 3.- Have you had a case in the court forum where the Amicus Curiae has been applied?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	1	1%
Not	149	99%
TOTAL	150	100%

Table 3:- Source: Survey applied by the legal partner researcher.

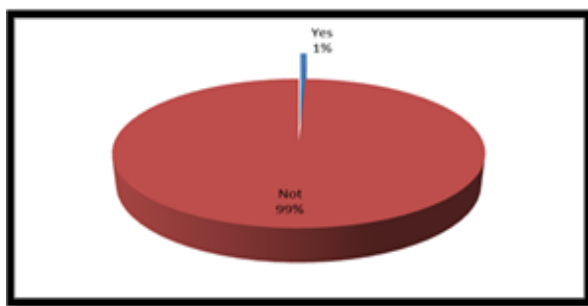


Fig 3

Respondents, carthaginian lawyers, said they have had a case in the court forum where the Amicus Curiae has been applied; If at 1% and not at 99%.

Variable 4 - Do you agree to the final agreement for the termination of the conflict and the construction of a stable and lasting peace?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	100	67%
Not	50	33%
TOTAL	150	100%

Table 4:- Source: Survey applied by the legal partner researcher.

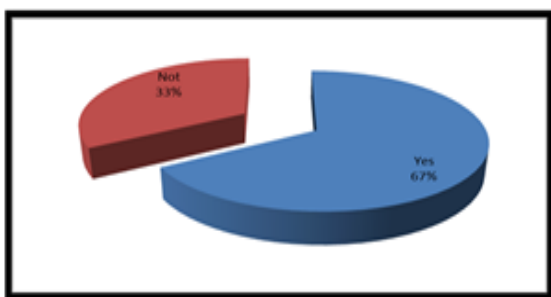


Fig 4

Respondents, carthaginian lawyers, said they agreed to the final agreement for the termination of the conflict and the construction of a stable and lasting peace; If at 67% and not at 33%.

Variable 5.- Are you agree with special justice for peace in Colombia?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	100	67%
Not	50	33%
TOTAL	150	100%

Table 5:- Source: Survey applied by the legal partner researcher.

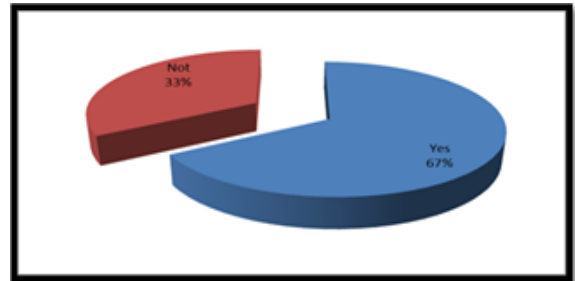


Fig 5

Respondents, carthaginian lawyers, said they agreed with the Special Justice for Peace; If at 67% and not at 33%.

Variable 6.- Do you agree that the main objective of special justice for peace is to fulfil the state's duty to investigate, clarify, prosecute, prosecute and punish serious human rights violations and serious violations of human rights International Humanitarian Organization (IHR) that took place in the context and because of the armed conflict?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	150	100%
Not	0	0%
TOTAL	150	100%

Table 6:- Source: Survey applied by the legal partner researcher.

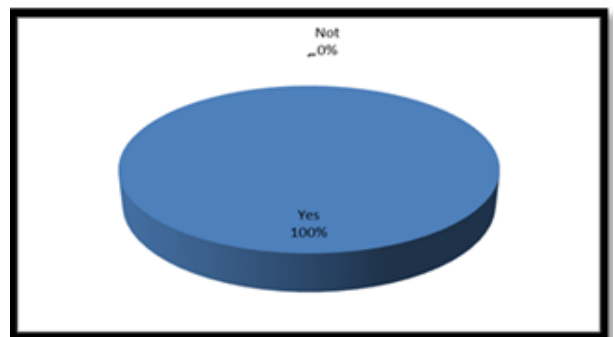


Fig 6

Respondents, carthaginian lawyers, agreed that the main objective of special justice for peace is to comply with the state's duty to investigate, clarify, prosecute, prosecute and punish serious human rights violations violations of International Humanitarian Law (IHL) that took place in the context and in the context of armed conflict; If at 100% and not at 0%.

Variable 7.- Do you consider that the importance of the Amicus Curiae in special justice for peace is that it is an instrument to make citizen participation in the judicial debate around matters of institutional and social interest, and evaluates its qualitative contribution to the argumental acquis of domestic and international human rights courts, based on the growth of areas of interaction of constitutional law, constitutional procedural law and international human rights law?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	150	100%
Not	0	0%
TOTAL	150	100%

Table 7:- Source: Survey applied by the legal partner researcher.

