

# BASTA YA!

**COLOMBIA: MEMORIES OF WAR AND DIGNITY**

Excerpts



Centro Nacional  
de Memoria Histórica

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General Report **Historical Memory Group**



Centro Nacional  
de Memoria Histórica



## **BASTA YA! Colombia: Memories of war and dignity**

Excerpts

### **HISTORICAL MEMORY GROUP**

#### **Coordinator**

Gonzalo Sánchez

#### **Translation**

Jimmy Weiskopf

Traducciones & Servicios S.A.

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## **¡BASTA YA! Colombia: Memorias de guerra y dignidad**

### **Informe general del Grupo de Memoria Histórica**

#### **Report coordinator**

Martha Nubia Bello Albarracín

#### **Coordination assistant**

Lina María Díaz

#### **Researchers**

Andrés Suarez, Fernán González S. J., Rodrigo Uprimny, Pilar Riaño, Patricia Linares, María Emma Wills, Jesús Abad Colorado, Martha Nubia Bello, César Caballero, Iván Orozco, León Valencia, María Victoria Uribe, Paula Andrea Ila, Luis Carlos Sánchez, Teófilo Vásquez, Nubia Herrera, Absalón Machado, Pilar Gaitán, Jorge Restrepo, Tatiana Rincón and Álvaro Camacho

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#### **Research associates**

Camila Orjuela, Daniela Valero, Jack Melamed, Ronald Villamil, Viviana Quintero, Vladimir Melo, Lina María Díaz, María Luisa Moreno, William Mancera, Julio Enrique Cortés, Camila Medina and Ginna Cabarcas

#### **Research assistants**

Carolina Bernal, Jenny Salcedo, Laura Poveda, Lorena Alvarado, Luz María Sánchez, Mónica Márquez, Sergio Raúl Chaparro, Tatiana Rojas, Diego Quiroga, Andrés Aponte, Víctor Barrerra, Lina Pinzón and Jairo González

### **EDITORIAL PRODUCTION**

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Ana Cecilia Calle, Ana María Carvajal, Francisco Thaine, Tania Intriago and Patricia Nieto

#### **Design and layout**

Daniel Clavijo and Magdalena Forero Reinoso

#### **Communications and press coordinator**

Mauricio Builes

Communications assistant: Luis Carlos Manjarrés

**Administrative and financial assistant**

Diana Marcela Gil Sepúlveda

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Jimmy Weiskopf

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María Emma Wills Obregón

Joaquín Franco

Adriana Correa

Elizabeth Troolin

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## **United States Agency for International Development (USAID)**

Peter Natiello – Mission Director for Colombia

John Allelo – Director of the Office of Vulnerable Populations, USAID/Colombia

Ángela Suárez – Program Manager, Victims Institutional Strengthening Program, USAID/Colombia

## **International Organization for Migration (IOM)**

Alejandro Guidi – Chief of Mission, Colombia

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Fernando Calado – Program Director

Camilo Leguizamó – Coordinator of the Victims Institutional Strengthening Program (VISP)

María Ángela Mejía – Transitional Justice Manager

Sandra Pérez – Senior Monitor

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Address: Carrera 6 N° 35 – 29, Bogotá D.C., Colombia

Phone: +57 (1) 796 5060

Email: [comunicaciones@centrodememoriahistorica.gov.co](mailto:comunicaciones@centrodememoriahistorica.gov.co)

[www.centrodememoriahistorica.gov.co](http://www.centrodememoriahistorica.gov.co)

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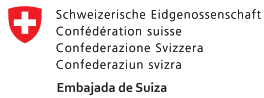
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# PROLOGUE

Gonzalo Sánchez G.  
Director, National Center for Historical Memory

*Evil suffered should be inscribed in the collective memory  
to give the future another chance.*  
Tzvetan Todorov

Colombia has a long history of violence, as well as a renewed capacity to resist it. Over the last two decades one of the most obvious manifestations of this has been a growing social mobilization around memory claims. Breaking all the norms of countries in conflict, the armed conflict in Colombia is taking place at a time which witnesses a parallel effort: collective memory is being brought to public notice, and demands for justice and reparation are being heard. Memory took root in Colombia, not as a post-conflict experience, but rather as an explicit manner to denounce wrongs and affirm differences. It is an active response to the ordeals of war, and a rejection of the attempts to impose silence on so many victims.

