LAW 1448 OF 2011 (June 10)

Regulated by National Decree 4800 of 2011, Regulated by National Decree 3011 of 2013

By which measures of attention, assistance, and integral reparation are set forth for the victims of the internal armed conflict and other provisions are established.

THE CONGRESS OF THE REPUBLIC

See National Decrees 4155, 4633, 4634 and 4635 of 2011

DECREES:

TITLE. I

GENERAL PROVISIONS CHAPTER. I

Object, scope and definition of victim

ARTICLE 1. OBJECT. The purpose of this law is to establish a set of judicial, administrative, social and economic measures, individual and collective, for the benefit of the victims of violations contemplated in Article 3 of this law, within a framework of transitional justice, which makes it possible to make the enjoyment of their rights to truth, justice, and reparation with guarantee of non-repetition effectively real, 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 issues regarding humanitarian aid, attention, assistance, and reparation of victims referred to in article 3 of this law, offering tools for them to claim their dignity and assume their full citizenship.

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

ARTICLE 3 °. VICTIMS. Victims are considered, for the purposes of this law, those persons who individually or collectively have suffered damage due to events that occurred as of January 1, 1985, as a consequence of violations of International Humanitarian Law or of serious and manifest violations of the norms international human rights violations, which occurred on the occasion of the internal armed conflict.

NOTE: The underlined text declared EXEQUIBLE by the Constitutional Cut by means of Ruling C-250 of 2012.

NOTE: The text in italics declared EXEQUIBLE by the Constitutional Court by means of

Ruling C-280 of 2013.

Victims are also the spouse, partner or permanent companion, same-sex couples and family members in the first degree of consanguinity, first civilian of the direct victim, when she has been killed or disappeared. In the absence of these, it will be those who are in the second degree of ascending consanguinity.

In the same way, people who have suffered damage when intervening to assist the victim in danger or to prevent victimization are considered victims.

Victim status is acquired regardless of whether the perpetrator of the punishable conduct and the family relationship between the author and the victim is individualized, apprehended, prosecuted or convicted.

Paragraph 1 °. When the members of the Public Force are victims under the terms of this article, their financial compensation shall correspond to every concept to which they are entitled according to the special regime applicable to them. In the same way, they will be entitled to the measures of satisfaction and guarantees of non-repetition indicated in this law.

Paragraph 2 °. The members of armed groups organized outside the law will not be considered victims, except in cases in which the children or adolescents have been dissociated from the armed group organized outside the law when they are minors.

For the purposes of this law, the spouse, permanent companion, or the relatives of the members of armed groups organized outside the law shall be considered as direct victims for the damage suffered in their rights under the terms of this law, but not as indirect victims for the damage suffered by the members of these 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 will not be considered as victims.

Paragraph 4º. Persons who have been victims of events that occurred before January 1, 1985 are entitled to the truth, measures of symbolic reparation and the 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 5º. The definition of victim contemplated in this article, in no case may be interpreted or presume any recognition of a political nature on the terrorist groups and / or illegal armed, which have caused the damage referred to as a victimizing fact in this law, in the framework of International Humanitarian Law and Human Rights, in a particular of what is established by the article third (3rd) common to the Geneva Conventions of 1949. The exercise of the powers and functions that correspond to the Constitution, the law and the regulations to the Armed Forces to combat other criminal actors, will 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, participate in the decisions that affect them, for which they will have information, advice and necessary accompaniment and will obtain effective protection of their rights under the constitutional mandate, positive duty and principle of dignity. The State undertakes to carry out, as a priority, actions aimed at strengthening the autonomy of the victims so that the assistance, reparation, and other measures established in this law contribute to recovering them as citizens in full exercise of their rights and duties.

A**RTICLE 5. PRINCIPLE OF GOOD FAITH** the State shall presume the good faith of as of victims referred to in this law. The victim may prove the damage suffered, by any legally accepted means. Consequently, it suffices for the victim to summarily prove the damage suffered before the administrative authority, so that it may proceed to relieve it of the burden of proof. In the proceedings in which administrative reparation measures are resolved, the authorities must go to rules of evidence that facilitate the victims of the proof of damage suffered and always apply the principle of good faith in favor of these. In the judicial proceedings for the restitution of lands, the burden of proof shall be regulated by the provisions of article 78 of this Law.

ARTICLE 6 °. EQUALITY. The measures contemplated in this law shall be recognized without distinction of gender, respecting freedom or sexual orientation, race, social status, profession, nationality or family origin, language, religious creed, political or philosophical opinion.

ARTICLE 7. WARRANTY OF DUE PROCESS. The State, through the competent bodies, must guarantee a fair and effective process, framed in the conditions established in article 29 of the Political Constitution.

ARTICLE 8. TRANSITIONAL JUSTICE. Transitional justice is understood as the different judicial and 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, and that the rights to justice are satisfied. , the truth and the integral reparation to the victims, the necessary institutional reforms are carried out for the non-repetition of the facts and the dismantling of the illegal armed structures, with the ultimate goal of achieving national reconciliation and lasting and sustainable peace .

ARTICLE 9 °. NATURE OF 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, and reparation, since the violations referred to in article 3 of this law are not repeated, independently who is responsible for the crimes. The measures of attention, assistance and reparation adopted by the State, will have the purpose of helping the victims to cope with their suffering and, insofar as possible, the restoration of their rights. They have been violated. These measures will be understood as transitional tools to respond 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 that will be implemented by the State with the objective of recognizing the victims' rights to truth, justice and reparation, do not imply recognition or may be presumed or interpreted as recognition of the State's responsibility, derived from the unlawful damage attributable to it in the terms Article 90 of the National Constitution, as well as no other type of responsibility for the State or its agents.

The fact that the State recognizes the status of victim under the terms of this law, cannot be taken into account by any judicial authority or disciplinary as evidence of the responsibility of the State or its agents. Such recognition will not revive the terms of expiration of the direct reparation action. In the framework of transitional justice, the competent judicial and administrative authorities must adjust their actions to the primary objective of achieving reconciliation and lasting and stable peace. For this purpose, account must be taken of the fiscal sustainability, the magnitude of the consequences of the violations referred to in Article 3 of this Law, and the nature thereof.

NOTE: Section declared EXEQUIBLE by the Constitutional Court by means of Ruling C-581 of 2013. In the events in which the victims go to the contentious administrative jurisdiction in the exercise of the action of direct reparation, at the moment of assessing the amount of the reparation, the judicial authority must assess and take into account the amount of the reparation in favor of the victims that has been adopted by the State, in order to be considered the transitional nature of the measures that will be implemented under this law.

NOTE: Section declared EXEQUIBLE by the Constitutional Court by means of Ruling C-581 and C-912 of 2013.

ARTICLE 10 SENTENCES IN SUBSIDIARITY. Judicial sentences ordering the State to repair financially and subsidiary to a victim due to the insolvency, impossibility of payment or lack of resources or property of the convicted victimizer or the armed group organized outside the law to which it belonged, do not imply recognition, may not be presumed or interpreted as recognition of the responsibility of the State or its agents. In criminal proceedings in which the offender is convicted, if the State must subsidiary to compensate the victim, the payment that the latter must recognize will be limited to the amount established in the corresponding regulation for the individual compensation by administrative means referred to in article 132, without prejudice to the obligation of the perpetrator to acknowledge the total compensation or compensation decreed in the judicial process.

ATICLE 11. EXTERNAL COHERENCE The provisions of this law seek to complement and harmonize the various efforts of the State to guarantee the rights to truth, justice and reparation for the victims, and pave the way to peace and national reconciliation.

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

ARTICLE 13. DIFFERENTIAL APPROACH. The principle of differential approach recognizes that there are populations with particular characteristics because of their age, gender, sexual orientation and disability situation. For this reason, measures of humanitarian aid, assistance, and comprehensive reparation established in this law, will have such an approach.

The State will offer special guarantees and protection measures to the groups exposed to the greatest risk of the violations contemplated in Article 3 of this Law, such as women, youth, children, the elderly, and persons with disabilities, peasants, and social leaders, members of trade union organizations, human rights defenders and victims of forced displacement. , in the execution and adoption by the National Government of policies of assistance and reparation in the development of this law, differential criteria must be adopted responding to the particularities and degree of vulnerability of each of these population groups. Likewise, the State will carry out efforts to ensure that care, assistance and repair measures contained in this law, contribute to the elimination of discrimination and marginalization schemes that could be the cause of victimizing facts.

ARTICLE 14. JOINT PARTICIPATION. The overcoming of manifest vulnerability of the victims implies the realization of a series of actions that include: The duty of the State to implement the measures of attention, assistance and reparation to the victims. The duty of solidarity and respect of the civil society and the private sector with the victims, and the support to the authorities in the reparation processes; and the active participation of the victims.

ARTICLE 15. MUTUAL RESPECT. Actions performed by officials and the requests raised by the victims in the framework of procedures derived from this law shall always be governed by mutual respect and cordiality. The State shall remove the administrative obstacles that impede real and effective access to attention, assistance, and reparation measures.

ARTICLE 16. OBLIGATION TO PUNISH THE RESPONSIBLE. The provisions described in 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 minimum or essential contents of satisfaction of those rights that the State must guarantee all people, and gradually increase them.

NOTE: Article declared EXEQUIBLE by the Constitutional Cut, by means of Ruling C- 438 of 2013.

ARTICLE 18. GRADUALITY. The principle of graduality implies the State's responsibility to design operational tools of defined scope in time, space and budgetary resources that allow the phased implementation of programs, plans and projects of attention, assistance and reparation, without ignoring the obligation to implement them throughout the country in a given period, respecting the constitutional principle of equality.

ARTICLE 19. SUSTAINABILITY. In order to comply with the measures of humanitarian aid, attention, assistance and reparation provided in this framework, the National Government within six (6) months following the issuance of this Law, will create a National Financing Plan through a CONPES document that promotes the sustainability of the law, and will take the necessary measures to guarantee in a preferential manner the effective pursuit of the assets of perpetrators in order to strengthen the Reparations Fund referred to in Article 54 of Law 975 of 2005.

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

NOTE: The underlined text was declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013.

NOTE: Article declared EXEQUIBLE by the Constitutional Court by means of Ruling C-753 of 2013.

ARTICLE 20. PRINCIPLE OF PROHIBITION OF DOUBLE REPAIR AND COMPENSATION. The compensation received by administrative means will be discounted to the reparation that is defined by judicial means. Nobody can receive double reparation for the same concept.

ARTICLE 21. PRINCIPLE COMPLEMENTARITY. All measures of attention, assistance and reparation must be established in a harmonious manner and aim to protect the rights of the victims. Both individual reparations, whether administrative or judicial, such as collective reparations or collective group's reparations, must be complementary to achieve the integrality.

ARTÍCULO 22. ACTION OF REPETITION AND SUBROGATION. The State shall 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. The victims, their families and society in general have the inalienable right to know the truth about the reasons and the circumstances in which the violations referred to in Article 3 of this Law were committed, and in case of death or disappearance, about the fate of the victim, and the clarification of his whereabouts. The Office of the Attorney General of the Nation and judicial police agencies must guarantee the right to search for the victims while they are not 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 realization of their rights, within the framework of the rules that establish legal reserve and regulate the handling of confidential information.

ARTICLE 24. RIGHT TO JUSTICE. It is the duty of the State to carry out an effective investigation that leads to the clarification of violations contemplated in Article 3 of this Law, the identification of those responsible, and their respective sanctions. Victims will have access to assistance, reparation and assistance measures contemplated in this law or in other legal instruments on the subject, without prejudice to their exercise of the right of access to justice.

ARTICLE 25. RIGHT TO COMPREHENSIVE REPAIR. Victims have the right to be repaired in an adequate, differentiated, transformative and effective manner for the damage they have suffered as a result of the violations referred to in Article 3 of this Law. Reparation includes the measures of

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

Paragraph 1º. The additional assistance measures enshrined in this law are aimed at the comprehensive reparation of the victims and are considered complementary to the reparation measures, as they increase their impact on the beneficiary population. Therefore, the reparatory effect of the assistance measures established in this law is recognized, insofar as they enshrine additional actions to those developed within the framework of the social policy of the National Government for the vulnerable population, include prioritization criteria, as well as characteristics and particular elements that respond to the specific needs of the victims. Despite this reparatory effect of the assistance measures, these do not substitute or replace the reparation measures. Therefore, the cost or expenses incurred by the State in the provision of assistance services, in no case will be discounted from the administrative or judicial compensation to which the victims are entitled.

Paragraph 2º. The humanitarian aid defined in the terms of the present law does not constitute reparation and consequently it will not be discounted from the administrative or judicial compensation to which the victims are entitled.

ARTICLE 26. HARMONIC COLLABORATION. State entities must work in a harmonious and articulated manner to fulfill the purposes set forth in this law, without prejudice to their autonomy.

ARTICLE 27. REGULATORY APPLICATION. In the provisions of this law, provisions of the international treaties and conventions ratified by Colombia on International Humanitarian Law and Human Rights that prohibit their limitation during states of exception, to form part of the constitutional block, will prevail. In cases of administrative reparation, the interpreter of the norms enshrined in this law is in 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.

NOTE: Underlined text declared EXEQUIBLE by the Constitutional Cut, by means of Ruling C-438 of 2013.

ARTICLE 28. RIGHTS OF THE VICTIMS. The victims of violations contemplated in Article 3 of this Law, will have among others the following rights within the framework of the current regulations:

1. Right to truth, justice and reparation.
2. Right to recourse to scenarios of institutional and community dialogue.
3. Right to be a beneficiary of the affirmative actions advanced by the State to protect and guarantee the right to life in conditions of dignity.
4. Right to request and receive humanitarian assistance.
5. Right to participate in the formulation, implementation and monitoring of the public policy of prevention, attention and integral reparation.
6. Right that the public policy referred to in this law has a differential approach.
7. Right to family reunification when, due to the type of victimization, the family nucleus has been divided.

8. Right to return to their place of origin or to relocate under conditions of voluntariness, security and dignity, within the framework of the national security policy.
9. Right to the restitution of land if she/he has been dispossessed of it, in the terms established in this Law.
   NOTE: Underlined expression dispossessed was declared EXEQUIBLE by means of Constitutional Court Decision C-715 of 2010.
10. Right to information on routes and means of access to the measures established in this Law.
11. Right to know the status of judicial and administrative proceedings that are being advanced, in which they have an interest as a party or intervening parties. **NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013**.
12. Right of women to live free of violence.
    NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012.

ARTICLE 29. DEVELOPMENT OF THE PRINCIPLE OF JOINT PARTICIPATION. Under the principle of joint participation established in this law, victims must:

Provide truthful and complete information to the authorities responsible for making the registration and monitoring of their situation or that of their home, at least once a year, unless there are justified reasons that prevent this information from being provided. The authorities will guarantee the confidentiality of the information provided by the victims and, in an exceptional manner, may be known by the different entities that make up the National System of Attention and Reparation for the Victims, for which they will sign a confidentiality agreement regarding the use and management of the information.

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

ARTICLE 30. PRINCIPLE OF PUBLICITY. The State, through the different entities to which responsibilities are assigned in relation to the measures contemplated in this law, must promote effective publicity mechanisms, which will be directed to the victims. Through these they must provide information and guide the victims about the rights, measures and resources they have, as well as about the means and judicial and administrative routes through which they can access to exercise their rights.

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

These measures may be extended to the family unit, provided that this is necessary according to the level of risk assessed for each particular case, there is a threat to the fundamental rights to life, physical integrity, freedom and personal safety of the nuclear family and is demonstrated kinship with the victim. The technical study of risk level shall be confidential and classified.

When the judicial, administrative or Public Ministry authorities are aware of the risk situations indicated in this article, they shall immediately forward such information to the competent authority designated in accordance with the protection programs, so that they initiate the urgent procedure leading to the protection of the victim, according to the risk assessment referred to in this article.

Paragraph 1 °. The protection programs contemplated in this Law will be developed within the framework of the existing programs in the matter, at the moment of issuance of this Law, and guaranteeing their coherence with national security and defense policies.

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

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

Paragraph 3º. The definition of protection measures for women victims should take into account the types 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 PROGRAMS. Protection programs should include in their review and implementation an integral character that includes the following criteria:

1. Protection programs must contemplate measures proportional to the level of risk of the victim before, during and after participating in judicial or administrative processes contemplated in the regulations related to these programs.

2. The criteria for assessing the risk set 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 factors that generate it must be identified and valued in accordance with the jurisprudence that the Constitutional Court has established in this regard. The risk must be evaluated periodically and the measures updated according to such evaluation, in accordance with the current regulations.

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

5. The protection programs must protect without discrimination the victims and witnesses whose life, security and freedom are at risk during their participation in judicial or administrative processes contemplated in the regulations related to said programs. Therefore, the programs will establish the measures without prejudice to the type of crime that is being investigated or judged, of the presumed responsible for the fact, of the date of occurrence of the crime. Litigation or the judicial or administrative procedure for the claim of rights, provided there is a clear causal link between the threats and the participation of the victim or witness in any judicial or administrative process or their impediment to participate in it.

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

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

8. The interviews carried out with the victims within the framework of the protection program should be carried out in safe and confidential places, particularly when they involve women, girls, boys and adolescents.

9. Permanent information must be given to the judicial and administrative authorities that carry out the investigation processes that caused or aggravated the risk, in order to take into account the situation of the victim and witness. In particular, the reasons that may impede or hinder the participation of the victim or witness in the proceedings will be taken into account and corrective measures will be taken to ensure that their participation is not impeded.

Paragraph 1. In addition to the criteria indicated in this article, for the review, design and implementation of comprehensive protection programs, the following elements must be taken into account:

The Ministry of National Defense and the Public Force, 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 Dispossessed Lands, will take the necessary measures to guarantee security in the restitution processes before, during, and after they are carried out.

Community and victims organizations who are present in the areas where collective restitution and reparation processes are carried out, may deliver supplies to the competent bodies for the determination and analysis of risk.

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

Paragraph 2. Review and adaptation to the criteria established in this article of the existing protection programs shall be carried out within a period not exceeding six (6) months from the effective date of this law.

ARTICLE 33. PARTICIPATION OF CIVIL SOCIETY AND THE PRIVATE SECTOR. The present law recognizes that the transitional efforts towards the recognition of the rights of victims,

especially reparation, involve the State, civil society and the private sector. For this purpose, the National Government will design and implement programs, plans, projects and policies that aim at involving civil society and private enterprise in the achievement of national reconciliation and the recognition of the rights of victims.

ARTICLE 34. COMMITMENTS OF THE STATE. The Colombian State reiterates its real and effective commitment to respect and enforce the constitutional principles, treaties, and conventions and instruments that form part of the constitutionality block, preventing an act on its behalf or its agents, regardless of their ideological or electoral origin, from causing any violation to any of the inhabitants of its territory, in particular within the circumstances that inspired the present law.

TITLE II

RIGHTS OF THE VICTIMS WITHIN THE JUDICIAL PROCEDURES

ARTICLE 35. ADVISORY AND SUPPORT INFORMATION. The victim and / or his representative must be informed of all the legal, assistance, therapeutic or other relevant aspects related to his case, from the beginning of the action. For such purposes, the authorities that intervene in the initial proceedings, judicial police officers, family advocates and family commissioners in the case of children and adolescents, Prosecutors, Judges or members of the Public Prosecutor's Office shall supply the following information:

1. The entities or organizations to which you can go 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, means, authorities and the necessary requirements to file a complaint.

4. Subsequent actions to the complaint and the rights and mechanisms that as a victim can be used in each of them. Authorities must inform women about the right not to be confronted with the aggressor or her aggressors.

5. Authorities to which you can request protection and the minimum requirements and conditions you must accredit to access the corresponding programs.

6. Entities and / or authorities that can provide guidance, legal advice or free judicial representation services.

7. Competent institutions and the rights of victims' relatives in the search, exhumation and identification in cases of forced disappearance and preventive measures for the recovery of the victims.

8. Procedures and requirements to make rights effective with regards to the victim's condition.

Paragraph 1º. Regarding crimes against freedom, integrity and sexual formation, as well as crimes against freedom and personal integrity such as forced disappearance and kidnapping, the authorities involved in the initial proceedings must provide enhanced information guarantees through specialized personnel, psychosocial care, about the institutions to which

they must go in order to obtain specialized medical and psychological assistance, as well as against their rights and the legal route they must follow.

Paragraph 2º. In each of the public entities where victim assistance and / or assistance is provided, trained personnel will be available to assist victims of sexual violence and gender, to advise and assist victims.

