Kai Ambos
The Colombian Peace Process and the Principle of Complementarity of the International
criminal court.
An Inductive, Situation-based Approach
Springer-Verlag Berlin Heidelberg 2010, 161 pages, 80.20 €, ISBN 978-3-642-11272-0

This book is based on a Research into the Colombian peace process under the Justice and
Peace Law (Law 975 of 2005), with a take on the obligation set forth under the complementary
principle of the ICC Statute. The research was commissioned by GTZ-Profis (a project funded
by the German government) and conducted in 2008 and 2009 (Preface). The author analyzes
the Colombian Justice and Peace Law (Law 975 of 2005) with a view to the obligations
established under Art 17 of the complementary principle of the ICC Statute, in order to de-
termine whether Colombia, as a part to the ICC Statute, has complied with its obligations or
whether the ICC will have to intervene in Colombia to enforce international criminal law.

The study follows an inductive, situation-based approach with regard to the interpretation
of the complementary principle governing the relationship between the jurisdiction of the
International Criminal Court and national criminal justice systems.

Divided in two parts, the first part contains a critical analysis of the process under the Law
975, taking into account not only the relevant norms but also—and especially—the practical
implementation of the law. Over three chapters, the author explain in a concise and clear way,
the antecedents of Law 975 of 2005, the process for its application and offer preliminary
conclusions regarding its implementation and its implications in the effectiveness of the tran-
sitional justice process in Colombia.

In the second part, the author offers a preliminary consideration of the Object of Reference
of the Complementarity test (Chapter 4) and a systematic analysis of its application in the
Colombian situation (Chapter 5), distinguishing between the additional gravity thresholds of
Art. 17 and complementarity stricto sensu. In the last chapter some recommendations for the
Further Application of Law 975 are provided.

The volume includes valuables appendices: An English Translation of Law 975 and source
material for further research, including sources used for the elaboration of the original Spanish
Study (e.g. relevant norms, relevant jurisprudence by international and Colombian Tribunals,
the national law and regulations, official and NGO documents, bibliography and a list of
interviews and meetings).

In “The Colombian Peace Process and the Principle of Complementarity of the Interna-
tional Criminal Court”, an interesting approach is offered regarding Colombia’s Justice and
Peace Law of 2005. Although a lot has been written regarding the Colombian Peace Process
and Law 975, most of the available literature is in Spanish. The analysis offered in the book
fills a knowledge gap in the subject, since so far there is no systematic and chronological
analysis of the Process of the Law 975 in English or German. For newcomers into the topic,
the author’s approach facilitates understanding of all the involved elements of the issue; the
inductive approach provides a top-down view of the norms and provides a step by step
overview of their applicability into the Colombian case, easing the reader into the context and leading him to reach the author’s conclusion on whether the actual situation meets the standard of the ICC, and moreover, which deficits and problems should be resolved in order to avoid the intervention of the ICC.

As a summary of a deeper research, the book serves this purpose thoroughly; it covers all the relevant aspects in order to reach its intended conclusions. However, it achieves much more as well, by engaging the reader in the topic and promoting to seek deeper insight into the issue. This book could be extremely useful not only for readers who are new to the topic and want to familiarize themselves with its essential facts and basic issues, but also equally useful for those already familiar with the peace process in Colombia and want to remain up to date with its development.

Yira Segrera, Heidelberg.