Memory is an expression of rebellion in the face of violence and impunity. It has become a tool to come to terms with or confront the conflict, or to reveal it in the public spotlight. Once we accept that this mobilization of society around memory claims in Colombia does exist, we also need to understand its inconsistent development in the political, legislative and judicial arenas. Regions, types of victims, levels of organization and the capacity to gain access to economic resources are the factors that count when defining

the limits or possibilities of extending and sustaining memory practices and initiatives, which are now spreading through the country. In any case, it is thanks to this whole upsurge in memorialization that a new awareness of the past exists in Colombia, especially that part of it shaped by the experience of the conflict.

As the Colombian experience emphatically shows, memory does not necessarily follow *conflict* as the result of political or social occurrences; both memory and conflict are simultaneous features of a highly fractured society.

## Between invisibility and recognition

Colombia is barely beginning to clarify the dimensions of its own tragedy. There is no doubt that most of our fellow citizens feel questioned by the different expressions of the armed conflict. However, few are clearly aware of its scope, impacts and mechanisms of reproduction. Many wish to see the violence as a simple expression of crime or banditry rather than a manifestation of deeper problems resulting from Colombia's political and social order.





The invasive and long-lasting nature of this violence has paradoxically made it difficult for them to recognize the principal aspects of its perpetrators and victims, as well as their specific rationales. The war's persistent presence has even led many to underestimate the political and social problems underlying its origin. That is why the solution is often thought of in the simplistic terms of all or nothing; either a totalitarian effort to exterminate the adversary, or the illusion of ending the violence without changing society. Understanding the conflict in its political context paves the way for transforming and eventually overcoming it, as well as acknowledging, compensating and dignifying the victims of the armed conflict.

In this context, the victims have just recently started to come into the social sphere and institutional and legislative arenas. The basic trilogy found in the Law of Victims, which has opened a new way for the Colombian government to address the conflict, is based on land, truth, and reparation. For decades the victims were ignored in the face of discourses that legitimized the war, which at times vaguely recognized them under the generic label of the civilian population, and, even worse, pejoratively described them as the object of "collateral damage". From this perspective, they have been considered as residual effects of war and not as the nucleus of the efforts to regulate it.

This polarization undermined solidarity with them, and even citizens' groups acting against high impact forms of violence such as kidnapping and forced disappearance accepted this dominant rationale in the political arena. Victims, especially the ones affected by paramilitary groups, were often regarded with suspicion and were categorized in accordance with the ignominious hierarchies of the victimizer, which was reflected in the effectiveness or

apathy of institutions, or the mobilization or passivity of society.

Whom does the war concern? In the Kantian vision, damage done to one victim is damage inflicted on humanity as a whole. For that reason, international human rights regulations and international humanitarian law uphold the axiological protection of victims. However, in Colombia collective action against atrocities is mostly undertaken by the victims themselves while most citizens consider it to be unrelated to their lives and interests. Forced disappearances, violence inflicted on persecuted union leaders, forced displacement, threatened farmers who lose their land, sexual violence, and many other forms of violence tend to be marginalized by the general public, condemning victims to a deep and painful loneliness. In summary, the everyday nature of violence, and the fact that the immense majority of the victims live in rural areas and remain anonymous to a wide public, have given rise to an attitude that, if not passive, is indifferent to their fate, and is further fed by a comfortable perception of the country's political and economic stability.

The building of emblematic memories of violence and resistance should be undertaken by people in major cities as well as outlying regions of the country. This should come from both national leaders and leaders in outlying areas, as well as common and ordinary citizens. Establishing democracy in a society fractured by war begins by incorporating those anonymous and forgotten citizens as central players in the struggles and eventually also the benefits derived from the policies triggered around memory.

