



UNIDAD DE BÚSQUEDA
DE PERSONAS DADAS POR DESAPARECIDAS

NATIONAL **SEARCH PLAN**

**STRATEGIC AND TERRITORIAL
PRIORITIZATION**



The Search Unit for Missing Persons in the context and due to the armed conflict (UBPD or Search Unit for Missing Persons) is a state entity of a humanitarian and extrajudicial nature that directs, coordinates, and contributes to the search for missing persons in the context of the armed conflict. It was established in the Peace Agreement signed in November 2016, between the state of Colombia and the guerrilla group FARC-EP. Prior to the signing, victims and civil society organizations took part in the negotiation table. They expressed their needs and expectations regarding the path to peacebuilding, which this negotiation would make possible. Among the needs expressed at that time, the existence of an independent and autonomous institution was included; it would be exclusively in charge of searching for missing persons, under a different paradigm from the judicial one.

In this regard, the Final Agreement recognized that peacebuilding requires taking charge of and decisively supporting the search for forcibly disappeared persons. For all missing persons in the context, and as a result of the armed conflict, which includes people who were recruited, kidnapped or who have participated in the hostilities.

The institutional mechanism of transitional justice, agreed upon for the comprehensive satisfaction of victims' rights; included the search for missing and forcibly disappeared persons in the context and due to the armed conflict. In order to respond to a pending debt with the victims who have had to search for their loved ones for many years, without any support, knocking on doors without finding the truth about what happened to them neither their whereabouts. This humanitarian and extrajudicial search was included in the Final Agreement, to contribute to the truth and peacebuilding. It has the purpose of offering a means for reparation, in the face of prolonged suffering.

Why a specific and special mechanism to search for missing persons in the context of and due to the armed conflict? Because forced disappearance, and disappearance due to other circumstances associated with the armed conflict, have been revealed as a widespread practice in time and territory. This has caused pain, anguish, suffering and deterioration in the lives and dignity of thousands of people and their families, in broad sectors of society.

The particular aspects of the main obstacles, as well as the identification of the main challenges for reparation and to speed up the necessary responses are explained in depth and divided into three strategic axes in the initial document of the National Search Plan (hereinafter: initial document, conceptual document or first part of the NSP), published in May 2020¹.

Given that the National Plan must present the guidelines for a prioritized search policy, to be developed in the territories, the UBPD assumes that the problems it must face, in order to contribute to the satisfaction of the rights to truth and reparation, of those searching for missing persons, are characterized by the following elements²:

- a) More than one hundred thousand people, Colombians, rural population, female leaders, social and community leaders, politicians, children, young people, people belonging to indigenous peoples and black, Afro-Colombian, Palenquero and Raizal communities, people with diverse sexual orientations and identities, are missing.
- b) It constitutes a practice of disappearances of persons extended over time. Reports of disappearances date back to records dating from 1948. Since then and until today, there are reports of new missing persons every year.
- c) This practice has affected individuals, families, communities, peoples throughout Colombia and even beyond its borders. People search for their loved ones from wherever they are, inside or outside the country, in urban or rural areas and on many occasions under highly vulnerable conditions.
- d) The places where missing persons were buried after their disappearance, are spread throughout the territory, in areas with diverse characteristics and complexities: cemeteries of different nature and administrations, graves in open fields, estuaries, rivers, hillsides, mountains, private properties, public properties in urban and rural areas.

1 See: https://www.ubpdbusquedadesaparecidos.co/wp-content/uploads/2020/05/DocumentoPNB_05052020.pdf

2 The estimates included in this section, are based on the information obtained and analyzed by the UBPD as part of the research process currently underway. It should therefore be taken as initial or preliminary assessments that will change, as the investigative actions for the search deepens.

This landscape shows that the search for missing persons, in the context of transitional justice, must seek the fulfillment of the rights of the greatest number of victims, in the shortest possible time. To this end, the following characteristics of a phenomenon must be taken as a basis for analysis:

- Mass scale.
- Lengthened in time.
- Spread throughout the entire territory.
- Postponed or delayed approach to provide answers.
- Permanent negative effects on multiple rights³ of individuals (they do not cease until they find the truth about what happened and, if possible, their whereabouts)
- High rate of impunity
- Requires a comprehensive and restorative approach.

A phenomenon with the aforementioned characteristics requires that the entities of the Sistema Integral para la Paz, including the UBPD, organize, plan, and prioritize the search. In order to speed up responses and implement actions that systematically address territorial, community, cultural and spiritual contexts; where the search and participation of those who search and contribute to it takes place.

The national plan and the regional plans are the methodology given to the UBPD to develop its humanitarian and extrajudicial mandate, to lead and coordinate the search for missing persons, in the context and due to the armed conflict. The national plan defines the strategic and territorial prioritization, according to the dimension and levels of complexity determined, from which the general route is traced for the criteria and aspects that plan, organize, direct, and expedite the search for missing persons in the context and due to the armed conflict in the country. The regional plans guide the systematic, participatory, and coordinated implementation of the search strategies in the territories, all within the framework of the priorities defined in the national plan⁴.