ARTICLE 36. COMMUNICATION GUARANTEE FOR VICTIMS. In order to make their rights effective within the criminal proceedings or within the framework of the justice and peace processes, victims must be informed as of the initiation, development and termination of process, instances in which they can participate, of the judicial resources at their discretion and the possibility of submitting evidence, among other guarantees provided in the legal provisions in force. In particular, the competent Prosecutor, Judge or Magistrate will inform the victim about the following:

1. The course or procedure given to his/her complaint.
2. On the beginning of the formal investigation and possibility of becoming part of the legal action.
3. On arrest of the alleged or presumed responsible.
4. On the decision adopted on the preventive detention or provisional release of the presumed responsible.
5. On the merit with which the summary or the hearing of imputation of charges was qualified.
6. On the beginning of trial.
7. On the holding of public preparatory and trial hearings and the possibility of participating in them.
8. On the sentence pronounced by the Judge or Magistrate.
9. On the appeals that can be filed against the sentence.
10. On the exhumation of remains or corpses that could correspond to a missing family member, of the identification of possible places of burial and of the procedure in which the victims have to participate in order to achieve the identification of the remains.
11. On current measures for the protection of victims and witnesses and the mechanisms to access them.
12. On the decisions on precautionary measures that fall on goods destined for reparation.
13. On the other judicial actions affecting the victims' rights.

Paragraph 1º. Communications will be made in writing, by electronic means or by any suitable means for the victim, and the official must leave a record or registry of them in his office.

Paragraph 2º. Communication about the performance of judicial proceedings in which the victim may participate, must be carried out within a reasonable time, and in accordance with the respective process.

ARTICLE 37. HEARING AND SBMISSION OF EVIDENCE. The victim shall have the right, whenever he / she requests it, to be heard within the criminal proceedings, to request evidence and to provide the evidence that he / she has in his possession. The competent authority may cross-examine the victim to the extent strictly necessary to clarify the facts investigated, with full respect for their rights, in particular, their dignity and moral integrity and seeking in all cases to

use an appropriate language and attitude that prevent their victimization. **NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013.**

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

1. Consent cannot be inferred from any words or behavior of the victim when the force, threat of force, coercion or use of a coercive environment have diminished their ability to give voluntary and free consent;
2. Consent cannot be inferred from any words or behavior of the victim when the victim is unable to give voluntary and free consent;
3. Consent cannot be inferred from the silence or lack of resistance of the victim to the alleged sexual violence;
4. The credibility, honor or sexual availability of the victim or of a witness cannot be inferred from the sexual nature of the previous or subsequent behavior of the victim or a witness;
5. The Judge or Magistrate will not admit evidence about the previous or subsequent sexual behavior of the victim or of a witness.

Paragraph. The Office of the National Attorney General, counting on the contributions of the Ombudsman's Office, the Office of the Inspector General of the Nation, international organizations and organizations working on the matter, will create a protocol for the investigation of crimes against sexual freedom, integrity and training. , in which legal and psychosocial measures are contemplated and aspects such as the strengthening of the capacities of officials for the investigation, the treatment, the attention and the assistance to victims during all the stages of the procedure, and specific actions for the attention of women, children and adolescents who victims.

ARTICLE 39. CLOSED DOOR STATEMENT. When due to security reasons, or because the entity of the crime makes it difficult to describe the facts in a public hearing or when the presence of the defendant generates alterations in the mood of the victims, the Judge or Magistrate of the case shall decree, ex officio or at the request of a party, that the deposition must be made in a closed area, in the presence only of the prosecutor, the defense, the Public Prosecutor's Office and the Judge or Magistrate. In this case, the victim must be informed that his deposition will be recorded by audio or video.

ARTICLE 40. DEPOSITION BY MEANS OF AUDIO OR VIDEO. The Judge or Magistrate may allow a witness to testify orally or through audio or video, provided that this procedure allows the witness to be questioned by the Prosecutor, the Defense and the knowledge officer, at the time of the hearing.

The competent authority must ensure that the place chosen to give testimony through audio or video, ensures the truth, privacy, security, physical and psychological well-being, dignity and privacy of the witness. The authority will have the obligation to guarantee the security and the necessary means to submit a deposition in the case of a child or adolescent.

Paragraph: In the case of children and adolescents victims, the Judge or Magistrate will have the obligation to protect them and guarantee all the necessary means to facilitate their participation in the judicial processes.

ARTICLE 41. SPECIAL MODALITY OF DESPOSITION. The Judge or Magistrate may decree, ex officio or at the request of Prosecutor, the Defense, the Public Prosecutor or the victim, special measures aimed at facilitating the testimony of the victim, a boy or girl, adolescent, an elderly person or a victim of sexual violence. The competent official shall take into account the integrity of the persons and take into consideration that the violation of the privacy of a witness or a victim may entail a risk to their safety, diligently control the way of questioning it in order to avoid any type of harassment or intimidation and paying special attention to the case of victims of crimes of sexual violence.

NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013.

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

Paragraph. When the victims do not express themselves in Spanish, the presence of translators or interpreters will be available to collect their deposition, submit applications and advance the actions in which they have to intervene.

ARTICLE 43. JUDICIAL ASSISTANCE. The Ombudsman's Office will provide guidance, advice and judicial representation services to the victims referred to in this law. To this end, the Ombudsman will make the adjustments or modifications that are necessary to adapt their institutional capacity in the fulfillment of this mandate.

Paragraph 1 °. The Ombudsman, within six (6) months, will reorganize the organizational structure of the Ombudsman's Office in order to guarantee the fulfillment of the functions assigned in this law.

Paragraph 2 °. The Ombudsman will provide legal representation services to the victims who request it through the National Ombudsman's System. To this end, it will designate judicial representatives who will be exclusively dedicated to the judicial assistance of the victims through a special program that fulfills this task, incorporating differential advisory criteria and an assistance component for female victims.

ARTICLE 44. EXPENDITURE OF THE VICTIM IN REGARDING THE JUDICIAL PROCESSES. Victims in respect of whom the lack of availability of resources to cover expenses in judicial proceedings is summarily and expeditiously verified, will be subject to measures aimed at facilitating legitimate access to the criminal process. Preferably and in response to monetary and non-

monetary resources available, may be subject to measures such as access to hearings through teleconferencing or any other technological means to advance the respective procedural stages.

Paragraph 1. When victims voluntarily decide to file a writ of protection or go to administrative litigation to obtain compensation or reparation for damages suffered, the proxy or attorneys representing them in the process may not, under any circumstances, receive or agree fees that exceed the two (2) legal monthly minimum wages in force in the case of writ of rights actions, or of twenty-five (25) minimum legal monthly salaries in force, in the case of actions before the contentious-administrative jurisdiction, including the sum that be agreed as a success fee, litigation fee, or percentage of the amount decreed in favor of the victim by the judicial authority. The foregoing will apply regardless of whether it is one or more proxies and regardless of whether a process brings together several victims.

NOTE: Paragraph declared EXEQUIBLE by the Constitutional Court by means of Ruling C-609 of 2012.

Paragraph 2. Provisions of this article shall be regulated by the National Government, within a term not exceeding one (1) year from the effective date of this law.

ARTICLE 45. Agencies with permanent functions of Judicial Police shall allocate, from their current staff, a specialized group of its agents to develop identification tasks of assets and assets that have been concealed by persons accused of undermining the rights of the victims dealt with in this law.

ARTICLE 46. When the material elements of evidence , physical evidence, legally obtained information, or other evidence collected during a criminal investigation for the damage of the rights of the victims dealt with in this law, it can be reasonably inferred that the illegal structure or organization to which the suspect belonged received financial support, voluntarily, of a national or foreign natural or juridical person, with subsidiary or branch in the national territory, or that public servants disposed of the public function to promote actions of violations of international human rights norms or violations of International Humanitarian Law by the respective illegal structure, the prosecutor must submit the file and evidence collected from an ordinary Prosecutor, in accordance with the Code of Criminal Procedure and the rules that regulate the matter. In the events in which during the procedure regulated in Law 975 of 2005, the Prosecutor of Justice and Peace notices any of the circumstances mentioned in the previous paragraph, the latter must send the file and evidence collected to an ordinary Prosecutor, in accordance with the Code of Criminal Procedure and the rules that regulate the matter. In the events in which the criminal responsibility of the natural person is declared or of the representative of the national or foreign legal entity with a subsidiary or branch in the national territory or public servant, as the case may be, the Judge of knowledge, upon request of the prosecutor or the Public Prosecutor's Office, will immediately open a special reparation incident, which will be carried out in accordance with the provisions of the Code of Criminal Procedure, without need that the victims be identified, as the Judge or Magistrate of knowledge will consider the damage of rights caused by the armed group regardless of the law that has been supported.

NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013.

The judge or magistrate will also order the convicted person to execute the satisfaction measures which must not be delegate on any other person. This provision shall not have responsibility subsidiary effects by the State as set forth in article 10 of this law.

Paragraph 1 °. When in the course of criminal proceedings the judge of knowledge finds grounds to believe that the illegal structure or organization to which the defendant belonged received financial support, voluntarily, from a natural or legal person, national or foreign, with a subsidiary or branch in the national territory, he must send the file and the evidence collected to an ordinary Prosecutor, in accordance with the Code of Criminal Procedure and the rules that regulate the matter.

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

Paragraph 3 °. In no case, under the terms of this article, the Judge or Magistrate may order a legal person, as a reparation, to consign in favor of the Reparation Fund Victims of violence on more than one occasion for the same events.

TITLE III

HUMANITARIAN AID, ATTENTION, AND ASSISTANCE

CHAPTER I

Humanitarian aid to the victims

ARTICLE 47. HUMANITARIAN AID. Victims referred to in article 3 of this law will receive humanitarian aid according to immediate needs that are directly related to the victimizing act, with the objective of helping, assisting, protecting and meeting their needs for food, personal hygiene, management of supplies, kitchen utensils, emergency medical and psychological care, emergency transport and temporary accommodation in decent conditions, and with differential focus, at the time of the violation of rights or when the authorities are aware of. **NOTE: underlined text declared INEXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013.**

Victims of crimes against liberty, integrity and sexual formation, will receive specialized medical and psychological emergency assistance.

Paragraph 1 °. Modified by art. 122, Law 1753 of 2015. The territorial entities in the first instance, the Special Administrative Unit of Attention and Reparation for Victims, and the Colombian Institute of Family Welfare, must provide temporary accommodation and meals in

decent conditions and immediately to the violation of rights or at the moment in which the authorities have knowledge of the same.

Paragraph 2 °. Hospital institutions, public or private, of the national territory, that provide health services, have the obligation to provide immediate emergency attention to the victims that require it, regardless of the socioeconomic capacity of the claimants of these services and without requiring a prior condition for admission, when they require it due to a violation referred to in Article 3 of this Law.

Paragraph 3. The Special Administrative Unit for Attention and Reparation, must advance the pertinent actions before the different entities that make up the National System of Attention and Reparation to Victims to guarantee the humanitarian aid. Likewise, and in accordance with what is contemplated in article 49 of Law 418 of 1997 and its corresponding extensions, it **wil**l **provide only once**, through effective and efficient mechanisms, ensuring free processing, and in accordance with their competition, humanitarian aid. **NOTE: Bold text declared EXEQUIBLE by the Constitutional Cut, by means of Ruling C-438 of 2013.**

Paragraph 4 °. With regards to humanitarian assistance for the population victim of forced displacement, it will be governed by provisions of Chapter III of this Title.

ARTICLE 48. CENSUS. In the event that terrorist attacks and mass displacements occur, the Municipal Mayor's Office through the corresponding Government Secretariat, dependency, official or authority, with the accompaniment of the Municipal Ombudsman, must prepare the census of persons affected in their fundamental rights to life, personal integrity, personal freedom, freedom of domicile, residence, and property.

Such census must contain at least the identification of the victim, his location and the description of the fact, and be sent to the Special Administrative Unit for the Attention and Integral Reparation to the Victims in a term not greater than eight (8) business days counted from the occurrence of the event.

Information shall be recorded in a single mandatory use format, which for such purposes shall be issued by the Special Administrative Unit for Comprehensive Attention and Reparation for Victims, and shall be part of the Single Registry of Victims, and shall replace the statement referred to in article 155 with respect to victimizing facts registered in the census.

Paragraph: In the case of mass displacements, the census will proceed in accordance with article 13 of Decree 2569 of 2000, in so far as it exempts the people who make up the mass displacement from submitting an individual statement to request their registration in the Victims' Registry.

CHAPTER II

Attention and Assistance Measures for Victims

ARTICLE 49. ASSISTANCE AND ATTENTION. Victim assistance is understood as the integrated set of measures, programs and resources of a political, economic, social, fiscal nature, among

others, under the responsibility of the State, aimed at restoring the effective use of the rights of victims, providing them with condition to lead a dignified life and guarantee their incorporation into social, economic and political life.

On the other hand, assistance shall be understood as the action of giving information, guidance and legal and psychosocial accompaniment to the victim, with a view to facilitating access and qualifying the exercise of the rights to truth, justice and reparation.

ARTICLE 50. FUNERAL ASSISTANCE. In compliance with its purpose and in the development of its powers, the territorial entities, in accordance with the legal provisions of articles 268 and 269 of Decree-law 1333 of 1986, will pay the victims, from their budgets and without intermediaries, referred to in this law, the funeral expenses, provided they do not have resources to defray them.

Paragraph. Funeral and transfer costs, in the event that the victim dies in a municipality other than their usual place of residence, will be borne by the municipalities where the decease occurred and the one in which the victim resided.

ARTICLE 51. MEASURES REGARDING EDUCATION. The different educational authorities will adopt, in the exercise of their respective competences, the necessary measures to ensure access and exemption of all types of academic costs in official educational establishments at the preschool, elementary and secondary levels to the victims indicated in the present law, **as long as** they do not have the resources for payment. If access to the official sector is not possible, the educational service may be contracted with private institutions.

NOTE: The underlined text declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013.

NOTE: The expression in bold was declared EXEQUIBLE by the Court Constitutional by means of Ruling C-462 of 2013.

In higher education, the professional technical institutions, technological institutions, university institutions or technological schools and public universities, within the framework of their autonomy, will establish the selection, admission and enrollment processes that make possible that the victims, in the terms of the present law, can access their academic programs offered by these institutions, especially women heads of family and adolescents and the population in a condition of disability.

On the other hand, the Ministry of National Education will include the victims referred to in the present law, within the strategies as attention to the diverse population and will advance the efforts to be included within the special lines of credit and subsidies of ICETEX.

Within the authorized spaces and which will be enabled for the training provided by the National Learning Service, SENA, priority will be given to facilitate and guarantee access to the victims addressed in this law.

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

Health. Every person that is included in the Single Register of Victims that this Law deals with, will have access due to that fact to the affiliation contemplated in article **32.2** of Law 1438 of 2011, and will be considered eligible for the health subsidy, except in the cases in which payment capacity is demonstrated.

Paragraph 1. In order to guarantee the coverage of the health assistance to the victims in this law, prioritizing and attending the particular needs of this population, the Compulsory Health Plan will be updated, according to the competences and responsibilities of actors of the General System of Social Security and Health and in the terms set forth in Law 1438 of 2011.

Paragraph 2º. Victims who are registered in Sisbén 1 and 2 will be exempt from any co-payment or moderating fee in any type of health care they require. In case of not being affiliated to any regime, they will have to be affiliated immediately to the subsidized regime.

ARTICLE 53. EMERGENCY HEALTH CARE. Hospital institutions, public or private, of the national territory, that provide health services, have the obligation to provide immediate emergency attention to the victims that require it, regardless of the socioeconomic capacity of the claimants of these services and without requiring a prior condition for admission.

ARTICLE 54. HEALTH ASSISTANCE SERVICES. The medical, surgical and hospital services will consist of:

1. Hospitalization.

2. Medical-surgical material, osteosynthesis, orthosis and prosthesis, in accordance with the technical criteria set by the Ministry of Social Protection.

3. Medications.

4. Medical Fees.

5. Support services such as blood banks, laboratories, diagnostic imaging.6. Transportation.

7. Examination of HIV AIDS and STDs, in cases in which the person has been a victim of sexual abuse.

8. Services of voluntary interruption of pregnancy in cases allowed 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 care services referred to in this chapter shall be done through the Ministry of Social Protection from the resources of the Fosyga, sub-account of Catastrophic Events and Traffic Accidents, only in the cases in which the assistance services must be provided to attend permanent transitory injuries and the other affectations of health that have direct causal relation with violent actions that produce an injury in the terms of article 3 of the present law, unless they are covered by voluntary health plans.

ARTICLE 55. REMISSIONS. Members of the General System of Social Security in Health, who are victims according to this law, will be attended by the health care institutions and once the emergency care is provided and stabilization is achieved, if these institutions do not count with

availability or capacity to continue providing the service, they will be sent the patients to the hospital institutions that define the insurance entities so that the required treatment can be continued there. The admission and care of victims in such hospital institutions is immediately and compulsorily accepted by them, in any part of the national territory, and these institutions must immediately notify the Fosyga about the admission and attention provided.

Paragraph. Those persons who are in the situation envisaged in this regulation and who are not affiliated to the contributory social security health system or to a regime of exception, will have access to the benefits contemplated in article 158 of Law 100 of 1993 while not affiliate to the contributory regime by virtue of employment contract relationship or must be affiliated to such regime.

ARTICLE 56. HEALTH POLICIES. The expenses demanded by the victims covered by health insurance company policies or contracts with prepaid medical companies shall be covered by the State in accordance with the provisions of this Chapter, when they are not covered or are covered in an insufficient manner by the respective insurance or contract.

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

1. Number of patients attended.

2. Medical-surgical actions.

3. Supplies and hospital supplies spent.

4. Cause of discharge and prognosis.

5. Condition of the patient before the hospital entity.

6. The cash payment to the provider.

7. Denial of timely attention by providers or insurers.

8. Conditions of quality in attention by IPS, EPS or exempted regimes.

9. Other factors that constitute service costs, in accordance with provisions of this law.

ARTICLE 58. INSPECTION AND SUPERVISORY CONTROL. Failure to comply with the provisions of this chapter will be for the entities providing health services, for the EPS, special regimes and for the responsible employees, cause of sanction by the competent authorities in the performance of their inspection and surveillance functions, in accordance with the provisions of articles 49 and 50 of Law 10 of 1990, and other concordant norms.

ARÍCULO 59. ASSISTANCE FOR THE SAME FACTS. The victims that have benefited from any of the above measures will not be assisted again by the same victimizing event, unless it is proven that assistance is required due to an event that has taken place.

CHAPTER. III

Attention to victims of forced displacement

ARTICLE 60. APPLICABLE NORMATIVITY AND DEFINITION. The attention to victims of forced displacement will be governed by what is established in this chapter and will be complemented by the public policy of prevention and socio-economic stabilization of the displaced population established in Law 387 of 1997 and other norms that regulate it.

Existing Provisions oriented to achieve the effective enjoyment of rights of the population in situation of displacement, which do not contravene the present law, will continue in force.

NOTE: The underlined text declared INEXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013, the rest of the text of this paragraph declared EXEQUIBLE by the same Ruling.

Paragraph 1º. The cost incurred by the State in the provision of the offer addressed to the displaced population, in no case be will deducted from the amount of administrative or judicial compensation to which this population is entitled.

This offer, whenever it is a priority, prevalent and that addresses their specific vulnerabilities, has a reparative effect, except for immediate humanitarian, emergency and transitional assistance.

NOTE: Second subparagraph of this paragraph declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013.

Paragraph 2º. For the purposes of this law, it will be understood that a person who has been forced to migrate within the national territory is a victim of forced displacement, abandoning his / her residence or usual economic activities, because his life, his physical integrity, his safety or personal liberty have been violated or are directly threatened, on the occasion of the violations referred to in Article 3 of this Law.

NOTE: Paragraph declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013.

ARTICLE 61. THE STATEMENT OF FACTS THAT CONFIGURE THE SITUATION OF DISPLACEMENT. The victim of forced displacement must file a statement with any of the institutions that make up the Public Prosecutor's Office, within two (2) years after the occurrence of the event that gave rise to the displacement, provided that these events occurred as of January 1, 1985, and is not registered in the Single Registry of Displaced Population.

The statement will be 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 trust and prevalence of substantial right.

Paragraph 1. A term of two (2) years is established for the reduction of under-registration, during which the victims of displacement of previous years may declare the facts with the purpose of deciding whether or not to include them in the Registry.

For this purpose, The National Government will carry out a national broadcast campaign so that the victims of forced displacement who have not declared may approach the Public Prosecutor's Office to make their declaration.

Paragraph 2. In the declarations presented two years after the occurrence of the event that gave rise to the forced displacement, the Public Ministry official must inquire about the reasons why this declaration was not carried out beforehand, in order to determine if there are barriers that hinder or prevent the accessibility of victims to the protection of the State.

In any case, they should ask about the circumstances of time, manner and place that generated their displacement to have accurate information to decide on the inclusion or not of the declarant to the Registry.