It is indispensable to do more than just passively contemplate or recognize the suffering of the victims; we must understand their suffering as the consequence of identifiable perpetrators and social and

political processes, which we also must react to. Upon seeing the pain of others, indignation is important, but it is not enough. The State's duty to remember and the right to the truth and reparation of the victims include the State's commitment to recognize, visualize, dignify and humanize the victims.

The victims' collective memory is diverse in its expressions, content and uses. Some memories are confined to private circles, at times forcibly and at times by choice, but there are militant memories that often become acts of resistance. Underlying them all is a consciousness of the harms that were inflicted. This leads to at least two very different types of wagers on the future. One reaction is to propose change, to seek to suppress and transform the conditions that produced the events, and this memory is transformational. But there are also futureless memories that take an extreme form of revenge, a feeling which, when repeated, negates any possibility of overcoming it. The revenge that stems from a collective, accumulated hatred amounts to a negative program: it seeks to exterminate the real or supposed aggressors. In fact, revenge stems from a denial of debate and the possibility of coexisting with the adversary. In other words, it is a radical denial of democracy.

## Degradation and responsibility

Wars can destroy or transform societies, and they are in turn transformed by internal demands or unexpected variations of the contexts which led to their unleashing. This difference between the origin of war and its current dynamics was captured in a very eloquent simile about the Thousand Days War by General Benjamín Herrera, one of its main figures: "Wars, as they follow their course, are fed and sustained by new

grievances or new injustices that are different from those that originated them. Like rivers, wars get to their final destination with many more waves than when they left their source."<sup>1</sup>

Few would doubt today that the dynamics of the internal armed conflict in Colombia surpassed the confrontation between its armed groups. This is seen in the high proportion of civilians affected and, in general, the debasement of the armed conflict. Especially since the mid-1990s, the unarmed population became progressively involved in armed projects not by consent or social adhesion, but by coercion and victimization, to the point that some analysts have defined this as a war against society or war with an interposed population.<sup>2</sup>

The violence against civilians during the internal armed conflict has been characterized by small scale events (selective assassinations, forced disappearances, massacres with fewer than six victims, kidnappings, sexual violence, anti-personnel mines) which were included in a strategy of war that deliberately sought to maintain control at a local level while reducing visibility at the national level. In fact, towards that end, the armed groups rationed both the frequency of violent acts and the degree of brutality. This was particularly so in the case of paramilitary groups, which used brutality to terrorize and subdue communities. This method, which accounted for the bulk of violent acts in the country, was scarcely visible on a national level, and shows the effectiveness of the perpetrator's initial

<sup>1</sup> Cited in Gonzalo Sánchez y Mario Aguilera (Editors), *Memoria de un país en Guerra: Los Mil Días 1899-1902*, Editorial Planeta, Bogotá, 2001, p.23.

<sup>2</sup> See: Daniel Pecaú, *Guerra contra la Sociedad*, Editorial Planeta, Bogotá, 2001. And Eric Lair, "Reflexiones acerca del terror en los escenarios de guerra interna," en *Revista De Estudios Sociales*, No. 15, junio del 2003, pp. 88-108.



calculation that such tactics would serve to hide their responsibility for such crimes, both from public opinion and the judiciary.

Unraveling the rationale of violence used against civilians also enables us to understand the broader rationales used in the war: territorial control and land seizures, the manipulation of elections and the appropriation of legal or illegal resources. Victimizing communities has been both an objective in itself and a broader criminal strategy of the armed groups.

### Pluralism and dispute: threat or benefit?

The contemporary armed confrontation heightened the flaws of the traditional political system in the country, especially sectarianism, which saw its maximum expression in the dirty war. In Colombia, the dominant concept of politics is that dispute or opposition are not seen as the components of political life, but threats to the integrity or identity of the dominant order. This is due to the persistence of a political culture that has not managed to overcome exclusion, much less actively acknowledge that opposition is a legitimate aspect of the struggle for political power. In its place there is a latent temptation towards employing a single or dogmatic way of thinking that verges on violence or feeds it. It is in this context that the elimination of adversaries or dissidents became a distinctive feature of Colombian political life. This is what might be called the perverse agenda of the dirty war. Sectarianism in politics extends to the use of weapons, and the sectarianism of weapons is projected onto politics.