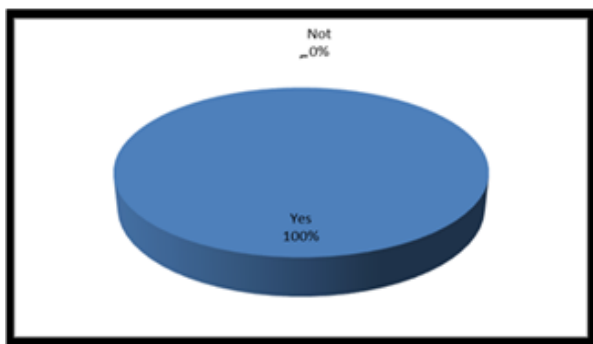


Fig 7

Respondents, carthaginian lawyers, consider that the importance of the Amicus Curiae in special justice for peace, is that it is an instrument to make citizen participation in the judicial debate around matters of institutional interest and assesses its qualitative contribution to the argumental acquis of domestic and international human rights courts, based on the growth of areas of interaction of constitutional law, constitutional procedural law and the law international human rights; If at 100% and not at 0%.

Variable 8.- The Regulations of the Inter-American Convention on Human Rights provide for the possibility of appearing as Amicus Curiae before the Inter-American Court of Human Rights. Have you ever thought about that possibility as a lawyer?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	80	53%
Not	70	47%
TOTAL	150	100%

Table 8:- Source: Survey applied by the legal partner researcher.

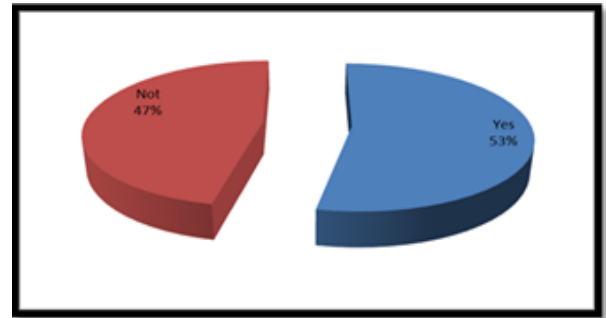


Fig 8

Respondents, carthaginian lawyers, said they have thought about the possibility that the Regulations of the Inter-American Convention on Human Rights establish the possibility of appearing in a capacity of Amicus Curiae before the Inter-American Court of Rights Human Rights ; If at 53% and not at 47%.

Variable 9.- Do you consider the "Amicus Curiae" to be a useful tool for opening channels of participation and strengthening the representation of groups motivated by a public interest in judicial decision-making?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	90	60%
Not	60	40%
TOTAL	150	100%

Table 9:- Source: Survey applied by the legal partner researcher.

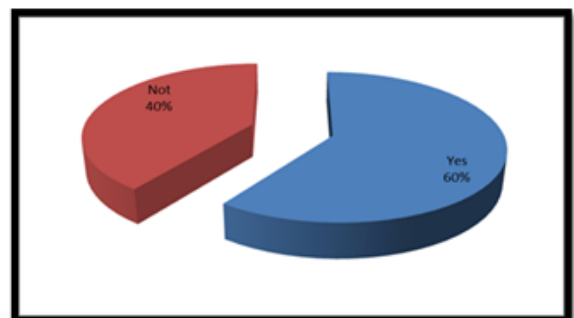


Fig 9

Respondents, carthaginian lawyers, said they consider the "Amicus Curiae" to be a useful tool to open channels of participation and strengthen the representation of groups motivated by a public interest in judicial decision-making ; If at 60% and not at 40%.

Variable 10.- Do you consider the Amicus Curiae in the special jurisdiction for peace in Colombia to be a recognition of international human rights law?

OPCIÓN	FRECUENCY	PERCENTAGE
Yes	95	63%
Not	55	37%
TOTAL	150	100%

Table 10:- Source: Survey applied by the legal partner researcher.

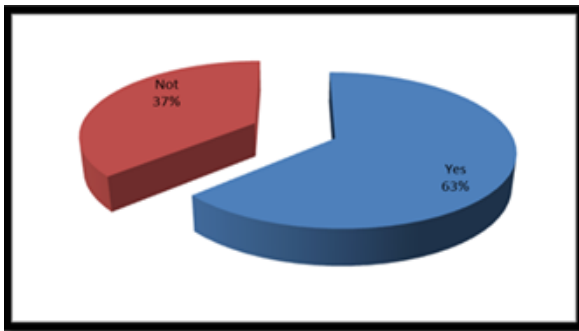


Fig 10

Respondents, carthaginian lawyers, said they consider the Amicus Curiae in the special jurisdiction for peace in Colombia to be a recognition of international human rights law; If at 63% and not at 37%.

