

UNIVERSITY OF BELGRADE

Faculty of Political Science

Belgrade, September 2021

At the meeting of the Department of International Studies, held on 3 June 2020, the Master Thesis Defence Commission (hereby the Commission) for the candidate Mina Dobrijević was formed with the following members: doc. dr Katarina Lončarević, assist. dr Janja Popović Simentić and prof. dr Nemanja Džuverović. The Council for the Second and Third Cycle of Studies has accepted the proposal made by the Department.

After reading the master thesis, the Commission is submitting the following report.

R E P O R T

The master thesis of Mina Dobrijević entitled "Restorative Justice Mechanisms and Gender Based Sexual Violence in Colombian Conflict" is structured in the following manner: Introduction, Section one: Theoretical framework, Section two: Case study and Conclusion. Theoretical framework consists of two chapters: Transitional justice and restorative justice: repairing lives, rebuilding societies and Gender, peace, security: women in focus of peace and conflict. Case study consists of five chapters: Context of the Colombian conflict (1948-2016), Sexual violence: strategy of war and testimonies (1993-2016), Special Jurisdiction for Peace, Case 005: Territorial situation of northern Cauca and southern Cauca Valley, Civil society, victims and indigenous women – local level peacebuilding: restoring society from the margins to the centre.

In the Introduction the candidate explains relevant information about the Colombian armed conflict and the structure of the thesis. Colombia is a country recovering from the armed conflict that had endured for more than fifty years. During almost half of the century, the devastation that civilians have suffered is a serious matter. Colombian conflict has been deadly for majority of Colombian population, a death toll of civilians is close to 220.000 people. Also, over five decades, there has been more than 6 million internally displaced persons, almost sixty per cent of them are women. There must be no family, who was not related to a victim, or been a victim by itself. One of the characteristics of the Colombian conflict is the use of sexual violence to the large extent by legal and illegal actors. In cases like this – observing the duration,

divisions and devastation, it is very difficult to reach a peace agreement who will represent the minimum consensus among the negotiating parties and decide on how to frame the process of transition to reconciliation.

In the first section, the candidate explains the differences between the retributive and restorative approaches to transitional justice, and how are they implemented in the Final Agreement. She also discusses the framework for participation of women in peace and conflict.

Transitional justice is an interdisciplinary and comprehensive mechanism that includes many fields, from development and economy to anthropology, theology and human rights. There are two dominant approaches when it comes to transitional justice – restorative and retributive approaches. Retributive approach is a punitive mechanism based on the international criminal law and its jurisprudence. This approach is important in terms of providing the functioning of institutions and regaining the trust in public institutions, but it lacks in providing justice to the victims, it neglects their experiences and it is rigid. On the other hand, restorative mechanism is victim – centred, it encourages participation of the victims and acknowledges their narrative truths. There are significant arguments confirming the efficiency of restorative approach, especially for rural and indigenous communities: easier to access, held in local language, simple procedures without the need for legal aid, justice based on the principles of rehabilitation, compensation, reconciliation, highly participative, educative and simpler to execute. Arguments that, according to the candidate's research, do not go in favour of restorative justice mechanisms are potential abuse and its impunity aspect. In the first section, the candidate also examined crucial documents relevant for the gender, peace and security framework.

In the second section, the candidate develops a case study where she examines the historical context of the Colombian conflict. The context shows the existence of deep ideological division that dates back from the nineteenth century. This is also part where the candidate explains the main actors of conflict, the dynamic of the conflict and how it had been developing during more than half of the century. In this part, the candidate also deals with the concept of sexual violence in the armed conflict and the cases where it has been used as a weapon of war. In addition, testimonies of women and their experiences are shared.

Furthermore, the candidate analyses the Special Jurisdiction for Peace and the case 005. The Final Agreement to End the Armed Conflict and Build Stable and Lasting Peace was signed in 2016, after the years of dialogues between the National Government and Revolutionary Armed Forces of Colombia – People's Army (FARC – EP). The Final Agreement sets the Comprehensive System of Truth, Justice, Reparation and Non – Recurrence, one of the

mechanisms that the candidate is examining is the Special Jurisdiction for Peace. Special Jurisdiction for Peace represents a mechanism that combines both approaches – retributive and restorative, with a gender, ethnic and territorial approaches guiding its work. Since it started working on March 2018, it has conducted seven macro – cases. In that regard, the candidate is examining the case 005 that, among others, prioritizes sexual violence, especially aimed at indigenous, Afro – Colombian and rural women.

As one of the positive outcomes of the process, the candidate emphasizes the cooperation between the Special Jurisdiction for Peace and the civil society. According to the observations of the candidate, the civil society has played an important role in encouraging the victims, providing them with support, and building trust which resulted in gathering testimonies and generating reports important for documenting what happened. The civil society has been the bearer of the restorative justice mechanisms. In the candidate's opinion, women's organizations have done incredible work in helping other women victims of the armed conflict. Many of the victims have been active in advocating, founding organizations, or helping others by using their past experiences. Also, the candidate points out to the significance of organizations such as Women's Route for Peace (Ruta Pacifica de las mujeres) that have the capacity to approach distant rural areas of Colombia where indigenous and Afro – Colombian women usually live.

In the final chapter of the section two, the candidate examines local level peacebuilding and emphasizes the importance of experiences of those from the margins. According to the candidate's research, different ethnic communities in Colombia use their traditions and rituals as restorative instruments. The role of the civil society is recognized here as well, as someone who can transfer those practices to the other parts of the country.

In the Conclusion, the candidate provides final remarks on why the restorative mechanisms are suitable for the cases of conflict related sexual violence and emphasizes their potential for reaching the ultimate goal of transitional justice process – reconciliation.

The Commission is convinced that the candidate Mina Dobrijević has shown good understanding of how restorative justice instruments could be used in combating and preventing conflict related sexual violence. Also, the Commission is satisfied how the candidate has applied these concepts in the empirical part of the thesis, and on the case study of the Colombian conflict. Based on this, the Commission concludes that the master thesis "Restorative Justice Mechanisms and Gender Based Sexual Violence in Colombian Conflict" by Mina Dobrijević fulfils all the formal criteria for the public defence.

The Commission:

doc. dr Katarina Lončarević

assist. dr Janja Popović Simentioć

prof. dr Nemanja Džuverović