These problems go far back. The process of democratic expansion at an institutional level began in the 1980s but lagged behind social democratization. Agreements among

traditional powers, the manipulation of politics and the cooptation of the State by the illegal armed groups from the far right and left torpedoed the efforts of an emerging democratization. Hence, democratization without democracy or, in the words of J. Habermas,<sup>3</sup> the consolidation of “the Rule of Law without democracy,” are more adequate descriptions of this process than an alleged perverse causal link between democratic expansion and a worsening of the war.

Social and political democratization continue to be an unachieved reality. The ongoing processes of reinsertion have not been wholly successful, since many sectors of society still stigmatize those who have laid down their arms. In these cases, many use the violence of the past to maintain and stir up the present conflict, which jeopardizes a true reintegration into the political community and the very possibility of transforming an armed contender into a political opponent, which is at the very heart of the peace process.

### Memories and the future

This report complies with the legal mandate (Justice and Peace Law, no. 975 of 2005) to compile a detailed account of the origin and evolution of the illegal armed groups. The Historical Memory Group (GMH “Grupo de Memoria Histórica”) was originally under the National Commission for Reparation and Reconciliation (NCRR), and now forms part of the National Center for Historical Memory (NCHM). To produce this report, the GMH has fulfilled this requirement by considering the illegal armed groups not just as war apparatuses but as the result of social and political factors that have shaped Colombia’s historical development as a country.

<sup>3</sup> Jürgen Habermas, *Historia y crítica de la opinión pública* (Mexico: Ediciones Gustavo Gili, 1994), 11.

In the light of those considerations, this account attempts to go beyond the approaches that reduce the complex nature of the violence we have experienced into simple moral opposites (the good and the bad). The long path the conflict has taken and the way its protagonists have changed, together with the country's social and institutional transformations, make it impossible to believe in a monocausal account that reduces the ongoing nature of the violence or its solution to the mere action of perpetrators or to a simple proclamation of moral condemnation. Society has been victimized, but it has also participated in the conflict through its consent, silence, support, and indifference, all of which should provoke collective reflection. However, extending these responsibilities to society at large does not mean diluting those concrete and differentiated responsibilities into a statement of "we are all guilty." The reconciliation or reencounter that we all yearn for cannot be based on distorting, concealing, or forgetting the facts, but only by

clarifying them. We are all involved in this political and ethical call to action.

This report is not an account of a remote past. It is instead a narrative firmly anchored in our present. It is a report that, as a matter of conviction and by law, explicitly departs from the idea of an official memory of the armed conflict. Far from pretending to be a corpus of unchallengeable truths, it aims to encourage everyone to reflect on the country's violence and enter into an open social and political debate about it. Colombia has yet to build a legitimate but non-consensual memory that explicitly includes the differences, contradictions, opposing political stances and responsibilities on all sides, and that in turn recognizes the victims.

This report is a moment and a voice among a packed audience undertaking multiple dialogues of memory over the past decades. It is the "Basta ya!" which emanates from a society that is overwhelmed by its past, but is striving to build a new future.



📷 Ten months after the FARC guerrilla's armed takeover destroyed close to 250 homes and left 5 policemen and 18 civilians dead, the people, with the support of the government of Antioquia, participated in a brick march to reconstruct the town. Granada, October 2001. Jesús Abad Colorado ©



# INTRODUCTION

Martha Nubia Bello.  
Report Coordinator

*The truth is that I am very sad and disillusioned, as I haven't been in years, not even when I saw blood running down the gutters of what had been my house. This sadness, added to tiredness and anger, hurt me so deeply. The war has decided to screw up my life and it never gets tired of doing so. I'm sick of it: I'm no longer 35 years old like I was when I was displaced. Sometimes I ask myself: what has my sin been? What mistake have I made? I have had to face a State and a society that are rotten, a macabre system in which the one who can subdue the rest is the one who survives [...] we haven't taken anyone's land, we have rights, we just want to be guaranteed access to those Rights.*

*Testimony of a woman on the Caribbean Coast*

This report covers more than 50 years of armed conflict in Colombia. It reveals the enormous magnitude, ferocity and degradation of the war, and the serious consequences and impacts it has had on the civilian population. It is a war that is difficult to explain, not only due to its length and the diverse motives and reasons behind it, but also the ever-changing participation of multiple groups, both legal and illegal, its wide geographical spread, the particularities it assumes in each region, both in the countryside and in the cities, and the manner in which it overlaps with other types of violence that affect the country.