IV. DISCUSSION

Participation in politics as a point of the agreement signed for a lasting peace in Colombia, aims to strengthen Colombian democracy, motivating the participation in politics and public affairs of both the demobilized who have no outstanding issues with The Special Justice for Peace as well as the victims of war. This allows the creation of new seats in the Colombians' congress: 5 seats in the Senate and others 5 in the House of Representatives that guarantee the minimum political representation of victims through a transitional formula during two constitutional periods counted to 2018 and new political parties.

But this point of the agreement proposes the creation of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, which will be composed of different judicial and extrajudicial mechanisms that seek to achieve coexistence, reconciliation, non-repetition and the transition from armed conflict to peace, such as the creation of a Truth Commission that is a temporary body that helps to recognize the rights of victims, but not to administer justice.

In addition, it will have a Missing Persons Search Unit through humanitarian actions. As regards the specific actions to contribute to the reparation, acts of recognition of responsibility, the contribution of the victims for the reparation of the victims, the restitution of land, collective reparation and rehabilitation will be made psycho-social.

The Special Jurisdiction for Peace, is also created in this event as a judicial component to administer justice and investigate, clarify, prosecute and punish serious violations of human rights and serious violations of International Humanitarian Law by the demobilized FARC and the Colombian Armed Forces, as the case may be, but in a constitutional and democratic State of Law such as Colombia, fundamental rights constitute powers that are directly invoked and enforceable by citizens, whose effectiveness is not exhausted in their normative recognition by the Constitution Policy and in the

International Human Rights Treaties, but requires its effective defense when this is necessary, because of this, our legal system has complemented this regulatory recognition with the establishment of guarantee mechanisms against its violation or threat, which have as constitutional mandate the defense of the supremacy of the Political Constitution and the constitutional and fundamental rights recognized there, one of these legal figures is the Amicus Curiae which is a figure of Human Rights and International Humanitarian Law.

In the Colombian legal system, the figure of the guest to the process is foreseen within the framework of the unconstitutionality process. Indeed, article 13 of Decree No. 2067 of September 4, in 1991 [3] provides that: *"The substantive magistrate may invite public entities, private organizations and experts in matters related to the subject of the process to be submitted in writing, which shall be public, its concept of relevant points for the elaboration of the draft decision. The Court may, by a majority of its assistants, summon them to the hearing referred to in the preceding article. The period indicated, the substantive magistrate to the recipients of the invitation does not interrupt the terms established in this Decree. The guest must, when presenting a concept, state whether he is in conflict of interest."* Said provision was challenged before the Constitutional Court of Colombia, which dismissed the claim of unconstitutionality by Judgment C-513 of September 10, 1992 [4]. However, the aforementioned Court has developed the following guiding criteria for this type of intervention:

- *Its purpose is to facilitate the obtaining of elements of judgment, information and evaluations in cases of high public interest, to illustrate or complement. Therefore, it does not define or decide.*
- *It is not binding, but may have an impact on the final decision.*
- *They are not restricted to legal approaches, because the application of the Law to the specific case is a function of the Constitutional Court when deciding.*
- *Does not compromise the autonomy of the Court.*
- *This type of intervention specifies the purpose of participatory democracy provided by the Colombian Political Constitution.*
- *Emphasizes the impartial character of the guest.*

The two regulatory regimes governing the powers of the Constitutional Court (C.C.) in matters of unconstitutionality and guardianship action matters are respectively decrees 2067 and 2591, both of 1991. None of them literally use the expression Amicus Curiae. The first of the legal systems mentioned has enshrined the figure of the "guest" in the framework of the typology of processes it regulates.

At the beginning of the Constitutional Court's judicial activity, the constitutionality of that article was objected to, which led to Judgment C-513 of 1992 of 10 September. In this process of constitutionality, the court unanimously decided to uphold the readiness of the precept. A brief

synthesis of what is stated in the pronouncement shows the following: the concept of the expert does not decide, nothing defines; barely illustrates or complements and leaves the Full Autonomy of the Court to decide. In the face of that judgment by the Constitutional Court's the material aspects of the opinion are in fact only, that is, those relating to elements on which the judgment will fall but which cannot be confused with the legal analysis reserved for the Court; and do not concern its constitutional basis or the legal inference about the constitutionality or unconstitutionality of a rule subject to its control.