Paragraph 3. In a case of force majeure that has prevented the victim from forced displacement from submitting the declaration within the term established in this article, term shall begin its count down as of the moment the circumstances for such impediment ceased.

The victim of forced displacement must inform the Public Ministry official, who will investigate such circumstances and send the diligence to the Special Administrative Unit for Comprehensive Attention and Reparation of Victims so that it carries out the pertinent actions according to the events mentioned here.

ARTICLE 62. STAGES OF HUMANITARIAN ATTENTION. Regulated by National Decree 2569 of 2014. Three phases or stages are established for the humanitarian assistance of victims of forced displacement:

1. Immediate Attention;

2. Emergency Humanitarian Attention; y

3. Transitional Humanitarian Attention.

Paragraph. Stages established here vary according to their temporality and the content of such aid, in accordance with the qualitative evaluation of vulnerability condition of each displacement victim that is carried out by the competent entity for that purpose.

ARTICLE 63. IMMEDIATE ATTENTION. It is the humanitarian aid delivered to those people who claim to have been displaced and who are in a situation of acute vulnerability and require temporary shelter and food assistance.

This help will be provided by the territorial entity of the receiving municipal level of the displaced population. It will be taken care of immediately from the moment in which the declaration is presented, until the moment in which the inscription in the Unified Registry of Victims takes place.

Paragraph 1º. Persons who submit the declaration referred to in article 61 of this Law, and whose event that gave rise to the displacement, may have access to this humanitarian aid within three (3) months prior to the request.

In cases of force majeure that prevents the victim from forced displacement to present his declaration within the term established in this paragraph, it will begin to be valid from the same moment in which the circumstances cause of such impediment cease, in front of which, the official of the Public Ministry will inquire about these circumstances and inform the competent entity so that they can carry out the pertinent actions.

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

See Resolution UARIV 2348 of 2012.

ARTICLE 64. EMERGENCY HUMANITARIAN CARE. Regulated by National Decree 2569 of 2014. It is the humanitarian aid to which persons or households in situation of displacement are entitled once the administrative act that includes them in the Victims' Registry has been issued, and will be delivered in accordance with the degree of necessity and urgency regarding its minimum subsistence.

NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by Ruling C-438 of 2013.

Once the registry is done a copy will be sent off with the information relative to the criminal facts to the Attorney General's Office so that the necessary investigations may proceed.

Paragraph 1°. Emergency humanitarian assistance will continue to be delivered by the Presidential Agency for Social Action and International Cooperation until the operational resources of the Special Administrative Unit for Comprehensive Care and Reparation for Victims are guaranteed.

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

Paragraph 2. Until the Single Registry of Victims enters into operation, the operation 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 ATTENTION. Regulated by National Decree 2569 of 2014. It is the humanitarian aid that is given to the population in situation of Displacement included in the Unique Victims Registry that still does not have the necessary elements for its minimum subsistence, but whose situation, in light of the assessment made by the Special Administrative Unit for Comprehensive Care and Reparation for Victims, does not present the characteristics of gravity and urgency that would make them recipients of Emergency Humanitarian Attention.

Paragraph 1°. Modified by art. 122, Law 1753 of 2015. The Colombian Institute of Family Welfare must carry out the pertinent actions to guarantee the feeding of the displaced households. Likewise, the Special Administrative Unit for Comprehensive Assistance and Reparation for Victims and territorial entities will adopt the necessary measures to guarantee the temporary accommodation of the population in displacement situation.

Paragraph 2°. The employment programs directed to the victims that this law deals with, will be considered as part of the transitional humanitarian aid.

Paragraph 3°. Until the Single Registry of Victims enters into operation, the functioning of the Single Displaced Population Register will be maintained in accordance with the provisions of article 154 of this Law.

ARTICLE 66. RETURNS AND RELOCATIONS. Regulated by the National Decree2569 of 2014. *With the purpose of guaranteeing the integral attention to the victims of forced displacement who voluntarily decide to return or relocate, under favorable security conditions, they will try to stay in the place they have chosen for the State to guarantee the effective enjoyment of rights, through the design of special accompaniment schemes.*

NOTE: The underlined text declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 **of 2013.**

NOTE: The text in italics was declared EXEQUIBLE by the Constitutional Court by means of Ruling C-462 **of 2013.**

When the security conditions do not exist to remain in the chosen place, the victims must approach the Public Ministry and declare the facts that generate or may generate their displacement.

NOTE: Section declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013, with the understanding that what there established will not affect the enjoyment of the rights recognized by the law to the victims of forced displacement, among them, the possibility of be relocated again.

Paragraph 1º. Modified by art. 122, Law 1753 of 2015. The Special Administrative Unit for Comprehensive Attention and Reparation for Victims, must advance the pertinent actions before the different entities that make up the National System of Attention and Reparation to the Victims to guarantee the effective integral attention to the returned or relocated population, especially in relation to minimum rights of identification under the responsibility of the National Registry of Civil Status, health under the Ministry of Social Protection, education under the Ministry of National Education, food and family reunification in charge of the Colombian Institute of Family Welfare, dignified housing in charge of the Ministry of Environment, Housing and Territorial Development when it comes to urban housing, and under the Ministry of Agriculture and Rural Development in the case of rural housing and occupational guidance by the National Service of Learning.

Paragraph 2º. The Special Administrative Unit for Comprehensive Attention and Reparation for Victims, will regulate the procedure to ensure that victims of forced displacement who are

outside the national territory due to the violations referred to in Article 3 of this Law, be included in the return and relocation programs referred to in this article.

ARTICLE 67. CESSATION OF THE CONDITION OF VULNERABILITY AND REVEALED WEAKNESS. Regulated by National Decree 2569 of 2014. The condition of vulnerability and revealed weakness caused by the very fact of displacement will cease when the victim of forced displacement through their own means or the programs established by the National Government reaches the enjoyment of their rights effectively. For this purpose, it will access the components of integral care referred to in the public policy of prevention, protection and comprehensive assistance for victims of forced displacement in accordance with article 60 of this Law.

NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 **of 2013.**

Paragraph 1°. The National Government will establish the criteria to determine the cessation of the situation of vulnerability and revealed weakness due to the very fact of the displacement, in accordance with the effective enjoyment indicators of comprehensive assistance rights defined jurisprudentially.

Paragraph 2°. Once the condition of vulnerability and revealed weakness caused by the fact of the displacement ceases, the Unified Victims Registry will be modified to record the cessation referred to in this article.

In any case, the person ceased will maintain his condition as a victim, and therefore, he will keep the additional rights that arise from such situation.

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

ARTICLE 68. EVALUATION OF THE CESSATION OF THE CONDITION OF VULNERABILITY AND REVEALED WEAKNESS. Regulated by National Decree 2569 of 2014. The Special Administrative Unit for Comprehensive Attention and Reparation for Victims and municipal or district mayors of the place where the person in displacement resides, will evaluate every two years the conditions of vulnerability and revealed weakness caused by the very fact of displacement.

This evaluation will be carried out through existing mechanisms to monitor households, and those to declare the condition of vulnerability and revealed weakness ceased according to the previous article.

National, regional or local entities must focus their institutional offer to achieve the satisfaction of the needs associated with displacement, in accordance with the results of the cessation evaluation.

TITLE. IV REPARATION OF VICTIMS

CHAPTER. I

General provisions

ARTICLE 69. REPARATION MEASURES. The victims covered by this law have the right to obtain reparation measures that favor 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 fact.

ARTICLE 70. The Colombian Government, through the National Plan for Comprehensive Care and Reparation for Victims, must adopt a comprehensive program that includes the return of the victim to his place of residence or the relocation and restitution of his real estate. **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling** C-715 **of 2012.**

CHAPTER. II General Restitution provisions

ARTICLE 71. RESTITUTION. It is understood by restitution, the realization of measures for the reestablishment of the previous situation to the violations contemplated in article 3 of the actual Law.

CHAPTER. III

Land restitution. General Provisions

Regulated by National Decree 4829 of 2011

ARTICLE 72. RESTITUTION ACTIONS OF THE DISPOSSESSED. The Colombian State will 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 reparation actions of the dispossessed are: the legal and material restitution of the dispossessed property. In subsidy, restitution for equivalent or recognition of compensation shall proceed in its order. **NOTE: Underlined expression declared EXEQUIBLE by means of Ruling of the Constitutional Court C-715 of 2012**

In the case of empty goods it will proceed with the adjudication of the right of property of the wasteland in favor of the person who had been exercising his economic exploitation if during the dispossession or abandonment the conditions for the adjudication were met.

The legal restitution of the dispossessed property will be made with the restoration of property or possession rights, as the case may be. The restoration of property rights will require the registration of the measure in the folio of real estate registration. In the case of the right of possession, its reinstatement may be accompanied by the declaration of belonging, in the terms indicated in the law. **NOTE: Underlined expression declared EXEQUIBLE by means of Ruling of the Constitutional Court C-715 of 2012**

In the cases in which the legal and material restitution of the dispossessed property is impossible or when the dispossessed person cannot return to the same one, for risky reasons for his life and personal integrity, alternative restitution alternatives will be offered to access land of

similar characteristics and conditions in another location, after consulting the affected party. The money compensation will only proceed in the case that none of the forms of restitution is possible. **NOTE: Underlined expression declared EXEQUIBLE by means of Ruling of the Constitutional Court C-715 of 2012**

The National Government will rule the matter within the (6) six months following the issuance of the present law.

ARTICLE 73. PRINCIPLES OF THE RESTITUTION. The restitution referred to in this law will be governed by the following principles:

1. Preferential. The restitution of lands, accompanied by post-restitution support actions, constitutes the preferred measure of comprehensive reparation for the victims; **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012**.

2. Independence. The right to restitution of lands is a right in itself and is independent of whether the cash is returned or the victims who are assisted by that right; **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012.**

3. Progressiveness. It will be understood that the restitution measures contemplated in this law are intended to progressively promote the restoration of the life project of the victims;

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

5. Legal security. The restitution measures will tend to guarantee the legal security of the restitution and the clarification of the situation of the properties subject to restitution. For this purpose, property title will be used as a measure of restitution, considering the legal relationship that the victims had with the property subject to restitution or compensation;

6. Prevention. The measures of restitution will take place in a framework of prevention of forced displacement, protection of the life and integrity of the claimants and legal and physical protection of the properties and possessions of the displaced persons;

7. Participation. The planning and management of the return or relocation and reinstatement to the community will have the full participation of the victims;

8. Constitutional prevalence. It corresponds to the judicial authorities that this law deals with, the duty to guarantee the prevalence of the rights of the victims of the dispossession and the forced abandonment that have a special constitutionally protected bond, with the goods from which they were dispossessed. By virtue of the foregoing, they will give priority back to the most vulnerable victims, and to those who have a link with the land that is the object of special protection.

ARTICLE 74. DISPOSSESSION AND FORCED ABANDONMENT OF LAND. Dispossession means the action by means of which, taking advantage of the situation of violence, a person is arbitrarily deprived of his property, possession or occupation, either in fact, through legal transaction,

administrative act, ruling, or through the commission of crimes associated with the situation of violence.

Forced abandonment of land is understood as the temporary or permanent situation to which a person is forced to move, which is why it is impeded to exercise the administration, exploitation and direct contact with the properties that he had to disregard in his displacement during the period established in article 75.

The disturbance of the possession or abandonment of the real estate, due to the situation of violence that forces the forced displacement of the possessor during the period established in the Article 75, will not interrupt the term of prescription in his favor.

The dispossession of the property or the displacement forced possession of the holder during the period established in article 75 will not interrupt the term of acquisitive prescription demanded by the regulations. In the case of having completed the term of possession required by the regulations, in the same process, the action of declaration of belonging in favor of the restored possessor may be presented.

If the dispossession or forced displacement disturbed the economic exploitation of an empty land, for the adjudication of his right of ownership in favor of the dispossessed person, the duration of said exploitation will not be taken into account. In these cases the Magistrate must accept the criterion on the Family Agricultural Unit as the maximum extension to the holder and any adjudication that exceeds this extension will be ineffective.

The owner or landowner or economic operator of an empty land, will inform of the fact of the displacement to any of the following entities: the Municipal Attorney, the Ombudsman's Office, the Agrarian Prosecutor's Office, the Special Administrative Unit for the Management of the Restitution of Dispossessed Lands or the Attorney General's Office, in order to advance the actions that may take place.

Paragraph. The configuration of the dispossession is independent of the criminal, administrative, disciplinary, or civil responsibility, both of the person who deprives the property, possession, occupation or possession of the property as well as of the person who carries out the threats or acts of violence, according to the corresponding case

ARTICLE 75. HOLDERS OF THE RIGHT TO RESTITUTION. The people who owned or owned land, or **exploit empty land** whose property is intended to be acquired by adjudication, that have been dispossessed of these or that have been forced to abandon them as a direct and indirect consequence of the facts that constitute the violations of article 3 of this Law, between January 1, 1991 and the effective term of the Law, may request the legal and material restitution of land dispossessed or forcibly abandoned, in the terms established in this chapter.

NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012, Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-250 of 2012.

PROCEDURE OF RESTITUTION AND PROTECTION OF RIGHTS OF THIRD PARTIES

ARTICLE 76. RECORD OF LANDS ALLEGEDLY DISPOSSESSED AND FORCED ABANDONED. Create the *"Register of land stripped and forcibly abandoned"* as an instrument for the restitution of lands referred to in this law. In the Register of Dispossessed and Abandoned Lands, people who were dispossessed of their lands or forced to abandon them and their legal relationship with them, will also be recorded, accurately determining the property subject to dispossession, preferably by georeferencing, as well as the period during which armed influence was exercised in relation to the property.

The registry will be implemented gradually and progressively, in accordance with the regulations, taking into account the security situation, the historical density of the dispossession and the existence of conditions for the return. The conformation and administration of the registry will be in charge of the Special Administration Administrative Unit of Restitution of Dispossessed Lands that is created by this Law.

Registration in the registry will proceed by the court, or at the request of the interested party. In the registry, the property object of the forced dispossession or abandonment will be determined, the person and the family nucleus of the dispossessed or who abandoned the property. When there are several dispossessed persons of the same property or multiple abandonments, the Unit will register them individually in the registry. In this case all restitution and compensation requests will be processed in the same process.

Once the application for registration of a property in the registry by the interested party has been received, or the formality has been initiated, the Special Administrative Unit for Restitution Management of Dispossessed Lands, will communicate this procedure to the owner, possessor or occupant who is in the property subject to registration, so that they can provide the documentary evidence that proves the ownership, possession or occupation of said property in good faith, in accordance with the law. This Unit has a term of sixty (60) days, counted from the moment in which it undertakes the study in accordance with the second paragraph of this article, to decide on its inclusion in the Registry. This term may be extended for up to thirty (30) days, when circumstances exist or arise that justify it. **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012**

The inscription of a property in the registry of dispossessed lands will be requirement of procedure to initiate the restitution action to which this Chapter refers. **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012 by the analyzed charges**

The Special Administrative Unit of Restitution of Dispossessed Lands will have access to all the data bases on the victims of dispossession or forced abandonment, of the Institute Geographic Agustín Codazzi and the decentralized registers, notaries, the Colombian Institute for Rural Development, the Superintendence of Notaries and Registry, the registry offices of public instruments, among others.

For this purpose, the entities will have access to exchange of information in real time with the Special Administrative Unit for the Management of Restitution of Dispossessed Lands, based on the security standards and policies defined in Decree 1151 of 2008 on the Online Government strategy.

In cases where the infrastructure technology does not allow the exchange of information in time real, the public servants of the entities and respective organizations, must deliver the information in the maximum term of ten (10) days, counted as of the request. Public servants who obstruct access to information or fail to comply with this obligation will incur a very serious offense, without prejudice to the penal sanctions that may be imposed.

Paragraph 1. The authorities that receive information on the forced abandonment and dispossession of land should refer the Special Administrative Unit for the Management of Restitution of Dispossessed Lands, on the business day following its receipt, all the corresponding information in order to expedite the registration in the registration and restitution processes.

Paragraph 2. The Special Administrative Unit for the Management of Restitution of Dispossessed Lands must allow access to information by the Special Administrative Unit for Comprehensive Attention and Reparation for Victims, in order to guarantee the integrity and interoperability of the National Information Network for Comprehensive Care and Reparation for Victims.

ARTICLE 77. PRESUMPTIONS OF DISPOSESSION IN RELATION TO THE PLOTS REGISTERED IN THE REGISTRY OF DISPOSSESSED LANDS. Regarding the properties registered in the Dispossessed and forcedly Abandoned Lands Registry, the following presumptions will be taken into account:

1. Presumptions of right in relation to certain contracts. For evidentiary purposes within the restitution process, it is presumed to be a right that there is absence of consent, or unlawful cause, in the business and contracts of sale or any other by means of which a real right, possession or occupation is transferred or promised. on the property subject to restitution, entered into during the period provided for in article 75, between the victim of the latter, his or her spouse, permanent companion, relatives or legal age persons with whom they live, their heirs in title with the persons who have been sentenced by belonging, collaboration or financing armed groups that act outside the law, regardless of their denomination, or by drug trafficking or related crimes, 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 inexistence of the act or business or in question and the absolute nullity of all acts or subsequent business that are held on all or part of the property.

2. Legal presumptions in relation to certain contracts. Unless proven otherwise, for evidentiary purposes within the restitution process, it is presumed that in the following legal transactions there is absence of consent or legal cause, in the purchase and sale contracts and other legal acts through which it is transferred or promises to transfer a real right, possession or occupation over real estate provided that the situation is not foreseen in the previous numeral, in the following cases:

a. In the vicinity of which have occurred acts of generalized violence, phenomena of collective forced displacement, or serious violations of human rights at the time when the threats or acts of violence allegedly caused the dispossession or abandonment, or in those buildings where the

individual and collective protection measures related in Law 387 of 1997 have been requested, except in those cases authorized by the competent authority, or those through which the victim of dispossession, his or her spouse, permanent companion or companion, has been displaced; relatives or of legal age with whom he lived or his successors.

b. On adjacent properties of those in which, later or concomitantly to the threats, the acts of violence or dispossession were committed, there would have been a phenomenon of concentration of the ownership of the land in one or more persons, directly or indirectly ; on neighboring properties of those where there would have been significant changes in land uses such as the substitution of consumer agriculture and sustenance by monocultures, extensive cattle ranching or industrial mining, after the time when the threats occurred, the acts of violence or dispossession.

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

d. In the cases in which 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 it is not possible to distort the absence of consent in the contracts and businesses mentioned in any of the literals of this article, the act or business in question will be considered non-existent and all subsequent acts or businesses that are held on all or part of good will be vitiated of absolute nullity.

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

3. Legal presumptions about certain administrative acts. When the opposing party has proven the property, possession or occupation, and the subsequent dispossession of real property, its restitution cannot be denied on the grounds that a subsequent administrative act legalized a legal situation contrary to the rights of the victim. For evidentiary purposes within the restitution process, it is legally presumed that such acts are null and void. Therefore, the judge or magistrate may decree the nullity of such acts. The nullity of such acts causes the decay of all subsequent administrative acts and the nullity of all acts and private legal business that fall on the totality of the property or on part thereof.

NOTE: The word "opposing" was declared INEXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012, while the word "party" was declared EXEQUIBLE, in the understanding that it refers to the victims of forfeiture or forced abandonment of property,

NOTE: Underlined expression declared EXEQUIBLE by the Court Constitutional by means of Ruling C-715 of 2012

4. Presumption of due process in judicial decisions. When the applicant has proven ownership, possession or occupation, and the subsequent dispossession of real property, his restitution may not be denied on the grounds that a judgment that made a transfer to res judicata granted,

transferred, expropriated, extinguished or declared the property to a third party, or that such asset was the subject of the auction proceeding, if the respective judicial process was initiated between the time of the threats or acts of violence that led to the displacement and that of the sentence that terminates the process referred to in this law.

NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012

For probative effects within the process of restitution, 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 as legalized. As a consequence of the foregoing, the judge or magistrate may revoke the judicial decisions through which the victim's rights were violated and order the adjustments tending to implement and make effective the decision favorable to the victim of dispossession.

5. Presumption of non-possession. When a possession has been initiated on the property subject to restitution, during the period provided in article 75 and the sentence that ends the process dealt with in this law, it shall be presumed that such possession never occurred.

ARTICLE 78. INVERSION OF THE BURDEN OF PROOF. Sufficient proof of ownership, possession or occupation and recognition as displaced in the judicial process, or failing that, the summary evidence of the dispossession, will be enough to transfer the burden of proof to the defendant or to those who oppose the claim of the victim in the course of the restitution process, unless they have also been recognized as displaced or dispossessed of the same property.

NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012

ARTICLE 79. COMPETENCE TO KNOW OF THE PROCESSES OF RESTITUTION. The Magistrates of the Superior Courts of the Civil Court Judicial District, specialized in land restitution, will decide in a single instance the processes of land restitution, and the formalization processes of titles of dispossessed and of those who forcibly abandoned their lands, in those cases in which opponents are recognized within the process. Likewise, they will know of the consultations of decisions dictated by the Civil Judges of Circuit, specialized in restitution of lands.

The Civil Judges of Circuit, specialized in restitution of lands, will know and decide in a single instance the land restitution processes and the process of formalization of titles of the dispossessed and those who forcibly abandoned their premises, in those cases in which no opposition is recognized within the process.

In processes in which the opposition is recognized, the Civil Judges of Circuit, specialized in restitution of land, will lead the process until just before the ruling and refer it for its jurisdiction to the Superior Court of Judicial District.

Rulings issued by Civil Judges of Circuit specialized in restitution of lands that do not decree the restitution in favor of the dispossessed will be subject to consultation before the Superior Court of the Civil Court Judicial District, in defense of the legal system and the defense of the rights and guarantees of the dispossessed.

Paragraph 1º. The Magistrates of the Superior Tribunal of Civil Court Judicial District, specializing in land restitution, may decree ex officio the additional evidence they deem necessary, which will be carried out within a term of no more than twenty (20) days.

Paragraph 2º. Where there is no Civil Judge of the Circuit specializing in land restitution, the claim for restitution may be filed before any civil municipal circuit or promiscuous judge, who within two (2) days must send it to the competent official.

ARTICLE 80. TERRITORIAL JURISDICTION. Judges and magistrates of the place where the assets are located will be competent in a private manner, and if they are located in several municipalities with different jurisdictions, the judge and the magistrates of the municipality of the respective jurisdiction where the claim is filed will be competent.

ARTICLE 81. LEGITIMATION. The following shall be the holders of action regulated in this law:

Persons referred to in article 75.

Their spouse or permanent companion with whom they live at the time of the events or threats that led to the dispossession or forced abandonment, depending on the case.

When the dispossessed, or his spouse or companion or permanent companion had died, or were missing, the legal action may be initiated by those who succeed them, in accordance with the Civil Code, and in relation to the spouse or the permanent companion; the marital or de facto coexistence at the time the events occurred will be take into account. In cases contemplated in the previous numeral, when heirs are minors or incapable persons, or those who lived with the dispossessed and depended economically on him, at the time of victimization, the Special Administrative Unit for Restitution of Dispossessed Lands will act on their behalf and to their favor.

Holders of action may request the Special Administrative Unit of Management of Dispossessed Lands to exercise the action on their behalf and representation.

ARTICLE 82. REQUEST FOR RESTITUTION OR FORMALIZATION BY THE SPECIAL ADMINISTRATIVE UNIT FOR THE RESTITUTION MANAGEMENT OF DISPOSSESSED LANDS. The Special Administrative Unit for the Management of Restitution of Dispossessed Lands may request the Judge or Magistrate for the titling and delivery of the respective property included in the registry of land dispossessed in favor of the owner of the action and represent him in the process.

Paragraph. The holders of action can collectively process applications for restitution or formalization of properties registered in the Unit, in which there is uniformity with respect to the vicinity of the property dispossessed or abandoned, the time and the cause of displacement.

83. REQUEST FOR RESTITUTION OR FORMALIZATION BY THE VICTIM. Once the procedural requirement referred to in Article 76 has been met, the dispossessed person may go directly to the Judge or Magistrate, according to the provisions of article 79, by filing a written or oral complaint, by himself or through his proxy.

ARTICLE 84 CONTENT OF REQUEST APPLICATION. The request for restitution or formalization must contain:

a). The identification of the property that must contain at least the following information: the location, the department, municipality, township or hamlet, the registration identification, number of the real estate registration and cadastral identification, number of the cadastral certificate.

b). the proof of registration of the property in the registry of dispossessed lands.

c) The factual and legal grounds of the application.

d). Name, age, identification and address of the dispossessed and their family, or the group of applicants, depending on the case.

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

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

Paragraph 1º. The gratuitousness in favor of the victims, of procedures referred to in this article, will be guaranteed, including the exemption from the judicial tariff referred to in Law 1394 of 2010.

Paragraph 2º. In cases where it is not possible to submit the documents contained in literals e) and f) of this article with the application, they can be accredited by any of the admissible means of proof indicated in the Code of Civil Procedure as owner, possessor or occupier of the lands subject to restitution.

NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012ARTICLE

85. PROCESSING OF APPLICATION. The application shall be carried out by the Judge or Magistrate, as the case may be, who shall be responsible for the distribution to be made by the President of the Chamber on the same day, or no later than the following business day. The Judge or Magistrate will take into consideration the situation of manifest vulnerability of the victims to consider the preferential processing of their claims.

ARTICLE 86. ADMISSION OF APPLICATION. The writ that accepts the request must have:

a). Registration of the application in the Office of Registration of Public Instruments indicating the folio of real estate registration and the order of referral of the inscription by the registrar to the Magistrate, along with the certificate on the legal status of the property, within the five (5) days following the receipt of the registration order.

b). the provisional theft of trade of the property or of the properties whose restitution is requested, until the execution of the sentence.

c). The suspension of declaratory proceedings of rights in rem on the property whose restitution is requested, the succession, seizure, division, demarcation and demarcation, easements, possessory of any nature, restitution of tenure, declaration of belonging and vacant and

untapped assets, which have been initiated before the ordinary courts in relation to the property or property whose restitution is requested, as well as the executive, judicial, notarial and administrative processes that affect the property, with the exception of the expropriation proceedings.

d). Notification of the start of the process to the legal representative of the municipality where the property is located, and to the Public Ministry.

e) The publication of 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 who left the property whose restitution is requested, for that the persons who have legitimate rights related to the property, the secured creditors and other creditors of obligations related to the property, as well as the persons who are considered to be affected by the suspension of administrative processes and procedures, appear in the process and assert their rights. **NOTE: Underlined text declared INEXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013**.

Paragraph. Additionally, the Judge or Magistrate in this writ or in any state of the process may order the precautionary measures he deems pertinent to prevent imminent damage or to make cease the one that is causing on the property.

ARTICLE 87. TRANSFER OF THE APPLICATION. The transfer of request 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 restitution is requested and to the Special Administrative Unit for the Management of Restitution of Dispossessed Lands is included when the request has not been processed with its intervention.

With the publication referred to in literal e) of the previous article it will be understood as the transfer of application to the indeterminate persons who considers that they should appear before the process to assert their legitimate rights and those who consider themselves affected by the restitution process.

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

ARTICLE 88. OPPOSITIONS. The oppositions must be presented before the judge within fifteen (15) days following the request. Oppositions to the request made by individuals will be presented under oath and will be admitted, if they are pertinent. The oppositions presented by the Special Administrative Unit for the Management of Restitution of Dispossessed Lands, when the request has not been processed with their intervention, must be valued and taken into account by the Judge or Magistrate. **NOTE: Underlined text declared EXEQUIBLE by the Constitutional Court, by means of Ruling C-438 of 2013**.

The Special Administrative Unit of Management of Restitution of Dispossessed Land, when it has not acted as applicant can submit opposition to the restitution request.

To the opposition writing, the documents that they want to assert as proof of quality of the dispossessed of the respective property, of the good faith free of fault, of the right title of the and the other evidence that the opponent intends to assert in the process, regarding the value of the right, or the erasure of the quality of dispossession of person or group in whose favor the restitution or formalization request was submitted.

When the request has been submitted by the Special Administrative Unit for the Management of Restitution of Dispossessed Lands in accordance with provisions in this chapter and no opposition is presented, the Judge or Magistrate shall proceed to issue a judgment based in the body of evidence presented with the application.

ARTICLE 89. EVIDENCE. All lawful admissible are admissible evidence. In particular, the Judge or Magistrate will take into account the documents and evidence provided with the application, avoid the duplication of evidence and the delay of the process with the practice of tests that do not consider relevant and conducive.

As soon as the Judge or Magistrate comes to the conviction regarding the litigious situation, he / she may proffer the decision without decreeing or practicing the requested tests.

The value of the property may be accredited by the opponent through the commercial appraisal of the property prepared by a Property Exchange Root of the qualities determined by the National Government. If there is no dispute about the price, the value of the property presented by the competent cadaster authority shall be considered as the total value of the property.

The evidence coming from the Special Administrative Unit for the Restitution of Dispossessed Land is presumed to be reliable.

ARTICLE 90. PROBATION PERIOD. The probationary period will be of thirty (30) days, within which the tests that have been decreed in the process will be practiced.

ARTICLE 91. CONTENTS OF DECISSION. The ruling will be pronounced definitively on the property, possession of the property or occupation of the wasteland object of the demand and will decree the compensations to that there would be, in favor of the opponents that proved good faith exempt of fault within the process. Therefore, the judgment constitutes sufficient property title. **NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012**

The decision should refer to the following aspects, of explicit and sufficiently motivated way, according to the case:

a. Each and every one of the claims of the applicants, the exceptions of opponents and the requests of third parties;

b. Identification, individualization, demarcation of properties that are returned, indicating their location, extension, general and special characteristics, boundaries, geographic coordinates, cadastral and registry identification, and the number of real estate registration.

c) Instructions to the office of registry of public instruments so that it inscribes the decision, in the office where by territorial circumscription corresponds the registry of the restituted or formalized property.

d. Instructions to the registry office of public instruments to cancel all registration antecedents on encumbrances and limitations of ownership, tenure titles, leases, of the so-called false tradition and the precautionary measures registered after the dispossession or abandonment, as well as cancellation of the corresponding registry entries and registrations.

e. The commands for the restituted real estate to be protected under the terms of Law 387 of 1997, provided that subjects to whom the property is returned are in agreement with the profiling of such writ of protection;

f. In the event that the ownership statement should have been made, if the term of possession required to usufruct provided by the regulations had been added, the instructions to the registry office of public instruments to register such statement of belonging;

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

h. The necessary orders to restore the possessor favored in his right by the judgment within the process of restitution, in accordance with the provisions of this law, when the right of ownership is not recognized in the respective ruling;

i. The necessary orders for the respective properties to unravel or split when the property to be restored 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 effective compliance with the compensations dealt with by the law, and those aimed at guaranteeing the rights of all parties in relation to the improvements on the goods subject to restitution;

k. The necessary orders for the compensated person to transfer to the Administrative Unit Fund the good that was dispossessed from him and that it was impossible to restore him.

j.The declaration of nullity of judicial decisions that, due to the effects of their sentence, lose legal validity, in accordance with the provisions of this law.

m. The declaration of nullity of administrative acts that extinguish or recognize individual or collective rights, or modify specific and concrete legal situations, discussed in the process, if there is merit, 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 real right held by a third party over the property subject to restitution, by virtue of any civil, commercial, administrative or tax obligations contracted, in accordance with what was discussed in the process;

o. The pertinent orders so that the public force accompanies and collaborates in the diligence of material delivery of the goods to be restored,

p. The orders that are necessary to guarantee the effectiveness of the legal and material restitution of the fixed immovable property and the stability in the exercise and effective enjoyment of the rights of the repaired persons;

q.The orders and sentences required of those who have been called in guarantee in the process in favor of the plaintiffs and / or defendants in good faith defeated in the process;

r. The necessary orders to guarantee that the parties in good faith exempt from fault expired in the process are compensated when applicable, in the terms established by the present law;

s. The conviction in costs by the losing party in the restitution process that is dealt with in this law when its fraud, recklessness or bad faith is proven;

t. The remission of files to the Office of the Attorney General in the event that as a result of the process the possible occurrence of a punishable fact is perceived.

Paragraph 1. Once the sentence is executed, compliance will be made immediately. In any case, the Judge or Magistrate will maintain the competence to guarantee the effective enjoyment of the rights of the defendant in the process, continuing within the same file the enforcement measures of the judgment, applying, as appropriate, Article 335 of the Code of Criminal Procedure. This competence will be maintained until the causes of threat to the rights of the defendant in the process have been completely eliminated.

Paragraph 2. The Judge or Magistrate will issue the decision within four months of the request. Failure to comply with the terms applicable in the process will constitute a serious offense.

Paargraph 3. The official who omits or unjustifiably delays the compliance of the orders contained in the judgment or does not provide the Judge or the Magistrate with the support required by the latter for the execution of the judgment shall incur in a very serious fault.

Paragraph 4. The deed of the property must be delivered in the name of the two spouses or permanent partners, who at the time of displacement, abandonment or dispossession, cohabited, so at the time of delivery of the title are not bound by law.

ARTICLE 92. RECOURCE OF DECISSION REVIEW. The appeal for review before the Civil Cassation Chamber of the Supreme Court of Justice may be filed against the ruling, under the terms of articles 379 et seq. Of the Code of Civil Procedure. The Supreme Court of Justice shall issue the interlocutory orders in a term not greater than ten (10) days and decision within a maximum term of two (2) months.

ARTICLE 93. NOTIFICATIONS. Orders that are dictated will be notified by the means that the Judge or Magistrate considers most effective.

ARTICLE 94. INADMISSIBLE ACTIONS AND PROCEDURES. In this process, the counterclaim, the exclusive or coadjutant intervention, incidents due to events that make up previous exceptions, or conciliation are not admissible. In the event that such actions or procedures are proposed, the Judge or Magistrate must reject them outright, by order that will have no recourse whatsoever.

ARTICLE 95. PROCEDURAL ACCUMULATION. For purposes of the restitution process referred to in this law, procedural accumulation shall be understood as the concentration in this special proceeding of all judicial, administrative or other proceedings or acts carried out by public authorities or notaries in which there are compromised rights over the property object of the action. Claims in which several subjects claim adjoining properties, or properties that are located in the same neighborhood, as well as the challenges of land registries in the Land Registry and forcibly abandoned, will also be accumulated. This accumulation is effective, from the moment in which the aforementioned officials are informed about the initiation of the restitution procedure by the magistrate who is aware of the matter, they will lose competence over the respective procedures and will proceed to remit them within the term indicated.

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

Paragraph 1. In the cases of procedural accumulation referred to in this article, terms will be extended for a time equal to that established for such processes.

Paragraph 2. In any case, during the process notaries, registrars and other authorities shall refrain from initiating, ex officio or at the request of a party, any action that by reason of their powers affects the property subject to the action described in this law including the permits, concessions and authorizations for the use of the natural resources that would have been granted on the respective property.

ARTICLE 96. INFORMATION FOR THE RESTITUTION. In order to facilitate the procedural accumulation, the Superior Council of the Judiciary or whoever acts as such, the Superintendence of Notaries and Registry, the Agustín Codazzi Geographic Institute or the competent decentralized cadaster, the Colombian Rural Development Institute or whoever acts as such. , must inform the Judges, the Magistrates, the Registry Offices of Public Instruments, the Notaries and their dependencies or territorial offices, about the actions or requirements of the restitution process.

To facilitate the communications, the exchanges of information, the provision of evidence, compliance with judicial orders in the area of restitution action, the aforementioned institutions will integrate, based on previously established and standardized protocols, their information systems with that of the Judicial Branch. The agility in the communications between the institutions and the Judges and the Magistrates; institutions will have to make the necessary technical and human adjustments to facilitate the internal flow of information that will allow them to fulfill this purpose. Paragraph. While the articulation of the information systems is implemented, the entities will fulfill the objectives of this article by the most suitable means.

ARTICLE 97. COMPENSATIONS IN KIND AND RELOCATION. As a subsidiary claim, the applicant may request the Judge or Magistrate, as compensation and with charge to the resources of the Special Administrative Unit for the Management of Dispossessed Lands, to deliver a 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. Because it is 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 was a property on which successive spoils were presented, and this had been returned to another victim dispossessed of that same property

c. When in the process reposes proof proving that the legal and / or material restitution of the property would entail a risk to the life or personal integrity of the dispossessed or restored, or his family.

d. In the case of a real estate that has been partially or totally destroyed and its reconstruction is impossible in conditions similar to those that it had before the dispossession.

ARTICLE 98. PAYMENT OF COMPENSATIONS. The value of compensations that the judgment decrees in favor of the opponents that proved the good faith exempt from fault within the process, will be paid by the Fund of the Special Administrative Unit for Management of Restitution of Dispossessed Lands. In no case the value of the compensation or compensation will exceed the value of the property accredited in the process. In cases where it is not appropriate to advance the process, and when in accordance with Article 97 the compensation in kind or other compensation ordered in the sentence, the Special Administrative Management Unit for the Restitution of Dispossessed Lands will have the competence to agree and pay the corresponding economic compensation, charged 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 THE RESTITUDED PROPERTY. When there are productive agro industrial projects in the property subject to restitution and in order to fully develop the project, the Magistrate who knows the process may authorize, through the incidental procedure, the conclusion of contracts between the beneficiaries of the restitution, and the opponent who was developing the productive project, on the basis of recognition of the right of ownership of the restored, and that the opponent has proven his good faith exempt from fault in the process. **NOTE: Declared EXEQUIBLE by the Constitutional Court by the position analyzed, by means of Ruling C-715 of 2012**,

When good faith is not proven free of fault, the Magistrate will deliver the productive project to the Special Administrative Unit for the Restitution of Dispossessed Lands so that it may be exploited through third parties and the proceeds of the project be allocated to collective reparation programs for victims in the vicinity of the property, including the beneficiary of the restitution.

The Magistrate will watch over the protection of rights of the parties and that they obtain an adequate economic retribution. **NOTE: Declared EXEQUIBLE by the Constitutional Court by the position analyzed, by means of Ruling C-715 of 2012**

ARTICLE 100. DELIVERY OF THE RESTITUDED PLOT. The delivery of the property subject to restitution will be made to the dispossessed person directly when this is the applicant, or to the Special Administrative Unit for the Restitution of Dispossessed Lands in favor of the victim, within three days following the payment of the compensations ordered by The Judge or Magistrate, when there is room for it, or within three days following the execution of the sentence.

NOTE: The underlined text was declared INEXEQUIBLE, by the Constitutional Court by means of Ruling C-795 of 2014.

For the delivery of the property the presiding Judge or Magistrate will practice the respective eviction diligence in a peremptory term of five (5) days and for which he will be able to commission the Municipal Judge, who will have the same term to comply with the commission. The police authorities will provide their immediate assistance for the eviction of the property. A document shall be drawn up on the document and no opposition shall be filed therein.

If dwellers are not found at the moment of the eviction, the search will proceed 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 to the care of a depositary.

ARTICLE 101. PROTECTION OF RESTITUTION. To protect the reinstated in their right and guarantee the social interest of the state action, the right to obtain restitution will not be transferable by inter vivo act in any way during the following two years counted from the delivery of the property, unless it is a case between the dispossessed person and the State.

Also, once the restitution has been obtained, any negotiation between the living of the lands returned to the dispossessed within two (2) years following the date of execution of the restitution decision, or of delivery, if this is later, will be ineffective in full right, without need of judicial declaration, unless prior, express, and motivated authorization of the Judge or Court that ordered the restitution is obtained.

Subparagraph the authorization referred to in the second subparagraph of this article will not be necessary when supporting credits on behalf of the returned granted by entities supervised by the Financial Superintendence.

ARTICLE 102. VALIDITY OF COMPETENCE AFTER COURT DECISSION. After pronouncing sentence, the Judge or Magistrate will maintain his competence over the process to dictate all those measures that, according to the case, guarantee the use, enjoyment and disposition of the goods by the dispossessed to those who have been restored or formalized estates, and the security for their lives, their personal integrity, and that of their families.

SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

ARTICLE 103. CREATION OF THE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS. The Special Administrative Unit for the Management of Restitution of Dispossessed Lands is hereby created for a term of ten (10) years, as a specialized temporary entity attached to the Ministry of Agriculture and Rural Development,

with administrative autonomy, legal status and independent patrimony. Its domicile is in the city of Bogotá and will have the plural number of dependencies that the National Government has available, as required by the needs of the service.

ARTICLE 104. OBJECTIVE OF THE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

The Special Administrative Management Unit for the Restitution of Dispossessed Lands shall have as its fundamental objective to serve as the administrative organ of the National Government for the restitution of lands of the dispossessed to which this law refers.