Given the immensity and complexity of the task of historical clarification and elucidation of the causes of the war in Colombia, the Historical Memory Group (GMH) decided to document emblematic cases. These cases were understood as sites that condense multiple processes and that become emblematic not only for the nature of the deeds described but

also their explanatory strength. By means of these cases, the GMH set out to analyze the diversity of victimizations caused by differing forms of violence in terms of victimized groups and social sectors, perpetrators, war periods and regions of the country. The study of each case was undertaken on the basis of consultations and negotiations with the victims, and counted on their resolute participation as witnesses and researchers. The findings from these emblematic cases and thematic studies have been published in 24 books,<sup>4</sup> which form the foundation of this general report. It sets forth a number of interpretative and analytical guidelines for understanding the logic and rationale behind the war and the way the armed conflict has been experienced; it also offers an overall interpretation of and some theories about its causes and mechanisms.

<sup>4</sup> These publications can be consulted on the website of the National Center for Historical Memory: [www.centrodememoriahistorica.gov.co](http://www.centrodememoriahistorica.gov.co)

The contents of this report were also compiled from secondary sources and local and national archives provided by communities and organizations; legal files and media archives; and an extensive body of academic research on war and peace which has been undertaken in our country. But of special note are the hundreds of testimonies which the victims generously supplied in their eagerness to be heard, recognized, and above all, ensure that what occurred comes to the notice of a society that is often ignorant of or indifferent to or justifies or brushes away its tragedy.

The information and findings in these reports were complemented and enriched by the recent work by various research centers, human rights organizations, State institutions and the current investigations of the National Center for Historical Memory (NCHM), along with an important job of recording cases and building databases which combine statistical and documentary sources from diverse institutions as well as data collected directly by the GMH.

The abundant information compiled, and the wealth of explanations, interpretations and analyses that this work of memory has produced in over six years have been arranged into five general subjects that define the chapters of this report: the dimension and forms of the war, the origins and transformations of the armed groups, the relationship between justice and war, the damages and impacts on the victims, and their memories.

## **Dimension and methods of war**

This report confirms that between 1958 and 2012 the armed conflict caused the death of at least 220,000 persons, a figure that surpasses previous calculations. In spite of its chilling magnitude, these data are approximations

that do not fully tell what really happened, insofar as part of the dynamics and legacy of the war is that much of its violence remains unknown or leaves the victims anonymous as well as its impacts invisible, making it impossible to identify all of its victims. In addition to the large number of deaths, the testimonies reveal a profoundly degraded war, characterized by a terrifying brutality which the armed groups have unleashed on a defenseless civilian population. This has been a war deployed without limits, not between combatants, but mainly against the civilian population.

The armed conflict in Colombia has not adopted a distinctive form of violence: the armed groups have used and combined all types of violence in their confrontations. All of them have used diverse methods and have committed war crimes and crimes against humanity, making civilians the main victim of the conflict. But not all the armed groups and organizations used these forms of violence with the same intensity and brutality, although they all based their strategies on it. Empirical evidence from emblematic cases and the quantitative information recorded by different sources show that, in terms of repertoires of violence, the paramilitary groups executed more massacres, selective assassinations, and forced disappearances, and were continuously brutal in order to increase their potential to intimidate. Guerrilla groups, on the other hand, have mainly used kidnappings, selective assassinations, and terrorist attacks, as well as forced recruitment and attacks on civilian property. Based on testimonies and judicial rulings, we have been able to establish that the illegal violence used by members of the Security Forces<sup>5</sup> took such forms as arbitrary

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<sup>5</sup> In Colombia, the Navy, the Army, the Air Force and the Police belong to an umbrella institution called the “Fuerza Pública”, translated in this text as Security Forces.



detentions, torture, selective assassinations and forced disappearances.