Despite the above, the subsequent practice of the Colombian Constitutional Court has progressively outlined some guidance guidelines on the figure, highlighting that:

- *It is impartial; its purpose is to facilitate the obtaining of elements of judgment, information and evaluations in cases of high public interest, to illustrate or complement.*
- *In other words, it does not define or decide; it is also non-binding, but it may have an impact on the final decision, albeit without compromising the autonomy of the Constitutional Court.*
- *It is not limited to legal concerns, since the application of the right to the specific case is a function of the Constitutional Court. when deciding, and the procedural intervention of the concrete figure the purpose of participatory democracy established in the Constitution.*

On its side, a reasonable approach to who can participate in the processes outlined by Decree 2.067 is proposed by the Colombian Academy of Jurisprudence, an entity that has argued that from the arts. 7 and 37 of that arises *"the possibility arises that on the rules prosecuted, any citizen challenges or defends them, that is, that a person, in fact, any academic even without being commissioned by the Academy, nor invited by the Court, by the simple fact to be a citizen, can act and participate as Amicus Curiae."*

The figure of the Amicus Curiae ("friends of the Court") takes shape in the justice of our country, with the implementation of the Special Jurisdiction for Peace (JEP) to synthesize some of the expectations that were set around the JEP as a hybrid court, made up of foreign and national judges.

The introduction of the Amicus Curiae in the Comprehensive System of Truth, Justice, Repair and Non-Repetition (SIVJRNR), on the one hand, rescues a share of foreign participation with a function of liaison or "bridge" with the broad normative and doctrinal spectrum of the right problems of the armed conflict in Colombia. On the other hand, it restricts this participation to the limits that, in the political debate, after the plebiscite of 2 October 2016, were determined. In particular, that of a strict advisory body in a system aimed at resolving judicially multiple of the sensitive problems of armed conflict. The result of what becomes the institution of the Amicus Curiae in the JEP

should weigh both the consultative need and the (political) limits of its intervention on the judicial scene.

The Amicus Curiae has a transcendental role within the framework of the JEP, not only will it be a liaison device with the sources of international law, but as an advisory body it is called to strengthen the democratic legitimacy of that jurisdiction. Precisely in the multiple decisions taken on the basis of aspects of international criminal law, international humanitarian law and human rights, the Amicus Curiae strengthen the JEP's capacity to sustain itself as a jurisdiction only cognitive. The truth of their assertions in matters of fact and law will be decisive in displacing decision-making schemes in the exercise of judicial function [5]

V. CONCLUSION

The Peace Agreement signed by President Juan Manuel Santos and the FARC, specifies that the Special Jurisdiction for Peace will prevail over the criminal, disciplinary or administrative proceedings of the Ordinary Jurisdiction in Colombia, for conduct committed in the context of armed conflict. This does not prevent ordinary justice from continuing to investigate, judge and punish facts and conduct that do not compete with Special Justice for Peace. Anything that enters this jurisdiction will be assured that the fundamental rights to due process, defense, assistance of law, presumption of innocence and the independence and impartiality of judicial officials will be respected.

Persons referred to in these proceedings may exercise their right to defense before all bodies of Special Justice for Peace and appeal for decisions and judgments of the chambers and sections. All decisions of the Special Justice for Peace will be duly motivated and grounded by reliable and admissible evidence before the courts of justice, says the document explaining the functioning of the Special Justice for Peace.

In addition, the Special Justice for Peace will have a differential approach that will take into account the various consequences of violations against women as well as the most vulnerable groups, subject to special protection, or particularly affected by conflict, including indigenous peoples, Afro-descendant communities, peasants, the poorest, people with disabilities, displaced persons and refugees, LGBTI people and older adults. It was further established that there will be concentration in the most serious and representative cases, bearing in mind that actions committed prior to the signing of the final Peace Agreement will be brought before this jurisdiction.

Non-amnesty and indultable crimes, such as crimes against humanity, genocide, serious war crimes, hostage-taking or other serious deprivation of liberty, torture, extrajudicial executions, enforced disappearance, carnal access sexual violence, child abduction, forced displacement, as well as the recruitment of minors in accordance with the Rome Statute, in particular the most

serious and representative cases, will be dealt with by the Court for Peace.

Each of these cases applies to both members of illegal armed groups who enter into a final peace agreement with the Government and participation in the Comprehensive System of Truth, Justice, Reparation and Non-Repetition will be subject to the non-stop-arms. With regard to State agents, Special Justice for Peace shall apply to those who have committed crimes in the armed conflict.

In a constitutional and democratic rule of law such as Colombia, fundamental rights constitute powers directly invoked and enforceable by citizens, the effectiveness of which is not exhausted in their normative recognition by the Political Constitution and international human rights treaties, but requires their effective defense where necessary, because of this, our legal system has supplemented this normative recognition with the establishment of guarantee mechanisms against their violation or threat, which have as a constitutional mandate the defense of the supremacy of the Political Constitution and the constitutional and fundamental rights recognized there, one of these legal figures is the Amicus Curiae who is a figure of the Rights Human Rights and International Humanitarian Law.

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