ARTICLE 105. FUNCTIONS OF THE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

The following shall be functions of the Special Administrative Management Unit for the Restitution of Dispossessed Lands: See Resolution 240 by the Min. of Agriculture of 2011

1. Design, administer and preserve the Register of Dispossessed and Forcedly Abandoned Lands in accordance with this law and the regulations thereof
2. Include in the registry the dispossessed and forcedly abandoned land, ex officio or at the request of a party and certify its registration in the registry.
3. Collect the evidence of dispossession and forced abandonment on the premises to present them in the restitution processes referred to in this chapter.
4. Identify physically and legally, the properties that do not have cadastral or registry information and order the Registry Office of Public Instruments the consequent opening of the registration sheet on behalf of the Nation and that they be assigned a number of real estate registration.
5. Process before the competent authorities the processes of restitution of properties of the dispossessed or of formalization of abandoned properties in the name of the holders of the action, in the cases foreseen in this law.
6. Pay on behalf of the State the sums ordered in the judgments of the restitution proceedings in favor of third parties in good faith exempt from guilt.
7. Pay the dispossessed and displaced people the compensations that may take place when, in particular cases, it is not possible to restore the properties, in accordance with the regulations issued by the National Government.
8. Formulate and execute liability relief programs associated with restituted and formalized properties.
9. Create and administer subsidy programs in favor of those restituted or whose lands are formalized in accordance with this chapter, for the cancellation of 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 that the law stipulates.

Paragraph 1°. The Office of the Attorney General of the Nation, the military and police authorities shall provide the support and collaboration required by the Director of the Special Administrative Management Unit for Dispossessed Lands for the development of the functions envisaged in sections 2 and 3 of this article.

Paragraph 2 °. Until the Special Administrative Management Unit for the Restitution of Dispossessed Lands becomes operational, the functions of this body may be exercised by the Ministry of Agriculture and Rural Development.

ARTICLE 106. ADMINISTRATION AND REPRESENTATION. The Special Administrative Management Unit for the Restitution of Dispossessed Lands will be directed by its Board of Directors and by the Executive Director of the Unit, who will be its legal representative.

ARTICLE 107. BOARD OF DIRECTORS OF THE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

The Board of Directors of the Special Administrative Management Unit for the Restitution of Dispossessed Lands will be as follows:

The Minister of Agriculture and Rural Development or his delegate, who will preside over it.

The Minister of the Interior and Justice, or his delegate.

The Minister of Finance and Public Credit or his delegate.

The Minister of Environment, Housing and Territorial Development or his delegate.

The Minister of National Defense or its delegate.

The Director of the National Planning Department or its delegate.

The General Director of the Special Administrative Unit for Integral Attention and Reparation to Victims.

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

The President of the Agrarian Bank.

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 Management Unit for Restitution of dispossessed lands will attend the sessions of the Council with a voice.

ARTICLE 108. EXECUTIVE DIRECTOR OF THE UNIT. The Executive Director of the Unit will be his legal representative, free appointment and removal official, appointed by the President of the Republic.

ARTICLE 109. INTERNAL STRUCTURE. Within the six (6) months following the entry into force of this law, the National Government, will establish the internal structure and the regime for hiring the personnel of the Unit, considering the knowledge and experience of the candidates in their own subjects of this chapter, in such a way that interagency coordination is maintained and the proposed objectives of restitution to the dispossessed are fulfilled.

ARTICLE 110. LEGAL REGIME OF THJE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

The legal regime of the Special Administrative Management Unit for the Restitution of Dispossessed Lands will be that contemplated in this Law, and in what is not provided for in it, it will have the system of public establishments of the national order.

ARTICLE 111. OF THE FUND OF THE SPECIAL ADMINISTRATIVE MANAGEMENT UNIT FOR THE RESTITUTION OF DISPOSSESSED LANDS

The Fund of the Special Administrative Unit for the Management of the Restitution of Dispossessed Lands is hereby created as a fund without legal status, attached to the Special Administrative Management Unit for the Restitution of Dispossessed Lands. The Fund's main objective will be to serve as a financial instrument for the restitution of land from the dispossessed and the payment of compensation.

ARTICLE 112. ADMINISTRATION OF FUND. The resources of the Fund will be managed through a commercial management trust, contracted with one or more fiduciary companies, whose constituent and beneficiary will be the Special Administrative Management Unit for the Restitution of Dispossessed Lands. The administration of Fund resources will be subject to the regime of the trust company managing the Fund. The Government will regulate the matter.

ARTICLE 113. RESOURCES OF THE FUND. The following resources will be entered into the Fund:
1. the resources from the General Budget of the Nation.

2. Public or private donations for the development of the objectives of the Special Administrative Management Unit for the Restitution of Dispossessed Lands.

3. Contributions of any kind, coming from international cooperation for the fulfillment of the objectives of the Special Administrative Management Unit for the Restitution of Dispossessed Lands.

4. The goods and resources transferred by the Ministry of Agriculture and Rural Development, and the other entities, in accordance with current regulations.

5. The other properties and other assets acquired under any title with the resources of the Fund and the sums received in the event of their disposal.

6. Income and yields resulting from the administration of resources and assets of the Fund.

7. The other goods and resources acquired or transferred to any title.

8. Rural properties that have been subject to asset forfeiture and that are currently under the administration of the National Narcotics Directorate, as well as those from which the property is acquired in the future, in the amounts and percentages determined by the National Government.

9. The rural properties that are conceded by those restituted to the Fund.

Paragraph. The Central of Investments S. A. - CISA S. A. will be able to deliver to the Special Administrative Management Unit for the Restitution of Dispossessed Lands the goods that this requires for its headquarters. Likewise, the SAE and the DNE may deliver goods to the Unit for

the development of its purpose and performance of its functions at the lowest possible value, without exceeding the cost of acquisition of those goods.

RULES FOR WOMEN IN THE RESTITUTION PROCESSES

ARTICLE 114. PREFERENTIAL ATTENTION FOR WOMEN IN THE ADMINISTRATIVE AND JUDICIAL PROCEDURES OF THE RESTITUTION PROCESS. Women victims of dispossession or forced abandonment will enjoy special protection of the State in the administrative and judicial procedures related in this law. To this end, the Special Administrative Management Unit for the Restitution of Dispossessed Lands will have a special program to guarantee women's access to the procedures contemplated for restitution, through preferential attention windows, personnel trained in gender issues, measures to promote access of women's organizations or networks to reparation processes, as well as care areas for children and adolescents and disabled persons that make up their family group, among other measures that are considered pertinent. The processing of applications for stripped women heads of family before the Special Administrative Management Unit for the Restitution of Dispossessed Lands will be treated with priority over the other requests.

ARTICLE 115. PREFERENTIAL ATTENTION IN RESTITUTION PROCESSES. The requests for restitution advanced by the Special Administrative Management Unit for the Restitution of Dispossessed Lands in favor of the mothers heads of families and of the dispossessed women, as well as the applications that are presented before the Judge or Magistrate by women who seek restitution of lands in accordance with the mandates of this law, will be substantiated with priority, for which the attention of other requests will be postponed.

ARTICLE 116. DELIVERY OF PREMISES. Once the sentence orders the delivery of a property to a dispossessed woman, the Special Administrative Management Unit for the Restitution of Dispossessed Lands and the police or military authorities must give their special collaboration to ensure the timely delivery of the property and to try to maintain security conditions that allow them to use their property, provided that you have the prior consent of the women victims and the concerted decision of the adoption and execution of these measures is guaranteed.

ARTICLE 117. PRIORITY IN THE BENEFITS CONSECRATED IN LAW 731 of 2002. Women who are restituted or formalized properties under the terms of this law will have priority in the application of the benefits referred to in Law 731 of 2002, in matters of credit, land adjudication, guarantees, social security, education, training and recreation, family subsidy, plans and programs of reforestation, and I.D granting campaigns.

ARTICLE 118. PROPERTY DEED GRANTING AND RESTITUTION OF RIGHTS. In the development of provisions contained in this chapter, in all cases in which the plaintiff and his / her spouse, or permanent companion, have been victims of forced abandonment and / or dispossession of fixed assets whose restitution is claimed, the judge or magistrate in the ruling will order that the restitution and / or compensation be made in favor of both, and when as a result of the judgment is granted ownership over the property, also ordered the Office of Registration of Public Instruments to make the respective registration on behalf of the two, even if the spouse or permanent companion or partner had not appeared before court.

OTHER PROVISIONS

ARTICLE 119. CREATION OF POSTS. The Superior Council of the Judiciary will create the positions of Magistrates of the Superior Courts and Civil Judges of Circuit, specialized in restitution of lands, in accordance with numeral 5 of article 85 of Law 270 of 1996 and concordant norms. The Superior Council of the Judiciary will create the positions of other officials that are required for compliance with 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 will create in the Superintendence of Notaries and Registration and on a temporary basis, the Delegate Superintendence for the Protection, Restitution and Formalization of Lands and the positions of regional coordinators of lands and other staff in professional, technical and operational areas that are required to attend the judicial and administrative dispositions related to the registry procedures referred to in this law.

Paragraph 2 °. The Inspector General's Office and the Attorney General's Office must assign a sufficient number of personnel that the National Government will provide according to the extraordinary powers provided in numeral 2 of article 10 of Law 1424 of 2010, to comply with its 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. Anyone who obtains registration in the registry of dispossessed lands by deliberately altering or simulating the conditions required for their registration, or hiding those that would have prevented them, will be imprisoned for eight (8) to twelve (12) years. In the same way, the public official who, having knowledge of the fraudulent alteration or simulation, facilitates, or makes the registration in the registry of dispossessed lands, will 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 those who file before the Court for the restitution of land under the provisions of this law, without having the status of dispossessed, or who files a request for restitution, through fraudulent means or false documents and anyone who uses evidence in the process that does not correspond to the reality.

Those who go to the process and confess the illegality of the titles or the dispossession of the lands or of the rights claimed in the process will become beneficiaries of the principle of **discretion foreseen in the Code of Criminal Procedure.**

NOTE: Underlined expression declared EXEQUIBLE by the Constitutional Court by means of Ruling C-715 of 2012

ARTICLE 121. REPARATIVE MECHANISMS IN RELATION TO LIABILITIES. In relation to the liabilities of the victims, generated during the time of the dispossession or displacement, the authorities should take into account as measures with reparative effect, the following:

1. Systems of relief and / or exoneration of the delinquent portfolio of the property tax or other taxes, fees or contributions of the municipal or district order related to the restituted or formalized property. For these purposes, the territorial entities will establish mechanisms for

the relief and / or exoneration of these liabilities in favor of the victims of forced dispossession or abandonment.

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

ARTICLE 122. SPECIAL RULES. Provisions contained in this chapter generally regulate the restitution of land in the context of this law and shall prevail and serve to complement and interpret the special rules that are issued in this matter. In case of conflict with other provisions of the law, the provisions of this chapter will be applied, as long as they are more favorable to the victim.

CHAPTER. IV

Restitution of housing

ARTICLE 123. RESTITUTION MEASURES IN HOUSING MATTERS. Victims whose homes have been affected by dispossession, abandonment, loss or impairment, will have priority and preferential access to housing subsidy programs in the modalities of improvement, construction on their own site and acquisition of housing, established by the State. The foregoing, without prejudice to the victimizer being sentenced to construction, reconstruction or compensation. Victims may access the Family Housing Subsidy in accordance with current regulations governing the matter and the special mechanisms provided for in Law 418 of 1997 or norms that extend, modify or add it.

The Ministry of Environment, Housing and Territorial Development, or the entity that takes its place, or the Ministry of Agriculture and Rural Development, or the entity that performs its duties, as appropriate, will exercise the functions that gives the current regulations governing the matter in relation to the family housing subsidy that this chapter deals with, taking into account the constitutional duty to protect people who are in a situation of manifest weakness, which is why you should give priority to the applications submitted by the households that have been victims under the terms of this law.

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

Paragraph 1 °. The population victim of forced displacement will access the programs and projects designed by the Government, giving priority to the population of displaced female heads of household, displaced older adults and the displaced disabled population.

Paragraph 2º. Access to family housing subsidy programs will be prioritized for those households that decide to return to the affected properties, after verification of security conditions by the competent authority. **NOTE: Article declared EXEQUIBLE by the Constitutional Court through Ruling C-912 of 2013.**

ARTICLE 124. APPLICATIONS TO THE FAMILY HOUSING SUBSIDY. The applicants for the Family Housing Subsidy in the conditions that this chapter deals with, will be able to benefit from any of the plans declared eligible by the National Housing Fund or the entity that acts as such, or by the Agrarian Bank or the entity that makes its times, as appropriate. **NOTE: Article declared EXEQUIBLE by the Constitutional Court by means of Ruling C-912 of 2013.**

ARTICLE 125. MAXIMUM AMOUNT. The maximum amount of the family housing subsidy that this chapter deals with will be that granted at the time of the application to the beneficiaries of low-income housing.

NOTE: Article declared EXEQUIBLE by the Constitutional Court by means of Ruling C-280 of 2013.

NOTE: Article declared EXEQUIBLE by the Constitutional Court by Ruling C-912 of 2013.

ARTICLE 126. ENTITY IN CHARGE OF PROCESSING APPLICATIONS. Applications for the Family Housing Subsidy referred to in this chapter will be handled by the Ministry of Environment, Housing and Territorial Development if the property is urban, or by the Ministry of Agriculture and Rural Development if the property is rural, charged to the resources allocated by the National Government for the Subsidy for Social Interest Housing.

ARTICLE 127. APPLICABLE REGULATIONS. The Family Housing Subsidy referred to in this chapter shall apply to the provisions of the current regulations that regulate the subject, insofar as it is not contrary to what is stated here. **NOTE: Article declared EXEQUIBLE by the Constitutional Court by means of Ruling C-912 2013.**

CHAPTER. V

Credit and liabilities

ARTICLE 128. MEASURES IN CREDIT MATTERS. In terms of credit assistance for victims dealt with in this law, will have access to the benefits contemplated in paragraph 4 of articles 16, 32, 33 and 38 of Law 418 of 1997, in the terms in which such regulations establish the credits granted by the credit establishments to the victims that this law deals with, and that as a consequence of the victimizing facts have entered into default or have been subject to refinancing, restructuring or consolidation, will be classified in a category of special risk in accordance with the regulations issued by the Financial Superintendence.

Paragraph The financial operations described in this article will not be considered as restructuring. 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 acting on their behalf, will establish rediscount lines under preferential conditions aimed at financing the loans granted by the credit establishments to the victims referred to in this law, to finance activities aimed at recovering their productive capacity. For this purpose, provisions of Law 418 of 1997 will be taken into account, extended, modified and added by the laws 548 of 1999, 782 of 2002, 1106 of 2006 and 1421 of 2010.

Paragraph. The rediscount entities referred to in this article shall ensure that rediscounts credit establishments carry out a proportional transfer of the benefits in the rediscount rate to the final beneficiaries of said credits.

CHAPTER. VI

Education, job creation and administrative career

ARTICLE 130. EDUCATION AND URBAN AND RURAL EMPLOYMENT PLANS. The National Service of Learning, SENA, will give priority and facilities to the access of young and adult victims, in the terms of the present law, to their training and technical training programs. The National Government within six (6) months following the promulgation of this Law, through the Ministry of Social Protection and the National Service of Learning (Sena), will design programs and special projects for the generation of rural and urban employment with the purpose of fostering the self-support of the victims, which will be implemented through the National Plan for Comprehensive Care and Reparation for Victims.

NOTE: Article declared EXEQUIBLE by the Constitutional Court through Ruling C-912 of 2013.

ARTICLE 131. PREFERENTIAL RIGHT OF ACCESS TO THE ADMINISTRATIVE CAREER. Victim's status will be a tiebreaker criterion, in favor of the victims, in competitions belonging to the general career systems and special careers to access the public service. The right enshrined in this article shall prevail over the benefit provided for in numeral 3 of Article 2 of Law 403 of 1997. **NOTE: Article declared EXEQUIBLE by the Constitutional Court by means of Ruling C-912 of 2013.**

CHAPTER. VII

Indemnification by administrative channel

ARTICLE 132. REGULATIONS. See Resolution UARIV 64 of 2012, partially regulated by National Decree 1377 of 2014. The National Government will regulate within the six (6) months following the promulgation of this Law, the procedure, procedure, mechanisms, amounts and other guidelines to grant individual compensation by administrative means to the victimss. This regulation must determine, through the establishment of criteria and objectives and assessment tables, the ranges of amounts that will be delivered to the victims as administrative compensation depending on the victimizing fact, as well as the procedure and the necessary guidelines to guarantee that the compensation contributes to overcome the state of vulnerability in which the victim and her family are. Similarly, it must determine the manner in which the compensation awarded to the victims must be articulated before the issuance of this law.

Subparagraph repealed by art. 132, Law 1753 of 2015. The victim may accept, expressly and voluntarily, that the delivery and receipt of the administrative compensation is understood to be made within the framework of a transaction contract in which the victim accepts and states that the payment made it includes all the sums that the latter must acknowledge as a result of their victimization, in order to prevent future judicial proceedings or end pending litigation. The foregoing, without prejudice to the recognition of the other measures of reparation enshrined

in this law, of the non-economic rights of the victims, and on the understanding that this does not relieve the offender of his obligation to provide reparation to the victim as established. Within the framework of a judicial process of any nature.

Subparagraph repealed by art. 132, Law 1753 of 2015. In the event that the victim accepts that the delivery and receipt of the administrative compensation is understood to be carried out within the framework of a transaction contract, the amount of this compensation will be higher than the value that would be given to the victim for this same concept, according to the regulations issued by the national government for this purpose. The officials or personnel in charge of advising the victims must state clearly, simply and explanatory, the implications and differences of accepting or not that the compensation be made within the framework of a transaction agreement.

Paragraph 1 The present article will have effects for the administrative compensations that are delivered from the date of issuance of the present law, thus the request was made previously. Likewise, the victims who at the moment of the issuance of this law have received administrative compensation from the State, will have one (1) year counted from the issuance of this law to express it in writing, to the Presidential Agency for Social Action and International Cooperation or the Special Administrative Unit for Attention and Reparation for Victims if it was already in operation, if they wish to expressly and voluntarily accept that the administrative compensation was delivered within the framework of a transaction agreement in the terms of this article. In this event, the Presidential Agency for Social Action and International Cooperation or the Special Administrative Unit for Attention 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 that it must be supplied, in accordance with the regulation that the National Government establishes for the purpose, to deliver the additional sums that may occur.

NOTE: The underlined text was repealed by art. 132, Law 1753 of 2015.

Paragraph 2. The Executive Committee referred to in articles 164 and 165 of this law will be responsible for reviewing, by duly substantiated request of the Minister of Defense, the Attorney General of the Nation or the Ombudsman, the decisions that grant compensation through administrative This request for review will proceed for the reasons and within the framework of the procedure determined by the National Government.

In this sense, the Executive Committee will perform the functions of an instance of review of the administrative compensations that are granted and will establish criteria and guidelines to be followed the other administrative authorities when deciding on an application for compensation. The decision adopted by the Executive Committee shall be final and, while exercising the review function, access by the victim to the assistance, attention and reparation measures referred to in this law shall not be suspended.

Paragraph 3. The administrative compensation for the population in situation of displacement will be delivered by family nucleus, in money and through one of the following mechanisms, in the amounts that for the effect defines the National Government:

I. Comprehensive land subsidy
II. Exchange of properties,

III. Acquisition and allocation of land,
IV. Adjudication and titling of vacant lots (wastelands) for displaced population;
V. Subsidy for Housing of Rural Social Interest, in the modality of housing improvement, housing construction and basic sanitation, or
VI. Subsidy for Housing of Social Urban Interest in the acquisition, improvement or construction of new housing.

NOTE: The underlined text was declared EXEQUIBLE by the Constitutional Court by means of Ruling C-462 of 2013, in the understanding that such mechanisms are in addition to the amount of administrative compensation that must be paid in money.

The sum that is additional to the amount that for the non-displaced population is established in other rules for the mechanisms indicated in this paragraph, it will be understood that it is delivered in the form of administrative compensation.

NOTE: The text in italics was declared INEXEQUIBLE by the Court Constitutional by means of Ruling C-462 of 2013.

Paragraph 4º. The amount of the 40 legal minimum wages in force in the year of occurrence of the event, which have been granted under Article 15 of Law 418 of 1997 by the Presidential Agency for Social Action and International Cooperation on the occasion of victimizing acts that cause death or forced disappearance, or the amount of up to 40 minimum legal salaries in force granted for permanent disability to those affected by the violence, constitute compensation through administrative channels.

ARTICLE 133. JUDICIAL INDEMNIFICATION, RESTITUTION AND ADMINISTRATIVE COMPENSATION. In the events in which the victim does not accept expressly and voluntarily, that the delivery and receipt of the administrative compensation is understood to have been carried out within the framework of a transaction contract under the terms of the previous article, and the State is judicially ordered to repair it. , the sum of money that the victim has received from any entity of the State and that constitute reparation will be deducted from said sentence. Similarly, judicial value will be discounted the monetary value of the properties that are restored, in accordance with the monetary assessment that is made of them.

NOTE: The underlined text was repealed by art. 132, Law 1753 of 2015.