3 See, among others, I/A Court H.R., Case of Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 23, 2009.

4 Constitutional Court, Sentence C-067 of 2018: "the scheme for the formulation of search plans is in line with the principles of efficiency, effectiveness and economy that govern the public function, as the definition of a national scheme involves concentrating localization efforts on a defined and prioritized policy, for whose development the territorial plans are incorporated".

The analytical starting point described above is the result of the learning gained by the UBPD within the course of the implementation of its mandate, together with the knowledge and experiences of victims, civil society organizations and institutions within and outside the Sistema Integral para la Paz. The UBPD, in order to define the prioritization of the NSP, as outlined in Decree Law 589 of 2017, undertook a series of exchanges with victims, civil society organizations and different official institutional actors, through which a coordinated and participatory process was ensured, the result of which is presented in this second part of the NSP.

The first part of the NSP identified the historical problems of the search and framed the needs of the people searching (relatives, close friends, organizations, peoples and communities) in three strategic axes and an ethnic chapter. It was stated at that time that the NSP should be constantly reviewed and updated, mainly to adapt it to the territorial context in which the search is taking place and to the institutional advances of the UBPD. In addition, it was announced that this first part should be developed further, defining a timetable for the implementation of the strategies and lines of action, identifying those responsible for their implementation and estimating the necessary budget⁵.

Therefore, this second part of the NSP focuses on prioritization, which establishes a series of criteria for timely and efficient decision-making to achieve strategic results that bring truth about enforced disappearance and other circumstances of disappearance associated with the armed conflict⁶. As a result, it will be possible to determine what happened to them and, if possible, their whereabouts, in the shortest possible time and for the greatest number of persons. It is important to note that the strategic priorities, lines of action, activities, and results, as well as the prioritized territories should be reviewed periodically. These are dynamic documents, which means they should be adjusted to the needs and opportunities for progress towards the fulfilment of the rights to truth and reparation in the context of the UBPD mandate.

5 In the document containing the first part of the NSP it was stated: "We understand that this NSP must be complemented in a second phase with an implementation schedule of the strategies, the institutions that cooperate in each one of them and the scope of the contribution, as well as the budget required for the development of each one of the strategies". P. 11, 2020.

6 Kidnapping, illegal recruitment, during hostilities: combatants, both regular (members of the public forces) and irregular (members of illegal armed groups).

The prioritization of the NSP is structured on the basis of the questions that guide the clarification of the common purpose of the search: Who are we looking for? Where are we looking for them or are we going to look for them? When did they disappear? Who are we looking for them? And how did they disappear? These questions allow the identification of strategic results that facilitate the visualization of the search horizon, the definition of activities to be developed in the short and medium term⁷, highlighting, to the greatest extent possible, the competencies of the different institutions and the participation of different actors required to speed up the answers.

With the elements outlined above, the national search plan is an essential input for the development of a public policy that places the search for missing persons at the top of the public and social agenda. This understanding requires an ethical and legal bond that operates as a channel of communication between official and unofficial efforts to coincide in a common purpose that guides, orients and speeds up coordination and participation in the search. Under this understanding, the common purpose should be based on:

Repair the victims of disappearance, based on the recognition and dignity of their needs, experiences and expectations, in order to find answers that contribute to ease suffering. The above from the leadership, coordination and articulation of efforts of the State and civil society to ensure the right to truth, non-repetition and thus contribute to peace building.

By virtue of the common purpose, it is understood that although the UBPD has the competence to direct and coordinate the search⁸, for missing persons in the context of and due to the armed conflict requires imperatively to rely on the cooperation and solidarity of all State agencies, civil organizations and Colombian society as a whole. This will make it possible to implement concrete search and location activities to comply with the State's duty to provide comprehensive, coordinated, organized, rigorous, timely, transparent and respectful responses to people searching for their loved ones, in a joint and coordinated effort that expedites responses that contribute to reparation by easing the suffering.

⁷ Short-term activities are defined as those that started from the publication of the NSP concept paper in 2020 and medium-term activities are defined as those starting from the year 2024.

⁸ Decree Law 589 (2017). Colombia.

The dynamization of this common purpose requires the State to clarify the content and scope of its obligations and commitments in order to satisfy the rights of the victims in order to satisfy the rights of the victims. Both the United Nations Committee on Enforced Disappearances (CED)⁹, the Inter-American Court of Human Rights (IACHR)¹⁰, as well as the Working Group on Enforced or Involuntary Disappearances (WGEID)¹¹, have pointed out that the search for disappeared persons is a duty and obligation of the State. This implies an understanding of the characteristics of the search: (i) that must be continuous until the fate and/or whereabouts of the disappeared person are determined; (ii) It cannot fall primarily on family members or other persons; (iii) It is a State obligation that must be governed by the principle of due diligence¹².