The reasons why these armed groups originated, as well as their interests and the ways they have acted, differ from one group to another, and any attempt to create alternatives and end the war must take these factors into account.

Now, the documented participation of State agents in perpetrating crimes is particularly disturbing for society, the State as a whole and for the individuals themselves, due to the particular degree of legality and responsibility placed on them. In addition to their direct violations of human rights, all the cases documented by the GMH show, with notable regularity, the collusion and omission of members of the Security Forces, acts that violate human rights, and alliances made with powerful groups that defend economic and political interests through violent methods, or greedily seek access to more land and/or resources. Each report on the massacres documented by the GMH reveals the variety and scope of the forms of violence in the Colombian conflict. The report on the municipality of Trujillo,<sup>6</sup> Valle del Cauca, in 1988 and 1994, showed the convergence between drug-trafficking and paramilitary groups, and uncovered alliances between this criminal activity and members of the Security Forces and a gross and persistent impunity. The report on the events in the small town of El Salado<sup>7</sup> in Carmen de Bolívar between February 16 and 21, 2000 showed the perverse implications of stigmatization and synthesized the alignment between the paramilitary's goals and the local and regional powers besieged by the guerrilla. The report

on the massacres in Segovia and Remedios,<sup>8</sup> Antioquia, perpetrated in November 1988, described the persecution and extermination of left-wing leaders, movements and parties. The report on the judicial officials in La Rochela<sup>9</sup> in January 1989 revealed the origin and degradation of the paramilitary experiment in the Magdalena Medio and the particular victimization of members of the judicial branch. The report on the events in Bojayá,<sup>10</sup> in May 2002, showed the fierce dispute between the FARC and paramilitary groups over territorial control and the devastating results for the defenseless population caught in the middle. Finally, the report on the massacre in El Tigre,<sup>11</sup> in the Valle del Guamuez, Putumayo, in 1999 illustrated the fight for control of the region's coca economy.

Forced displacement was seen in San Carlos,<sup>12</sup> Antioquia, where a combination of violent methods (massacres, selective assassinations, forced disappearances, torture, threats, kidnapping, attacks on towns, anti-personnel mines, economic blockades and sabotage) produced a massive exile of its inhabitants. The report on Comuna 13<sup>13</sup> in Medellín revealed different types of displacement, particularly the interurban type, which resulted from the dynamics of war in the city. Each case showed the war's profound degradation and the way

<sup>6</sup> GMH, Trujillo. *Una tragedia que no cesa* (Bogotá: Planeta, 2008).

<sup>7</sup> GMH, *La masacre de El Salado: esa guerra no era nuestra* (Bogotá: Semana, 2009).

<sup>8</sup> GMH, *Silenciar la democracia, las masacres de Remedios y Segovia, 1982-1997* (Bogotá: Taurus/ Semana, 2011).

<sup>9</sup> GMH, *La Rochela. Memorias de un crimen contra la justicia* (Bogotá: Taurus/ Semana, 2010).

<sup>10</sup> GMH, *Bojayá: la guerra sin límites* (Bogotá: Semana, 2010).

<sup>11</sup> GMH, *La masacre de El Tigre, Putumayo* (Bogotá: Pro-offset editorial, 2011).

<sup>12</sup> GMH, *San Carlos. Memorias del éxodo en la guerra* (Bogotá: Taurus/ Semana, 2010).

<sup>13</sup> GMH, *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13* (Bogotá: Taurus/ Semana, 2011).

in which its armed protagonists combined diverse methods of violence in their efforts to control, punish or exile civilians. In the process of clarifying what happened during the massacres and displacements, violent methods were documented, such as forced disappearance, sexual violence, illicit recruitment, kidnapping, brutality and torture, threats, acts of war and the use of anti-personnel mines.

## Motives and transformations of the war

The reports on the emblematic cases and the already existing and profuse academic research make it possible to identify the determining and recurring factors originally unleashing the war, which also explain its transformation and persistence. Land and a precarious democracy are the most prevailing ones.