ARTICLE 134. The National Government, through the Administrative Unit for Attention and Reparation for Victims, will implement an accompaniment program to promote an adequate investment of the resources that the victim receives as administrative compensation in order to reconstruct his life project, mainly oriented to:

1. Technical or professional training for the victims or their children.

2. Creation or strengthening of productive companies or productive assets.

3. Acquisition or improvement of new or used housing.

4. Acquisition of rural properties.

CHAPTER. VIII

Rehabilitation Measures

ARTICLE 135. REHABILITATION. Rehabilitation as a measure of reparation consists of a set of strategies, plans, programs and actions of a legal, medical, psychological and social nature, aimed at restoring the physical and psychosocial conditions of the victims in the terms of this law.

ARTICLE 136 The National Government, within six (6) months following the promulgation of this Law, must implement a rehabilitation program that must include both individual and collective measures that allow victims to perform in their family, cultural, and social and exercise their rights and basic freedoms individually and collectively. The psychosocial accompaniment must be transversal to the reparation process and extend 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 must also integrate family members and, if possible, promote positive discrimination actions in favor 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 PROGRAM AND COMPREHENSIVE HEALTH TO VICTIMS. The National Government, through the Ministry of Social Protection, will create within the six (6) months following the issuance of this law, the Program of Psychosocial Attention and Integral Health to Victims, which will be implemented through the Plan National Program for Comprehensive Care and Reparation for Victims, starting in the areas with the greatest presence of victims.

The Program must include the following:

1**. Proactivity.** The care services should strive for the detection and approach to the victims.

2. Individual, family and community care. Quality care must be guaranteed by professionals with specific technical training and related experience, especially when dealing with victims of sexual violence, for which it must have a component of psychosocial care for the care of female victims. Individual, family and community actions should be included among their services according to care protocols that should be designed and implemented locally according to the type of violence and the cultural framework of the victims.

3. Gratuity. Victims will be guaranteed free access to services of Psychosocial Attention Program and Comprehensive Health to Victims, including access to medicines in cases where this is required and the financing of travel expenses when necessary.

4. Preferential attention Priority will be given in those services that are not contemplated in the program.

5. Duration. The attention will be subject to the particular needs of the victims and affected, and to the concept issued by the team of professionals.

6. Entry. An entry and identification mechanism will be designed to define the condition of beneficiary of the Psychosocial Attention Program and Integral Health to Victims and allow access to the care services.

7. Interdisciplinary Mechanisms for the provision of services constituted by professionals in psychology and psychiatry will be created, with the support of social workers, doctors, nurses, community promoters among other professionals, depending on local needs, guaranteeing the integrality of action for the adequate fulfillment of their needs.

Paragraph. Expenses derived from the care provided by the Psychosocial Attention Program and Integral Health to Victims will be recognized and paid through the Ministry of Social Protection from 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.

Paragraph 2. Added by art. 120, Law 1753 of 2015.

ARTICLE 138. ON THE STRUCTURE, FUNCTIONS AND OPERATIVITY OF THE PROGRAM OF PSYCHOSOCIAL CARE AND INTEGRAL HEALTH TO VICTIMS. The National Government, according to what is contemplated in the previous article, will regulate the structure, functions and the way in which the Program of Psychosocial Attention and Integral Health to Victims will operate. In the same way, it will establish the articulation with the territorial entities of according to articles 172 and 173 of the present Law, for compliance at the territorial level, especially for the development of the strategy of the Single Model of Integral Attention to Victims.

CHAPTER. IX

Measures of satisfaction

ARTICLE 139. MEASURES OF SATISFACTION. The National Government, through the National Plan for Comprehensive Care and Reparation for Victims, must carry out actions aimed at restoring the dignity of the victim and disseminating the truth about what happened, according to 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 mitigate the victim's pain. Satisfaction measures should be interpreted as a mere denunciative title, which implies that others may be added:

a. Public recognition of the character of victim, of his dignity, name and honor, before the community and the offender;

b. Carry out any publications related to the previous literal.

c. Carrying out commemorative events

d. Realization of public recognitions,

e. Conducting public tributes

f. Construction of public monuments in perspective of reparation and reconciliation;

g. Support for the reconstruction of the movement and social fabric of peasant communities, especially women.

h. Public and complete dissemination of the victims' account of the fact that they victimized them, provided that they do not cause unnecessary damages or create safety hazards;

i. Contribute in the search for the disappeared and collaborate in the identification of corpses and their subsequent burial, according to family and community traditions, through the competent entities for that purpose;

j. Dissemination of 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 the perpetrators of human rights violations.

Paragraph For the adoption of any of the measures indicated above, as well as those that constitute other measures of satisfaction not contemplated in this law, the participation of the victims must be counted according to the mechanisms of participation provided for in the Constitution and the law, as well as the principle of differential approach established in article 13.

ARTICLE 140. EXEMPTION FROM SERVING IN THE MILITARY. Except in case of external war, the victims referred to in this law and who are obliged to perform military service, are exempt from lending, without prejudice to the obligation to register and advance the other procedures to resolve their military situation by a lapse of five (5) years counted from the date of enactment of this law or the occurrence of the victimizing act, which shall be exempt from any payment of the military compensation fee.

ARTICLE 141. SYMBOLIC REPAIR. Symbolic reparation is understood as any provision made in favor of the victims or the community in general that tends to ensure the preservation of the historical memory, the non-repetition of the victimizing 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 THE MEMORY AND SOLIDARITY WITH THE VICTIMS. On April 9 of each year, the Day of Memory and Solidarity with the Victims will be celebrated and events by memory and recognition of the events that have victimized Colombians will be made by the Colombian State. The Congress of the Republic will meet in full that day to listen to the victims in a day of permanent session.

ARTICLE 143. OF THE DUTY OF MEMORY OF THE STATE. The duty of State Memory translates into promoting the guarantees and conditions necessary for society, through its different expressions such as victims, academia, think tanks, social organizations, victim 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 promote or promote exercises aimed at the construction of a history or official truth that denies, violates or restricts the constitutional principles of plurality, participation and solidarity and the rights of freedom of expression and

thought. The prohibition of censorship consecrated in the Political Charter will also be respected.

ARTICLE 144. OF THE ARCHIVES ON VIOLATIONS TO HUMAN RIGHTS AND INFRACTIONS TO THE INTERNATIONAL HUMANITARIAN LAW OCCURRED ON THE OCCASION OF THE INTERNAL ARMED CONFLICT. Within six (6) months following the enactment of this Act, the Historical Memory Center will design, create and implement a Human Rights and Historical Memory Program, which will have the main functions of collection, preservation and custody of the materials collected or voluntarily delivered by natural or legal persons, who refer or document all the issues related to the violations contemplated in Article 3 of this Law, as well as the State response to such violations.

See NR. 2, art. 5, National Decree 4803 of 2011

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

Paragraph 1 °. In any case, experiences, projects, programs or any other initiative that advances public or private entities or organizations on the reconstruction of historical memory will not be hindered or interfered with. The territorial entities, in development of the principles of autonomy and decentralization, can develop initiatives on the matter and create spaces dedicated to this work.

Paragraph 2 The Office of the Attorney General shall guarantee the non-destruction, alteration, falsification, theft or modification of administrative files in all official institutions, at the regional and national levels. The foregoing without prejudice to the application of the relevant criminal norms, and of the documents that have a reserved nature.

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

Paragraph 4. Documents that are not reserved and are in private and public archives in which the violations contemplated in article 3 of the present Law are stated, will be constitutive of the documentary bibliographic patrimony.

Paragraph 5. The obtaining of copies that are requested, will be charged to the applicant.

ARTICLE 145. ACTIONS IN MATTERS OF HISTORICAL MEMORY. Within the actions in terms of historical memory shall be understood, whether developed by private initiative or by the Historical Memory Center, the following:

1. Integrate a file with the original documents or reliable copies of all victimizing facts referred to in this law, as well as documentation on similar processes in other countries, which are stored in places such as museums, libraries or archives of State entities.

2. Compile the corresponding oral testimonies to the victims and their relatives that in this law, through the social organizations of human rights and refer them to the file referred to in the previous paragraph, for which you can incorporate what was done in the public hearings held within the framework of Law 975 of 2005, provided that Observe legal reserve so that this information is public, and does not constitute revictimization.

3. To make available to the interested parties the documents and testimonies of those dealt with in numerals 1 and 2 of this article, provided that the documents or testimonies do not contain confidential information 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 formative activities on issues related to the internal armed conflict, with a differential approach.

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

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

Paragraph In these actions, the State must guarantee the participation of victim and social organizations and promote and recognize the initiatives of civil society to advance historical memory exercises, with a differential approach. Additionally, the historical memory activities referred to in this article will make special emphasis on the modalities of violence against women within the framework of the violations contemplated in article 3 of this Law.

Paragraph 2. Added by art. 29, Law 1719 of 2014.

ARTICLE 146. CENTER OF HISTORICAL MEMORY. The Historical Memory Center is created as a public establishment of the national order, attached to the Administrative Department of the Presidency of the Republic, with legal status, its own assets and administrative and financial autonomy, the Historical Memory Center will have its headquarters in the city of Bogotá, D. C.

See National Decree 4803 of 2011

ARTICLE 147. OBJECT, STRUCTURE AND OPERATION. The purpose of the Historical Memory Center shall be to gather and recover all documentary material, oral testimonies and by any other means related to the violations referred to in article 3 of this Law. The information collected shall be available to interested parties, to researchers and citizens in general, through museum activities, pedagogical and as many as are necessary to provide and enrich the knowledge of the political and social history of Colombia. Researchers and officials of the

Historical Memory Center may not be sued civilly or criminally investigated for the statements made in their reports.

The National Government will determine the structure, operation and scope of the Historical Memory Center.

ARTICLE 148. FUNCTIONS OF THE HISTORICAL MEMORY CENTER. These are general functions of the Historical Memory Center, without prejudice to those established in the Decree that establishes its structure and functioning: Design, create and manage a Memory Museum 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 referred to in Article 144 of this Law.

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

Section 3 added by art. 1, National Decree 2244 of 2011

Section 4 added by art. 1, National Decree 2244 of 2011

Section 4 added by art. 1, National Decree 2244 of 2011

See art. 5, National Decree 4803 of 2011

CHAPTER. X

Guarantees of non-repetition

ARTICLE 149. WARRANTIES OF NON- REPETITION. The Colombian State must adopt, among others, the following guarantees of non-repetition:

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

b). The verification of the facts and the public and complete dissemination of the truth, insofar as it neither causes unnecessary harm to the victim, witnesses or other persons, nor create a danger to their safety;

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

d). The prevention of violations contemplated in article 3 of this Law, for which will offer special prevention measures to the groups exposed to greater risk such as women, children, older adults, social leaders, members of trade union organizations, human rights defenders and victims of forced displacement, who tend to overcome stereotypes that favor discrimination, especially against women and violence against women in the context of the armed conflict;

e). The creation of a social pedagogy that promotes the constitutional values that founds reconciliation, in relation to the events that occurred in historical truth;

f). Technical strengthening of the criteria for the assignment of humanitarian demining work, which will be at the head of the Program for Comprehensive Assistance against Anti-personnel Mines;

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

h). Design of a unique strategy of training and pedagogy in respect of Human Rights and International Humanitarian Law, including a differential approach, aimed at public officials in charge of enforcing the law as well as members of the Public Force. The strategy must include a policy of zero tolerance for sexual violence in state entities;

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

j). Dissemination of information on the rights of victims located abroad;

k). Strengthening the Early Warning System.

l). The reintegration of children and adolescents who have participated in illegal armed groups;

m). Design and implementation of reconciliation strategies, projects and policies according to the provisions of Law 975, both socially and individually;

n). The exercise of effective control by the civil authorities over the Public Force (sic);

o). The declaration of insubordination and/or termination of the contract of public officials convicted for 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 pedagogy strategies in legal empowerment for victims;

r). The repeal of norms 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 the events that occurred within the framework of the violations contemplated in article 3 of this law.

Paragraph. The National Government, through the National Plan of Attention and Integral Reparation to the Victims will regulate the guarantees of non-repetition that correspond by strengthening the different plans and programs that make up the public policy of prevention and protection of the violations contemplated in the article 3º of this law.

ARTICLE 150. DISMANTLING OF ECONOMIC AND POLITICAL STRUCTURES. The Colombian State must adopt the measures aimed at achieving the dismantling of the economic and political structures that have benefited and that have sustained the illegal armed groups, in order to

ensure the realization of the guarantees of non-repetition of those discussed in the previous article.

CHAPTER. XI

Other reparation measures

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

ARTICLE 152. PERSONS OF COLLECTIVE REPARATION. For the purposes of this law, persons subject to the collective reparation will be referred to in the previous article:

1. Social and political groups and organizations;

2. Communities determined from a legal, political or social recognition made of the collective, or because of the culture, the area or the territory in which they live or a common purpose.

TITLE. V

OF INSTITUTIONALITY FOR THE ATTENTION AND REPARATION OF VICTIMS

CHAPTER. I

National Information Network for Attention and Reparation to Victims

ARTICLE 153. OF THE NATIONAL INFORMATION NETWORK FOR THE ATTENTION AND REPARATION OF VICTIMS. The Special Administrative Unit for Comprehensive Attention and Reparation to Victims will be responsible for the operation of the National Network of Information for Attention and Reparation to Victims.

The National Information Network for Attention and Reparation to Victims will be the instrument that will guarantee the National System of Attention and Reparation to Victims a fast and efficient national and regional information regarding the violations that are considered in article 3 of this Law, it will allow the identification and diagnosis of the circumstances that caused and cause the harm to the victims.

It will evaluate the magnitude of the problem, and will allow the National System of Attention and Integral Reparation to the Victims adopt measures for immediate attention, elaborate plan It is for the comprehensive attention and reparation of the victims registered in the Victims' Registry.

In the same way, the Special Administrative Unit for the Attention and Integral Reparation to the victims, must guarantee the interoperability of the registration information systems, attention and reparation to victims, for which it will be supported in the National Network that currently manages the Presidential Agency for Social Action and International Cooperation to care for the population in displacement situation, and that will be transferred to the Care and Reparation Unit Integral to the Victims within one (1) year counted from the promulgation of this law.

CHAPTER. II

Single Registry of Victims

ARTICLE 154. SINGLE REGISTRY OF VICTIMS. The Special Administrative Unit for Comprehensive Attention and Reparation to Victims will be responsible for the operation of the Single Victim Registry. This Registry will be supported in the Single Registry of Displaced Population that is currently managed by the Presidential Agency for Social Action and International Cooperation for the attention of the displaced population, and which will be transferred to the Integral Attention and Reparation Unit at the Victims within one (1) year counted from the promulgation of this Law.

Paragraph. The Presidential Agency for Social Action and International Cooperation must operate the records of the victim population under their care and existing at the effective date of this Law, including the Single Registry of Displaced Population, while achieving interoperability of these records and the Single Register of Victims guaranteeing the integrity of the current records of the information.

ARTICLE 155. APPLICATION FOR REGISTRATION OF VICTIMS. The victims must present a declaration before the Public Ministry within a term of four (4) years counted from the enactment of this law for those who have been victimized prior to that moment, and two (2) years counted from of the occurrence of the event with respect to those who are after the validity of the law, in accordance with the requirements established for that purpose by the National Government, and through the instrument designed by the Special Administrative Unit for Comprehensive Attention and Reparation to victims, which will be of mandatory use by the entities that make up the Public Ministry.

In the event of force majeure that has prevented the victim from submitting the application for registration within the term established in this article, it must begin to count as soon as the circumstances that gave rise to such impediment cease, for which purpose it must report The Public Ministry will send this information to the Special Administrative Unit for Comprehensive Attention and Reparation to Victims.

The assessment made by the official in charge of carrying out the assessment process must respect the constitutional principles of dignity, good faith, legitimate trust and prevalence of substantial right.

Paragraph. People who are currently registered as victims, after a valuation process, will not have to submit an additional statement for the same victimizing facts. For purposes of determining if the person is already registered, existing databases will be taken into account at

the time of the issuance of this Law. In the events in which the person refers victimizing facts additional to those contained in the databases existing, must present the statement referred to in this article.

ARTICLE 156. REGISTRATION PROCEDURE. Once the application for registration is filed with the Public Prosecutor's Office, the Special Administrative Unit for Comprehensive Attention and Reparation to Victims will verify the victimizing facts included in it, for which it will consult the databases that conform the National Information Network for Attention and Reparation to Victims.

Based on the information included in the application for registration, as well as the information collected in the verification process, the Special Administrative Unit for Comprehensive Attention and Reparation at the Victims will adopt a decision in the sense of granting or denying registration within a maximum term of sixty (60) business days.

Once the victim is registered, he will access the assistance and reparation measures provided for in this law depending on the violation in their rights and the characteristics of the victimizing event, except for humanitarian aid measures and emergency health care, which may be accessed from the moment of victimization. The registration does not confer the quality of victim, and the inclusion of the person in the Single Victims Registry will be sufficient for the entities to provide the attention, assistance and reparation measures to the victims that correspond according to the case.

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

Paragraph 2. In the event that the victim mentions the name or names of the potential perpetrator of the damage alleged to have suffered to access the attention, assistance and reparation measures provided for in this law, this name or names, under no circumstances, will be included in the administrative act by which the registration is granted or denied.

Paragraph 3. The National Government must establish mechanisms for the reconstruction of the truth and historical memory, in accordance with articles 139, 143, 144 and 145 of this Law, and they must 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, it will be governed by what is established in Title III, Chapter III of this law.

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

Paragraph 6. The victim may file additional documents at the time of filing his statement with the Public Prosecutor, who must send it to the entity in charge of the Single Victim Registry to be taken into account at the time of the verification process.

ARTICLE 157. RESOURCES AGAINST THE DECISION OF THE REGISTRY. Against the decision that denies the registration, the applicant may file an appeal for reconsideration before the official

who made the decision within five (5) days after the notification of the decision. The applicant may file an appeal before the Director of the Special Administrative Unit for Comprehensive Attention and Reparation to Victims referred to in this Law against the decision that resolves the appeal for reconsideration within five (5) days after the Notification of this decision.

The entities that make up the Public Ministry may file appeals before the official who made the decision and subsidize the appeal to the Director of the Special Administrative Unit for Comprehensive Attention and Reparation to Victims that the present law deals with, against the decision that grants the registration, within the following five (5) days counted from its 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 which it is not necessary to obtain the consent of the registered individual.

ARTICLE 158. ADMINISTRATIVE ACTIONS. The actions that are carried out in relation to the registration of the victims will be processed in accordance with the principles and procedure established in the Contentious Administrative Code. In particular, the constitutional principle of due process, good faith and favorability must be guaranteed. The required evidence will be added.

It should be ensured that an application for registration is decided in the shortest possible time, in the framework of an agile and expeditious administrative procedure, in which the State will bear the burden of the evidence.

In all administrative proceedings in which victims have the right to obtain a timely and effective response within the deadlines established for that purpose, to provide documents or other evidence, so that these documents are valued and taken into account by the authorities at the time of deciding.

CHAPTER. II

National System of Attention and Comprehensive Reparation to Victims

ARTICLE 159. CREATION OF THE NATIONAL SYSTEM OF ATTENTION AND COMPREHENSIVE REPARATION TO VICTIMS. Create the National System of Comprehensive Attention and Reparation to Victims, which will be constituted by the set of public entities from the governmental and state level in the national and territorial orders and other public or private organizations, responsible for formulating or executing the plans, programs, projects and specific actions, tending to the integral attention and reparation of the victims that this law deals with.

ARTICLE 160. OF THE CONFORMATION OF THE NATIONAL SYSTEM OF ATTENTION AND REPARATION TO VICTIMS. The National System of Attention and Reparation to Victims will be made up of the following entities and programs:

At the national level 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 Defense

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 Communications 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 Integral Attention and Reparation to Victims

15. The Special Administrative Unit for the Management of the Restitution of Dispossessed Lands

16. The Office of the Attorney General of the Nation

17. The Ombudsman's Office

18. The National Registry of Civil Status

19. The Superior Council of the Judicature - Administrative Chamber (sic)

20. The National Police

21. The National Learning Service

22. The Colombian Institute of Credit and Technical Studies Abroad

23. The Colombian Family Welfare Institute

24. The Colombian Institute for Rural Development

25. The General Archive of the Nation

26. The National Institute of Legal Medicine and Forensic Sciences

27. The Geographical Institute Agustín Codazzi

28. The Superintendence of Notaries and Registration

29. The Foreign Trade Bank

30. The Fund for the Financing of the Agricultural Sector

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

32. The Table of Participation of Victims of the national level, according to Title VIII.

In the territorial order by:

1. For the Departments, Districts and Municipalities.

2. For functionally decentralized entities or for services with functions and competencies for the attention and reparation to the victims referred to in this law.