In this regard, it is pertinent to recall that: “international jurisprudence is unanimous in considering that the anguish and suffering caused to relatives by the disappearance of their loved one and by the continuing uncertainty as to their fate and whereabouts constitute a form of torture or cruel and inhuman treatment¹³”. In this sense, any delay, obstruction, or lack of action on the part of State entities in their responsibilities to provide information on progress in the search for missing persons is interpreted as a prolongation of the suffering of the relatives.

On the other hand, victims, victims’ organizations and civil society organizations have expectations, needs, as well as experiences, knowledge and wisdom (from diverse differential and territorial approaches), key to speed up the search, that have been acquired over many years of searching. These are especially important to create opportunities and spaces for reparation by guaranteeing active participation (methods of timely and meaningful dialogue to include, discuss and determine the contribution to the search for the truth) in each of the phases of the search.

9 Article 26 of the International Convention for the Protection of All Persons from Enforced Disappearance creates the United Nations Committee on Enforced Disappearances (CED). This convention entered into force on December 23, 2010. Colombia signed it on September 27, 2007 and ratified it on July 11, 2012.

10 The IACHR is a jurisdictional body belonging to the Inter-American System for the Protection of Human Rights provided for in Article 33 of the American Convention on Human Rights, and its main objective is to ensure the application of said Convention.

11 The WGEID is one of the special procedures of the UN Universal System for the Protection of Human Rights. Its main mandate is to assist relatives and members of civil society in ascertaining the fate and whereabouts of disappeared persons, and to ensure the investigation of disappearances by acting as a channel of communication between relatives and governments.

12 Due diligence implies that any person who alleges that someone has been subjected to enforced disappearance has the right to report the facts to the competent authorities, who shall promptly and impartially examine the allegation and, if necessary, proceed without delay to a thorough and impartial investigation. In this regard see: Dulitzky & Anayanssi (2019).

13 In this regard see: ICJ (2015). Enforced Disappearance and Extrajudicial Execution: The Rights of Relatives. Guide for practitioners No. 10.

Therefore, prioritization, as a way to organize and plan the search for persons forcibly disappeared due to circumstances related to the armed conflict, seeks to trigger dynamics of articulation, coordination, cooperation and participation among all Colombian State agencies, civil society organizations, international cooperation and the Colombian society as a whole in order to implement these provisions to ease its expedition with due diligence.

The prioritization process, as defined above, is the result of the discussions held during the meetings with different official and non-official actors, including communities and groups which offered their perspectives, including differential approaches. These meetings led to the identification of eleven strategic outcomes, from which two main dimensions of prioritization were defined: i) the strategic dimension comprises the strategies, courses of action and key activities required in each of the strategic axes identified in the first part of the NSP as well as the institutions responsible for working on them; ii) the territorial dimension comprises establishing the territories (regions, subregions and municipalities) where efforts and human, technological and financial resources will be concentrated in order to carry out the search in the short and medium term. This national plan, as mentioned above, is dynamic in essence, and should therefore be adjusted according to the results of its monitoring and evaluation.

It is important to point out that the prioritization of strategies and territories should be understood as a way of organizing the actions to be carried out and the territories to be covered in order to achieve the defined objectives. In no way is it a means of delaying the search to be carried out or excluding territories to be covered. Instead, it is a means of organizing, planning, and developing the approach to the search based on criteria and perspectives that will make it possible to know where efforts will be concentrated.

As such, this document contains the following information divided into six parts: 1) Introduction; 2) methodology for the drafting of this document; 3) concept and scope of prioritization, and within this concept “Participation as a transversal and central axis of the humanitarian search in the prioritization scheme”, as well as the methodology for the prioritization of strategies and territories; 4) prioritization of strategies; 5) prioritization, monitoring and evaluation of the NSP; 6) required budget of the GNP.

Finally, we strongly believe that the work carried out towards truth and reparation

helps to lay the foundations for non-repetition. As long as the magnitude, dynamics and patterns of disappearance are recognized –as well as the deep, painful and lasting personal, family, social and community impacts caused by this terrible way of intimidation, elimination and limitation of freedom–, we will be able to raise awareness on how forced disappearance and disappearance related to the armed conflict and to all contexts of life, have affected and affect us all as a society.

We also expect to contribute to the understanding of the common purpose of joining efforts so that the constitutional guarantee clause becomes a reality: “No one shall be subjected to forced sequestration, torture, cruel, inhuman, or degrading treatment or punishment”¹⁴.

To the extent that we raise awareness on the meaning and significance of enforced disappearance and disappearance caused by circumstances related to the armed conflict and become actively involved in determining the fate and whereabouts, where possible, of all missing persons, we will increasingly overcome the belief that disappearance concerns only a few, with whom we have no connection. Then, we will resolutely support priority inclusion, in the state and social agenda, of the search in the interest of non-repetition. Only then, we will be taking steps in the medium and long term to put an end to forced disappearance and all forms of disappearance and thus lay the foundations for a stable and lasting peace.

¹⁴ Political Constitution of Colombia, Article 12