### Old debts and new problems linked to land

The appropriation, use and possession of land motivated both the origin and persistence of the armed conflict. Research done for the report on land on the Caribbean Coast<sup>14</sup> documented the historic, persistent and dynamic processes behind the violent seizure and appropriation of land.<sup>15</sup> All of the reports illustrate the gradual convergence between the war and the agrarian crisis (violent takeovers, concentrated ownership of unexploited lands, inadequate land use, and failed processes of legalizing ownership). However, new problems were added to the old ones, revealing the dynamics introduced by drugs-trafficking, the exploitation of

mining and energy resources, agro-industrial models, and criminal alliances between paramilitary groups, politicians, public servants, local economic and business elites, and drug-traffickers. All of these were discussed in the GMH report on the involvement of paramilitary groups<sup>16</sup> in the fight for lands and territories, based on the testimonies of their members.

Those reports showed the violent and fraudulent acts perpetrated by elites and regional and national authorities in order to impede institutional efforts by the State itself to redistribute or transform unequal land ownership and unproductive land use. The sectors whose economic and political power have been based on land have fraudulently opposed agrarian reforms as well as any effort to democratize land ownership or to restitute what had been taken away. Both in the past and present, they have used legal artifices as well as violent methods, which have included assassinating the leaders and persecuting the members of organizations of small farmers. However, the report on land on the Caribbean Coast also illustrates that, in the midst of this devastation, such organizations continue to vindicate their legitimate hope to gain access to land, enjoy safe conditions to work it, and thus live in a dignified way. Additionally, they continually show their capacity to work for a country that will acknowledge the rights of the people who work the land and recognize the enormous potential of the countryside in overcoming the country's crises and help it to attain an inclusive and sustainable development.

<sup>14</sup> GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa caribe, 1960-2010* (Bogotá: Taurus/ Semana, 2010).

<sup>15</sup> GMH/ IEPRI, *El Despojo de tierras y territorios: aproximación conceptual* (Bogotá: CNRR/ IEPRI, Universidad Nacional, 2009).

<sup>16</sup> GMH, *Justicia y paz. Tierras y territorios en las versiones libres de los Paramilitares* (Bogotá: Semana, 2012).





As shown in the reports on Bojayá, Cauca<sup>17</sup> and Bahía Portete,<sup>18</sup> at the center of the violence are fights over territories which are inhabited by communities not only of peasant-farmers but indigenous and Afro-Colombian peoples. In addition to having been victims of land seizures, these communities have been harmed by the illegal and arbitrary use of their lands by armed groups and foreign and national investors. In spite of the constitutionally-stipulated rights these populations have over their territories, the armed groups have intervened in them, both legally and illegally, and have dramatically harmed their lives. The violence also springs from different ways of conceiving the land and understanding the world we live in and the relationships between human beings and nature. The clash has come from two opposing ways of conceiving land: one sees it merely as a source of profit while the other understands it as a resource for growth and development; some view it as corridor or rearguard to gain tactical military advantage, while others regard it as a mother and sustainer of spiritual, physical, social and cultural life.

Seeing the violence from the perspective of land and territories reveals another distinctive aspect of the story: the war has mostly taken place in the Colombian countryside: rural hamlets, districts and towns distant and isolated from the center of the country or the large cities. It is a war that many Colombians do not see and do not feel; it is a war that does not threaten them. The war is seen through the lens of the media, a war which *others* suffer and enables thousands of people to live under the illusion that the country enjoys a full and prosperous democracy, and at the

same time prevents them from understanding the extreme importance which every political decision, position or negotiation has for those who suffer from it. People who live far from the rural areas where the armed groups are active do not know, for example, that for such rural inhabitants a cease-fire may mean the difference between remaining on or fleeing from their farms: indeed, between life and death.

### Precariousness and the fear of democracy

As with other GMH reports, the one on the massacres in Segovia and Remedios also shows how the war reveals the precariousness and weakness of Colombian democracy. This situation springs from certain authoritarian characteristics of the Colombian political regime, and from exclusionary power-sharing pacts between the traditional parties and elites aimed at securing their hold on power and blocking any possibility for dissenting, alternative or opposing forces. The limited opportunity for legal dissent has been used to justify the resort to arms. Nevertheless, democracy itself has also been a target for the armed groups, who blindly believe in the power of weapons and often see the armed fight as more of a principle than an option.