3. For the Victims Participation Table of the respective level, according to Title VIII.

And the following programs:

1. Presidential Program of Comprehensive Assistance against antipersonnel mines.

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

ARTICLE 161. OBJECTIVES OF THE SYSTEM OF CARE AND REPARATION TO VICTIMS. The objectives of the entities that make up the National System of Attention and Integral Reparation to the Victims, as part of said System, will be the following:

1. Participate in the formulation and implementation of the integral policy of attention, assistance and reparation to the victims that this law deals with.

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

3. Adopt assistance measures that contribute to the restoration of the rights of the victims dealt with in this law, providing conditions to lead a dignified life.

4. Adopt measures that contribute to guarantee the effective and efficient reparation to victims who have suffered damage as a result of the violations contemplated in article 3 of this Law.

5. Adopt the plans and programs that guarantee the effective exercise of the rights of the victims and the implementation of the measures that this law deal with.

6. Integrate public and private efforts for proper comprehensive care and guarantee of human rights and the application of International Humanitarian Law that assist victims.

7. Guarantee the timely and efficient channeling of the human, technical, administrative and economic resources that are essential for the fulfillment of the plans, projects and programs of attention, assistance and integral reparation to the victims at their national and territorial levels.

8. 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 manner and articulated 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 for compliance with the provisions of this law.

10. Carry out institutional efforts and support the implementation of an information platform that allows the integration, development and consolidation of the information of the different entities which are part of the National System of Attention and Integral Reparation to the Victims, in order to carry out the monitoring, follow-up and evaluation of the fulfillment of the responsibilities attributed in the framework of this law.

11. Support the efforts of the Civil Society Organizations that accompany and follow up the process of assistance, assistance and integral reparation to the victims

12. Guarantee the adequate coordination between the nation and the territorial entities and among 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. To achieve the above objectives, the National Plan for Comprehensive Care and Reparation to Victims will be developed.

See District Decree 657 of 2011

ARTICLE 162. OF THE OPERATION OF THE NATIONAL SYSTEM OF ATTENTION AND REPARATION TO VICTIMS. The System will have two instances at the national level: The Executive Committee for Attention and Reparation to Victims which will design and adopt the public policy on care, assistance and reparation to victims in coordination with the agency referred to in Next article and a Special Administrative Unit for Comprehensive Attention and Reparation to Victims that will coordinate the execution 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. BODIES OF DIRECTION, COORDINATION AND EXECUTION OF THE PUBLIC POLICY IN MATTERS OF ASSISTANCE, ATTENTION AND REPARATION TO THE VICTIMS. For the formulation and adoption of policies, general plans, programs and projects for assistance, attention and reparation to the victims of the violations considered in article 3 of this Law, social inclusion, attention to vulnerable groups and the social and economic reintegration, a first level institution of the Public Administration will be created, of the central sector, of the Executive Branch of the national order.

ARTICLE 164. EXECUTIVE COMMITTEE FOR THE ATTENTION AND REPARATION OF THE VICTIMS. The Executive Committee for Attention and Reparation to Victims must be formed, which will be integrated as follows:

1. The President of the Republic or his representative, who will preside him.

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 whoever he delegates.

5. The Director of the National Planning Department or whoever he delegates.

6. The Director of the Presidential Agency for Social Action and International Cooperation or whoever he delegates.

7. The Director of the Special Administrative Unit for Comprehensive Attention and Reparation to Victims.

Paragraph 1. The Technical Secretariat of the Executive Committee for Comprehensive Attention and Reparation to Victims will be exercised by the Special Administrative Unit for Comprehensive Attention and Reparation to Victims.

Paragraph 2. The Ministers and Directors who make up the Committee may delegate their participation only to deputy ministers, deputy directors, Secretaries General or Technical Directors.

ARTICLE 165. FUNCTIONS OF THE EXECUTIVE COMMITTEE FOR THE ATTENTION AND REPARATION OF VICTIMS. The Executive Committee for Attention and Reparation to Victims is the highest decision-making body of the National System of Attention and Reparation to Victims, with the aim of realizing the rights to truth, justice and integral reparation. In development of this mandate, it will have the following functions:

1. Design and adopt the policies, strategies, plans, programs and projects for the assistance, assistance and integral reparation to the victims.

2. Design, adopt and approve the National Comprehensive Attention and Reparation Plan that this law dealt with.

3. Provide that the entities of the National System of Attention and Reparation to the Victims guarantee the attainment of budgetary resources, and 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 timely provision of the services.

4. Support and manage the achievement of budgetary resources for the execution of policies, strategies, plans, projects and programs.

5. Approve the bases and criteria of public investment in terms of attention, assistance and comprehensive reparation to Victims.

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

7. Track the implementation to the present Law, taking into account the effective contribution to the rights to truth, justice and integral reparation of the victims, in accordance with the obligations considered in this Law.

8. Give its own regulation.

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

Paragraph 1. The Executive Committee for Attention and Reparation to Victims will meet at least once every six (6) months, and in an extraordinary manner when deem it necessary. The Executive Committee will also have the technical subcommittees that are required for the design of the public policy of integral attention and reparation.

Paragraph 2. To fulfill its functions, the Executive Committee for Attention and Reparation to Victims may convene as guest's representatives or delegates from other entities it deems appropriate, as well as two representatives of the Victims' Participation Table of the national level of agreement to the provisions of title VIII of this law.

ARTICLE 166. SPECIAL ADMINISTRATIVE UNIT FOR CARE AND REPARATION TO VICTIMS. The Unit of Attention and Integral Reparation to the Victims is created as a Special Administrative Unit with legal status and administrative and patrimonial autonomy, attached to the Administrative Department of the Presidency of the Republic.

The Unit will have its headquarters in Bogotá DC, and its assets will be constituted for the contributions of the General Budget of the Nation, the assets transferred by the Nation and other public entities of the national order and the rest of the income received in any capacity.

ARTICLE 167. OF THE MANAGEMENT AND ADMINISTRATIVE ORGANS. The Special Administrative Unit of Integral Attention and Reparation to Victims will have a Director of free appointment and removal by the President of the Republic, and will have the internal structure and the personnel which the National Government will fix, according to the needs of the service.

ARTICLE 168. OF THE FUNCTIONS OF THE SPECIAL ADMINISTRATIVE UNIT FOR THE ATTENTION AND COMPREHENSIVE REPARATION OF VICTIMS. The Special Administrative Unit of Integral Attention and Reparation to Victims will coordinate in an orderly, systematic, coherent, efficient and harmonious manner the actions of the entities that make up the National System of Attention and Reparation to Victims in regard to the execution and implementation of the public policy of attention, assistance and integral reparation to the victims and will assume the coordination competencies indicated in Laws 387, 418 of 1997, 975 of 2005, 1190 of 2008, and in the other norms that regulate the coordination of policies aimed at satisfying the rights to truth, justice and reparation to victims. In addition, it is responsible for fulfilling the following functions:

1. Providing the necessary supplies for the design, adoption and evaluation of the public policy of comprehensive attention and reparation to victims.

2. Guarantee the operation of the National Information Network for Attention and Reparation to Victims, including the interoperability of the different information systems for the assistance and reparation to victims.

3. Implement and administer the Single Registry of Victims, guaranteeing the integrity of the current records of the information.

4. Apply certification instruments to the entities that make up the National System of Attention and Reparation to Victims, with respect to their contribution to the effective enjoyment of the

rights to truth, justice and integral reparation to victims, in accordance with the obligations considered in the present law.

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

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

7. Administer the necessary resources and to deliver to the victims the compensation by administrative means that this law deals with.

8. Administer the Fund for the Reparation to Victims and pay the judicial compensations ordered in the framework of Law 975 of 2005.

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

10. Guarantee the mechanisms and strategies for the effective participation of the victims with a differential focus in the design of plans, programs and projects for attention, assistance and comprehensive reparation.

11. Coordinate the creation, strengthening and implementation, as well as manage the Regional Centers of Attention and Reparation that it considers relevant for the development of its functions.

12. Define the criteria and supply the necessary supplies to design the collective reparation measures according to articles 151 and 152, and implement the collective reparation measures adopted by the Executive Committee of Attention and Reparation to the victims.

13. Develop strategies in the handling, accompaniment, orientation, and monitoring of humanitarian emergencies and terrorist attacks.

14. Implement actions to guarantee timely and comprehensive assistance in the emergency of massive displacements.

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

16. Deliver humanitarian assistance to victims referred to in article 47 of this law, as well as the emergency humanitarian aid referred to in Article 64, which may be delivered directly or through the territorial entities. Carry out the assessment that is dealt with in article 65 to determine the humanitarian assistance of transition to the displaced population.

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

18. 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 conditions of habitability in case of terrorist attacks where houses have been affected.

21. The others indicated by the National Government.

Paragraph. The Regional Centers of Attention and Reparation referred to in this article, will unify and gather the entire institutional offer for the care of victims, so that they only have to go to these Centers to be informed about their rights and sent to effectively and immediately access the assistance and reparation measures enshrined in this law, as well as for the purposes of the Single Victim Registry. For this purpose, the Special Administrative Unit of Integral Attention and Reparation to Victims may enter into inter-administrative agreements with the territorial entities or the Public Prosecutor's Office, and in general, enter into any type of agreement that guarantees the unification regarding to the attention to the victims that this law deals with. These regional centers of attention and reparation will be supported in the infrastructure that currently serves victims, for which purpose it will be coordinated with the agency referred to in article 163 of this Law.

ARTICLE 169. DISCONCENTRATION. The Special Administrative Unit for Attention and Reparation to Victims will perform its functions in a di-concentrated manner, through the units or territorial units with which the Presidential Agency for Social Action and International Cooperation or the entity that fulfills its functions, for which it will subscribe the corresponding agreements.

The Special Administrative Unit for Attention and Reparation may subscribe the agreements that are required for the good provision of the service with the entities or organisms of the territorial order.

ARTICLE 170. TRANSITION OF THE INSTITUTIONALITY. During the year following the validity of this law, the National Government must make the institutional adjustments required in the entities and agencies that currently perform functions related to the subjects covered by this Law, in order to avoid duplication of functions and guarantee continuity in the service, without at any time affecting the assistance to the victims.

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

Paragraph. Until the structure and staff of the Special Administrative Unit for Comprehensive Assistance and Reparation to Victims is adopted, and the Presidential Agency for Social Action and International Cooperation in the Administrative Department, this entity, as well as the rest which are fulfilling these functions, will continue executing the attention and reparation policies to the victims that this law deals with.

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

ARTICLE 171. TRANSITION OF THE NATIONAL COMMISSION OF REPARATION AND RECONCILIATION. The Unit of Attention and Integral Reparation to the Victims, will assume the functions and responsibilities of the National Commission of Reparation and Reconciliation - CNRR, established in Law 975 of 2005 and the other norms and decrees that regulate, modify or add, within the year following the issuance of this law. Likewise, it will integrate for its operation all the documentation, experience and knowledge accumulated by the National Commission of 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 manner, coordinated and articulated.

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

ARTICLE 172. COORDINATION AND ARTICULATION NATION-TERRITORY. The Integral Attention and Reparation to Victims Unit should design, based on the principles of coordination, concurrence and subsidiarity established in the Political Constitution, a strategy that allows articulating the public offer of national, departmental, district and municipal policies in matters of humanitarian aid, assistance, assistance and integral reparation, taking into account the following:

The differential conditions of the territorial entities in terms of factors such as their fiscal capacity, index of unsatisfied basic needs and pressure index, understood the latter as the relationship existing among the victim population to serve a municipality, district or department and its total population, taking into account also 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 matters of humanitarian aid, attention, assistance and reparation to victims.

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

3.1. Carry out the technical accompaniment of the departmental and local level instances, for the formulation of the programs of integral attention and reparation of victims.

3.2. Provide technical, administrative and financial assistance in the terms indicated in this law.

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

3.4. Delegate by means of agreements processes of timely assistance as it is with respect to the characterization of the condition of victim and of the integral identification of the family nucleus.

3.5. Provide to territorial entities with the information they need to adapt their care and reparation plans to 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 service.

3.7. Carry out a periodic and systematic representative sample that allows to measure the conditions of the homes served by the programs of integral attention and reparation in the survey of 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 complementarity schemes of the local and sectional efforts to address territorial priorities before the victims in the terms established in this law.

3.10. Provide technical assistance for the design of plans, projects and programs in accordance with the provisions in the present law, at the departmental, municipal and district levels, for which the participation of such territorial entities, the Department of National Planning and the Special Administrative Unit will participate for the Assistance and Integral Reparation to the Victims.

ARTICLE 173. OF THE TERRITORIAL COMMITTEES OF TRANSITIONAL JUSTICE. The National Government, through the Special Administrative Unit of Comprehensive Care and Reparation to Victims, will promote the creation of the Transitional Justice Territorial Committees with the support of the Ministry of the Interior and Justice, responsible for preparing action plans in the framework of development plans in order to achieve comprehensive care, assistance and reparation to victims, coordinate actions with the entities that make up the National System of Attention and Reparation to Victims at the departmental, district and municipal levels, articulate the institutional offer to guarantee the victims' rights to truth, justice and reparation, as well as the materialization of the guarantees of non-repetition, coordinate activities on social inclusion and social investment for the vulnerable population and adopt the measures leading to materialize the policy, plans, programs and strategies regarding disarmament, demobilization and reintegration.

See District Decree 083 of 2012

These committees will be made up of:

1. The Governor or the mayor who will preside, as the case may be.

2. The departmental or municipal government secretary, as the case may be.

3. The Secretary of departmental or municipal planning, 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 the Brigade Commander, who has 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 Apprenticeship Service (SENA).

10. A representative of the Public Ministry.

11. Two representatives of the Victim 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 of Assistance and Reparation Comprehensive for Victims.

Paragraph 1 °. The committees dealt with in this article may convene representatives or delegates from other entities that, within the framework of this law, contribute to guaranteeing the rights to truth, justice and integral reparation to victims, and in general to civic organizations or the persons or representatives that it deems convenient.

Paragraph 2 °. The Governor or mayor, will perform the technical secretariat of the territorial committees of transitional justice, for which they will 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 delegate, in any case, their participation in the same or any of its meetings.

ARTICLE 174. OF THE FUNCTIONS OF THE TERRITORIAL ENTITIES. With a view to fulfilling the objectives set forth in article 161, and in accordance with articles 172 and 173, and within the year following the promulgation of this law, the territorial entities will proceed to design and implement, through the procedures corresponding, programs of prevention, assistance, attention, protection and comprehensive reparation to the victims, which must have budgetary allocations within the respective development plans and must adhere to the guidelines established in the National Plan for Comprehensive Care and Reparation to the Victims.

See District Decree 083 of 2012.

Without prejudice to the foregoing, the territorial entities must fulfill the following special functions for the assistance and comprehensive reparation to the victims:

1. With charge to the resources of the departmental, district or municipal budget, subject to the guidelines established in their respective Departmental, District and Municipal Development Plans and in accordance with the National Plan of Assistance and Reparation to the Victims, they must provide them with urgent assistance, assistance of funeral expenses, complement the measures of comprehensive assistance and reparation and manage the presence and timely response of the respective national authorities for the assistance and comprehensive reparation to the victims.

2. With charge to the resources received from the General Participation System and subject to the corresponding constitutional and legal rules, guarantee the efficient and timely provision of health services, education, potable water and basic sanitation.

3. Subject to the orders and guidelines issued by the President of the Republic for the maintenance, conservation and restoration of public order, guarantee the safety and personal protection of the victims with the support of the National Police, which must be available through Governors and Mayors as the first administrative police authorities at the departmental, district and municipal orders. For this purpose, the Ministry of Interior and Justice will coordinate with the territorial authorities the implementation of these measures.

4. To prepare and execute action plans to ensure the application and effectiveness of prevention measures, assistance, care and comprehensive reparation to victims in their respective territories, responding to the different victimizing events generated by the violations referred to in Article 3 of this Law.

Paragraph 1. The plans and programs adopted by the territorial entities must guarantee the fundamental rights of the victims and will take into account the differential approach.

Paragraph 2. The action of the departments, districts and municipalities corresponds to the one that, in compliance with the constitutional and legal terms, must render in favor of the population, without prejudice to the action to be fulfilled by these and other public authorities subject to the principles of concurrency, complementarity and subsidiarity.

Paragraph 3. Mayors and District and Municipal Councils respectively will guarantee to the District and Municipal Personero (people's reps) the means and the necessary resources for the fulfillment of the functions related to the implementation of this Law.

See District Decree 657 of 2011

CHAPTER. IV

National Plan of Assistance and Comprehensive Reparation to Victims

ARTICLE 175. DESIGN AND OBJECTIVES OF THE NATIONAL PLAN OF ATTENTION AND COMPREHENSIVE REPARATION OF VICTIMS. The National Government, within the year following the issuance of the present Law, will adopt by means of a regulatory decree, the National Plan of Assistance and Comprehensive Reparation to the Victims, which will establish the necessary mechanisms for the implementation of all measures of attention, assistance and reparation contemplated in this Law.

For this purpose, the National Government must develop a CONPES document which will include the plan for the execution of the goals, budget and the monitoring mechanism, and will determine annually the destination, the transfer and execution mechanisms, the amount of resources and entities, according to the obligations contemplated in this law, for the next fiscal period.

Paragraph: The National Government will tend to include the victims in the process of design and monitoring the Plan of Attention and Reparation to the Victims.

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

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

2. To implement comprehensive reparation measures that are useful along with 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 standards, constitutional norms and other regulations on the matter, as well as the criteria of reparation enunciated by the jurisprudence and the National Commission of Reparation and Reconciliation.

3. To adopt mechanisms that facilitate legal assistance to victims to guarantee the right to truth, justice, restitution of violated rights and their patrimonial assets as well as the right to comprehensive reparation.

4. To design and adopt measures that guarantee victims access to plans, programs and integral projects of urban and rural development, offering them the necessary means to reparation the damage suffered, avoiding victimization processes.

5. To provide special assistance to women and children, preferentially to widows, women heads of household and orphans.

6. To design a strategy of comprehensive attention to victims to articulate the attention provided by state institutions in order to ensure the effectiveness and efficiency that is provided to victims, also seeking full articulation between the central and territorial levels.

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

Paragraph. In order to comply with the National Plan, it is necessary to implement the institutional design at both the national and territorial level, and those programs must meet the necessities of care and the right to reparation to the victims.

CHAPTER. IV (SIC)

Reparation Fund for the Victims of Violence

ARTICLE 177. REPARATION FUND. Article 54 of Law 975 of 2005 will be added with the following subsection:

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

a). The product of fines imposed on individuals or illegal armed groups in the context of judicial and administrative proceedings;

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

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

d). The amount collected by chain stores and large supermarkets by way of voluntary donation of the amount required for the rounding of the rounds;

e). The amount of economic condemnation of those who have been sentenced for committing a crime to organize, promote, arms or finance illegal armed groups.

f). The amount established in the judgment as a result of the support provided by companies that have financed illegal armed groups.

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

Paragraph 1. The rural real estate that has entered the Reparation Fund for the Victims of Violence will be transferred at the request of the Special Unit for Management of Dispossessed Lands, in the terms and through the procedure that the National Government will establish for that purpose. From the issuance of this law, real estate delivered within the framework of the process of Law 975 of 2005, will be transferred directly to the Special Administrative Unit for Management of Dispossessed Lands at its request, and making sure this does not affect specific destinations of reparations as established in Law 975 of 2005 and other regulations that regulate the subject.

Paragraph 2. Financial institutions may arrange the necessary measures to inform their users and customers of ATMs and Internet portals, on the option to contribute to the Repayment Fund referred to in this article, by donating an amount not less than 1% of the daily minimum wage in force, for each transaction carried out.

Paragraph 3. The chain stores and large supermarkets will provide the necessary measures to inform their customers about the option to voluntarily contribute to the Reparation Fund referred to in this article by donating the amount required for the rounding of the rounds. Those amounts will be transferred each month due to the Reparations Fund and the transfer costs 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 the Victims referred to in Article 54 of Law 975 of 2005 will be made through private law. For their conservation may be subject to marketing, alienation or disposal 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.

The alienation or any legal transaction on the assets of the Fund will be carried out by means of an administrative act that is registered with the corresponding Registry Office, when the legal nature of the asset requires it.

CHAPTER. V

Disciplinary regime of public officials against the victims.

ARTICLE 178. DUTIES OF PUBLIC OFFICIALS. The duties of public officials are to face the victims:

1. To respect and ensure that the 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, effectively, quickly, completely and impartially.

3. To treat the victims with humanity and respect for their dignity and their human rights.

4. To adopt or request from the competent authority immediately the appropriate measures to guarantee the security, their physical and psychological well-being and their privacy, as well as those of their families, in accordance with the existing protection programs.

5. To treat victims with special consideration and attention so that legal and administrative procedures aimed at doing justice and granting reparation which not lead to new trauma.

6. To ensure equal and effective access to justice; the adequate and effective reparation of the impaired right and the access to pertinent information on the violations and the mechanisms of reparation, independently of whoever is ultimately responsible for the violation.

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

8. To verify the facts and their public and complete disclosure, insofar as they do not cause more damage or threaten the safety and interests of the victim, their relatives, witnesses or persons who have intervened to help the victim or prevent that new violations occur.

9. To advance all actions aimed at the search for missing persons, the identities of the hostages and the bodies of the murdered persons, including unidentified persons buried as NN as well as providing assistance to establish the whereabouts of the victims, recover them, identify them and re-inhuman them according to the explicit or presumed desire of the victim or the cultural traditions or practices of their family and community. The application of the National Plan of Search for Disappeared Persons is mandatory.

Paragraph 1. The duties mentioned in numerals 6, 8, and 9 will be predicable before the competent authorities.

Paragraph 2. The Public Ministry will monitor the fulfillment of the duties established here, especially, the legal duty of search of victims incorporated into the National Registry of Disappeared Persons. The omission of the legal duty of search and identification of missing persons by public officials will be disciplined.

ARTICLE 179. DISCIPLINARY FAULTS. The public official will be subject to serious disciplinary offenses that:

1. Being obliged to do so, refuse to give an official declaration that restores the dignity, reputation and rights of the victim and of the persons closely related to it;

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

3. Prevent or obstruct the access of victims and their representatives to information, not subject to legal reserve, 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 the victims or about the events that led to the victimization.

5. Discriminate because of victimization.

ARTICLE 180. RESPONSIBILITY OF OFFICERS. Without prejudice to the criminal or disciplinary responsibility that may arise, public servants who, in the exercise of criminal proceedings or any other type of jurisdictional or administrative action, affect the rights of the victims, will answer before the Tribunals and competent Courts for said infractions.

TITLE. VII

COMPREHENSIVE PROTECTION OF CHILDREN AND ADOLESCENTS VICTIMS

ARTICLE 181. RIGHTS OF VICTIM CHILDREN AND GIRLS. For the purposes of this law, a child under the age of 18 years will be understood as a child and adolescent. The children and adolescents victims of the violations contemplated in article 3 of the present Law, will enjoy all the civil, political, social, economic and cultural rights, with the preferential character and will additionally be entitled, among others:

1. To the truth, justice and integral reparation.

2. To the restoration of their prevailing rights.

3. To protection against all forms of violence, harm, physical or mental abuse, ill-treatment or exploitation, including illicit recruitment, forced displacement, anti-personnel mines and unexploded ordnance and all types of sexual violence.

Paragraph. For the purposes of this Title will also be considered victims, children and adolescents conceived as a result of a sexual violation during the internal armed conflict.

ARTICLE 182. COMPREHENSIVE REPARATION. Children and adolescents victims under the terms of this law, have the right to comprehensive reparation. This right includes the measures of compensation, rehabilitation, satisfaction, restitution and guarantees of non-repetition.

Paragraph 1 °. The comprehensive reparation included in this article will be assumed by the State as a whole through the competent entities, particularly those that make up the National Family Welfare System.

Paragraph 2 °. The Executive Committee for the Attention and Reparation of Victims with the support of the Colombian Institute of Family Welfare as coordinator of the National Family Welfare System, will design with the foundation in this law the specific guidelines to guarantee a comprehensive reparation process for children, girls and adolescent victims, which must be included in the Conpes document that this law addresses.

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

ARTICLE 184. RIGHT TO COMPENSATION. Children and adolescents victims have the right to obtain compensation. Their parents, or failing that, the family defender, may raise the request, as legal representatives of the child or adolescent, of the compensation to which they are entitled.

When the children or adolescents have been victims of illicit recruitment, they must have been dissociated from the illegal armed group when they are under age to access to compensation.

ARTICLE 185. ESTABLISHMENT OF FIDUCIARY FUNDS FOR CHILDREN, GIRLS AND ADOLESCENTS. The judicial or administrative entity that recognizes the compensation in favor of a child or adolescent, will order, in all cases, the constitution of a fiduciary order in favor of the same, making sure that it is the one that has obtained on average the largest financial performance in the last six months. The amount of money will be delivered once they reach the age of majority.

ARTICLE 186. ACCESS TO JUSTICE. It is the obligation of the State to investigate and punish the perpetrators and participants in the violations considered in Article 3 of this Law, of which children and adolescents are victims.

For this purpose, the Office of the Attorney General of the Nation, the Attorney General of the Nation, the Office of the Ombudsman and the Colombian Institute of Family Welfare 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 to be guaranteed a process of construction of coexistence and restoration of trust relationships between different segments of society by the State as a whole,

For this purpose, the Colombian Institute of Family Welfare taking into consideration the recommendations of the National Commission of Reparation and Reconciliation, it will give the guidelines of a Reconciliation policy so that they can be adopted by the National Family Welfare System.

ARTICLE 188. ORPHAN CHILDREN AND ADOLESCENTS. All children or adolescents who are orphans, both of father and mother, or of only one of them, as a consequence of the violations referred to in article 3 of this Law, will be entitled to full reparation. Any authority of the departmental, regional or local order, and any public servant who is aware of this situation, should communicate this situation immediately to the Colombian Institute of Family Welfare, so that through the Family Ombudsman, judicial proceedings can be initiated and administrative units oriented to the integral reparation of their rights.

ARTICLE 189. CHILDREN AND ADOLESCENTS VICTIMS OF ANTIPERSONAL MINES, UNEXPLUNED AMMUNITIONS AND IMPROVISED EXPLOSIVE ARTEFACTS. All children and adolescents victims of anti-personnel mines, unexploded ammunition and improvised explosive devices will be entitled to full reparation. Children and adolescents victims of anti-personnel mines, unexploded ammunition and improvised explosive devices will have the right to receive, free of charge and for the time defined according to technical-scientific criteria, medical

treatment, prosthetics, orthotics and psychological assistance, to guarantee their full rehabilitation.

Paragraph. The recognition and payment of the treatment referred to in this article, will be made through the Ministry of Social Protection from the resources to the Solidarity and Guarantee Fund of the General Social Security System in Health, FOSYGA, sub-account of catastrophic events and traffic accidents, unless they are covered by another health insurance entity and fully comply with and develop Title III of Law 1438 of 2011.

ARTICLE 190. CHILDREN AND ADOLESCENTS VICTIMS OF ILLICIT RECRUITMENT. All children and adolescents victims of recruitment will have the right to comprehensive reparation under the terms of this law. Children and adolescents victims of the crime of illicit recruitment may claim compensation for the damage, in accordance with the statute of limitations established in article 83 of the Penal Code.

The restitution of the rights of children and adolescents will be on charge by of the Colombian Institute of Family Welfare. Once the children and adolescents reach the age of majority, they can enter the process of social and economic reintegration led by the High Council for the Social and Economic Reintegration of People and Groups Elevated in Arms, provided that they have the certification of disengagement of an illegal armed group issued by the Operative Committee for the Surrender of Arms.

ARTICLE 191. MOST FAVORABLE STANDARD. The rules of this title will be applied without prejudice to the provisions of other provisions of this law. In case of doubt, in the processes of administrative reparation, the provision that is most favorable for the child or adolescent will be applied, in accordance with the best interest of the child.

TITLE. VIII

PARTICIPATION OF THE VICTIMS

ARTICLE 192. It is the duty of the State to guarantee the effective participation of the 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 thereof. For this, 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 its representatives in the decision and monitoring instances foreseen in this law, access to information, the design of adequate participation spaces for the effective participation of victims at the national, departmental and municipal levels.

Conduct accountability exercises on compliance with 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 must have the participation of victim organizations.

ARTICLE 193. VICTIMS PARTICIPATION TABLE. The timely and effective participation of the victims covered by this law will be guaranteed in the areas of design, implementation, execution

and evaluation of the policy at the national, departmental, and municipal and district levels. To this end, the Victim Participation Tables must be formed, promoting the effective participation of women, children, adolescents, and elderly victims, in order to reflect their agendas.

Participation in these spaces by organizations that defend the rights of the victims will be guaranteed, in order to guarantee the effective participation of victims in the election of their representatives in the various decision-making and monitoring bodies to comply with the law and the plans, projects and programs they believe in virtue of it, participate in accountability exercises of the responsible entities and carry out citizenship oversight exercises, without prejudice to the social control that other organizations at the margin of this space can do.

Paragraph 1. For the creation of the tables at the municipal, departmental and national level, the organizations dealt with in this article interested in participating in that space, must register with the Ombudsman in the case of a municipal or district level, or before the Ombudsman's Office in the departmental and national case, who in turn will exercise the Technical Secretariat at the respective level.

It will be an essential 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 to the National Participation Table for Victims, to belong to the table at the corresponding departmental level.

Paragraph 2. These tables must be completed 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 Attention and Reparation to Victims.

Paragraph 3. The Victims Participation Table at the national level, will be responsible for the election of the representatives of the victims who will be part of the Directive Council of the Special Administrative Unit for the Management of Restitution of Dispossessed Lands, the representatives before the Executive Committee of Attention and Reparation to Victims in accordance with article 164, as well as representatives of the Monitoring and Monitoring Committee established by this Law. Representatives to be elected from the members of the table.

Victims Participation Tables at territorial level will be responsible for the election of the representatives of the victims who are members of the Transitional Justice Territorial Committees that are dealt with in article 173.

Paragraph 4. The Special Administrative Unit for Comprehensive Attention and Reparation to Victims shall establish the procedure so that the instances of organization and participation of the displaced population, existing at the moment of issuance of the present law, are incorporated into the tables dealt with by the present article.

ARTICLE 194. PARTICIPATION TOOLS. To guarantee the effective participation of the present Title, mayors, governors and the Executive Committee of Attention and Reparation to the victims, will have an effective participation protocol in order to provide the necessary conditions for the right to participation.

This protocol of effective participation should guarantee that the public entities in charge of making decisions on the design, implementation and execution of the plans and programs of attention and reparation refer in advance to the Tables of Victim Participation at the municipal, district, departmental and national level, as appropriate, the projected decisions granting the members of the respective tables the possibility of submitting observations.

The public entities in charge of decision-making should evaluate the observations made by the Victim Participation Tables, so that there is an institutional response regarding each observation. The observations that once evaluated, are rejected, must be made known to the respective tables 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 will adopt the measures aimed to guarantee the effective participation of the victims in the investigations, proceedings and judicial proceedings of the members of illegal armed groups or demobilized from these groups who have been convicted of the violations referred to in article 3 of this Law, and who are in foreign jurisdiction due to the extradition granted by the Colombian State. In the same way, the State will seek 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.

To contribute to the effectiveness of the right to the truth will adopt the necessary measures for the persons referred to in this article to disclose the reasons and circumstances in which the violations were committed and, in case of death or disappearance, the fate of the victim.

To contribute to the effectiveness of the right to reparation, it will adopt measures to ensure that the assets of the extradited persons are delivered or seized to the victims' compensation fund established in Article 54 of Law 975 of 2005.

ARTICLE 196. MEASURES SATISFACTION AND SYMBOLIC REPARATION BY SOME ACTORS. Members of the illegal armed organizations that in the development of peace processes advanced with the National Government, have obtained any benefit from the measures of pardon, amnesty, self-injurious, preclusion of the investigation or cessation of proceedings, in the terms provided in Laws 77 of 1989,104 of 1993 and 418 of 1997 and Decrees 206 of 1990, 213 of 1991 and 1943 of 1991 and the Revolutionary People's Organization (ORP), will be obliged to preserve the memory of their victims to through the execution of the measures of satisfaction and symbolic reparation provided for in this law.

For this purpose, the National Government through the Ministry of the Interior and Justice will have a maximum term of four (4) months to make a report of the members of these organizations that obtained criminal benefits from the State.

This information will be sent to the coordinator of the National System of Attention and Reparation to Victims. as, who in the term of twelve (12) months, will impose the measures that

are necessary for the persons related in the report submitted by the National Government, individually or collectively, to execute the necessary measures of satisfaction or moral compensation and of symbolic reparation foreseen in this law.

The assessment of the pertinence, sufficiency and proportionality of the measures to be imposed is subject to the decision of the coordinator of the National System of Attention and Reparation to the Victims.

Those who have belonged to the illegal armed organizations, they may go directly to the Ministry of the Interior and Justice, within a maximum period of three (3) months, to present their intention to exalt the victims, in the development of the procedure enshrined in this provision.

As a result of the procedure foreseen here, 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 spreading of a documentary, with charge to the Fund for the Development of the Public Television, in which the memory of the victims is rekindled and the forgiveness of the perpetrators is made public by the facts committed. All State entities will be obliged to grant the means at their disposal to guarantee the realization of this documentary, which must be transmitted by the Institutional Channel and through regional and private channels, in the terms established by the National Commission of Television, or the entity that takes its place.

ARTICLE 197. FINANCING OF ATTENTION AND COMPREHENSIVE REPARATION MEASURES FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS AND INFRINGEMENTS TO INTERNATIONAL HUMANITARIAN LAW, ON THE OCCASION OF THE INTERNAL ARMED CONFLICT. Measures that imply an increase in the functions of State institutions must be assumed with the budgetary space established for each one in the Medium Term Fiscal Framework. In the same way, the programs or projects structured in development of this law must be prioritized by the entities within their institutional offer and their fiscal space, without harm to the other constitutional and legal functions that have been assigned to the other organisms and state entities, which also have priority status.

ARTICLE 198. FRAUDULENT REGISTRATION OF VICTIMS. If, after the recognition of the administrative compensation, it is demonstrated that the person did not have the status of victim or beneficiary, or had credited it in a deceptive or fraudulent manner, the compensation measures granted will be revoked, the reimbursement of the resources will have recognized and waived by this concept and copies will be certified to the competent authority for the investigation.

ARTICLE 199. FRAUD IN THE REGISTRY OF VICTIMS. Anyone who obtains registration as a victim, deliberately altering or simulating the conditions required for their registration, or hiding those that would have prevented them, will be imprisoned for five (5) to eight (8) years. In the same way, the public servant who having knowledge of the fraudulent alteration or simulation, facilitates, or makes the registration in the registry of the victims, will incur the same penalty and inability to exercise public rights and functions of five (5)) to eight (8) years.

ARTICLE 200. REPORTS OF EXECUTION OF THE LAW. The President of the Republic must present an annual report on the progress in the execution and compliance with this law, which must be presented to the Congress of the Republic within the month following each legislative term.

The presentation of this report will be transmitted through the institutional channel and regional channels. Likewise, it must be published on the internet portals of all the entities that make up the National System of Comprehensive Care and Reparation to Victims and printed copies will be distributed as deem it appropriate for the victims and their organizations, as well as the civil society in general access to it.

ARTICLE 201. MECHANISM OF MONITORING AND FOLLOW-UP TO THE COMPLIANCE OF THE LAW. The Follow-up and Monitoring Committee is formed, which will have as its main function to monitor the design, implementation, and execution and compliance process of the measures contained in this law.

It will be comprised of:

1. The Procurator General of the Nation or its delegate, who will preside.

2. The Ombudsman or his delegate, who will lead the technical secretariat.

3. The Comptroller General of the Nation or its delegate.

4. Three representatives of the victims in accordance with the procedure established in Chapter VIII, which must be rotated every two years.

Paragraph 1. The commission must meet at least once every six (6) months and submit a report to the Congress of the Republic within the month following, each beginning of the term of each year.

Paragraph 2. The functions of follow-up work and monitoring by the Attorney General of the Nation and the Office of the Comptroller General of the Republic will be exercised without prejudice to the constitutional and legal functions exercised as control agencies. In the same way, copies will be requested from the Attorney General's Office when in the exercise of the functions attributed to this commission evidences the occurrence of an illicit.

ARTICLE 202. The Directing Boards of the First Committees of Senate and House will form a commission in which all represented political parties and movements will have a seat in the respective commissions, responsible for monitoring the application of this law, receiving complaints that arise on the occasion of it and review the reports that are requested to the National Government.

The Government must submit reports within the first ten (10) days of each legislative period to the commissions discussed in this article, referred to the use of the attributions conferred by this law, as well as to the measures tending to improve the social, psychological and economic conditions of the victims. These commissions will designate a coordinator respectively.

ARTICLE 203. **ROUTES AND MEANS OF ACCESS.** The Executive Committee of Attention and Reparation to the Victims in the framework of its functions, will have to develop the unique

route of access to the measures of humanitarian aid, attention, assistance and reparation contemplated in the present Law, through which the victims will be able to exercise their rights.

In the same way, and in accordance with article 30 of this Law, the Public Prosecutor's Office must ensure that the entities that make up the National System of Comprehensive Care and Reparation to Victims make use of this unique route.

ARTICLE 204. The National Government, through the Ministry of Foreign Affairs, and in accordance with the provisions of Article 30, will ensure that the victims dealt with by this law who are outside the country are informed and appropriately oriented about their rights, measures and resources.

ARTICLE 205. In accordance with Article 150, numeral 10 of the National Constitution, review the President of the Republic of precise extraordinary faculties, during the term of six (6) months counted from the issuance of this law, to issue by means of decrees with force of law, the regulation of the rights and guarantees of the victims belonging to peoples and indigenous communities, ROM and Negro, Afro-Colombian, Raizales and Palenqueras in relation to:

a). Generate the legal framework of the public policy of attention, comprehensive reparation and land restitution of victims belonging to indigenous peoples and communities, ROM, Negroes, Afro-Colombian, Raizales and Palenqueras in accordance with the National Constitution, international instruments which are part of the constitutional block, laws, jurisprudence, international principles to the truth, justice, reparation and guarantees of non-repetition.

b). In the elaboration of norms with force of law that develop the differential public policy for the victims belonging to indigenous peoples and communities, ROM, Negroes, Afro-Colombians, Raizales and Palenqueras, the National Government will consult the ethnic peoples through the authorities and representative organizations under the parameters of constitutional jurisprudence, law and proper law, in order to fully comply with the fundamental right of prior consultation. The methodology of the prior consultation for the elaboration of the norms with force of law that develop the differential public policy for the victims belonging to indigenous peoples and communities, ROM, Negroes, Afro-Colombian, 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 force of law that develop the differential public policy for the victims belonging to indigenous peoples and communities, ROM and Negro, Afro-Colombian, Raizales and Palenqueras, the norms that may affect these communities will be conditioned to the realization of the prior consultation of any project, program or budget that may affect them.

Paragraph 2 °. The extraordinary faculties conferred to the President of the Republic in this article to develop the differential public policy for attention, comprehensive reparation and restitution of lands to the victims belonging to indigenous peoples and communities, ROM, Negro, Afro-Colombian, Raizales and Palenqueras, will be exercised in order to respect the culture and existence of material from these traditional peoples, as well as to differentially

include their rights as victims of serious and revealed violations of International Human Rights Standards or infractions of International Humanitarian Law.

Paragraph 3 °. The faculties conferred on the President of the Republic will include in the same term of 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 competences assigned to the institution in this law.

ARTICLE 206. RURAL DEVELOPMENT. The National Government, through the Ministry of Agriculture and Rural Development, must submit within a term of six (6) months from the issuance of this Law, the initiative that regulates the rural development of the country, where victims of dispossession and forced abandonment are prioritized, in the access to credits, technical assistance, property adaptation, product marketing programs, among others, that contribute to the reparation of the victims.

ARTICLE 207. Any person who demands the condition of victim under the terms of article 3 of the present law, that uses the fact ways to invade, use or occupy a property from which restitution or relocation is intended as a reparatory measure, without its legal situation within the process of restitution of dispossessed and forcibly abandoned lands has been resolved in the terms of articles 91, 92 and following of this law, or in the regulations that modify them, replace or add, will lose the benefits established in Chapter III of Title IV of this law.

The foregoing without prejudice to the application of the other regulations in force that sanction such conduct.

NOTE: Article declared INEXEQUIBLE by the Constitutional Court by means of Ruling C-715 **of 2012.**

ARTICLE 208. VALIDITY AND REPEAL. The present law rules from its promulgation and will have a validity of ten (10) years, and it repeals all the dispositions that are contrary to it, particularly the articles 50, 51, 52 and 53 of the Law 975 of 2005.

Paragraph 1. The National Government will present an annual report to the Congress of the Republic detailing the development and implementation of this law, as well as the object fulfilled of the implemented faculties.

Paragraph 2. One year before the expiration of the validity of this law, the Congress of the Republic must pronounce itself in front of the execution and fulfillment thereof.

Given in Bogotá DC, on 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 President 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.

Given in Bogotá, D.C., to 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.

NOTE: Published in the Official Gazette 48096 of June 10, 2011.