The war has also been used as a way to impede democracy, and violence as a way to silence critics and opponents, hamper denouncements and prevent fair complaints and reforms. That is shown by the testimonies of men and women presented in the reports on the events in San Carlos, La Comuna 13, Segovia and Remedios; another entitled *Women Who Make History (Mujeres que hacen historia)*;<sup>19</sup> and a further study of lands on the Caribbean Coast. Thus, these reports are full

<sup>17</sup> CMH, “Nuestra vida ha sido nuestra lucha”. *Resistencia y memoria en el Cauca indígena* (Bogotá: Semana, 2012).

<sup>18</sup> GMH, *La masacre de Bahía Portete. Mujeres Wayuu en la mira* (Bogotá: Taurus/ Semana, 2010).

<sup>19</sup> GMH, *Mujeres que hacen historia. Tierra cuerpo y política en el Caribe colombiano* (Bogotá: Taurus/ Semana, 2011).

of the names of people who were murdered, threatened or persecuted for denouncing illegal acts: leaders of political, civic, trades union, community, religious and small farmers' organizations; public servants who faithfully complied with their responsibilities to prosecute or monitor such crimes; journalists, human rights' activists, men and women who taught at schools; or youngsters who promoted cultural and environmental projects. All of them were victimized for playing a legitimate role in society. Remembering the war means remembering such assaults on citizenship and democracy, and the arbitrary and Manichean use of mechanisms for participation and decision-making, insofar as the armed groups have invoked democracy when it suits their positions and interests, and fought against it when it has acknowledged the interests and rights of others.

The precariousness of democracy is also seen in the use of repressive military actions to address social conflicts resulting from citizens' complaints of inequality, corruption, racism, poverty and exclusion. Citizens' protests, as shown in Chapter 3, are often treated repressively, and social protests are regarded as threats to public security. Thus, the violence and repression deployed by the military and police lead to a deep distrust of State institutions, and nourish the idea that the use of force and arms is the only way to secure one's rights and improve one's economic conditions. In historical terms, the State's response to the need to undertake political reforms and economic measures that deal with the cause of the problems has been weak, many of them related to corruption, and especially, the shameful inequality that makes this country one of the most unequal in the world.

Furthermore, fear of democracy is not limited to those who hold power. It extends with the same virulence to armed opponents of the

State and even finds a home even among dissident forces who claim to adhere to the democratic resolution of disputes.

## Justice and war

As shown in Chapter 3, justice in Colombia, and particularly criminal justice, is incomprehensible without understanding the war, since the former, despite its relative independence and the general credibility it enjoys compared to other State institutions, has been partly shaped both by the conduct of certain armed groups, who, at given times, have chosen to link the justice system to their armed strategies by infiltrating, exploiting, victimizing or violently disrupting its operations, or by the complex dynamics of the Colombian armed conflict, which led to the creation of institutional schemes, some of them perverse, to confront threats successively regarded as the most dangerous to the State at a given time. Nevertheless, the inverse is also true: our war is incomprehensible without justice, since a large part of its overall meaning and strategic mechanisms has been channeled through the spaces and languages of justice.

Chapter 3 shows the advances, contradictions and limitations of justice as it has confronted the armed conflict. It places a special emphasis on the terrible price democracy pays whenever forms of private justice are legalized, the judicial system is used to promote war and military bodies meddle both with judicial proceedings against civilians and the prosecution of grave violations of the law presumably committed by members of the Security Forces.

In all the cases that the GMH worked on, justice – or to be more precise, impunity – has been a major concern and highlighted as one of the factors most responsible for the continuance and escalation of the war and



one of the major grievances in the memory of the victims. It also figures as one of the main complaints in the memory of the victims. The reports on the events in Trujillo and La Rochela are especially illustrative of this impunity. The first case showed the sinister alliances between politicians, the military and drug-traffickers, as well as the enormous difficulties the Colombian legal system faced in determining the facts and imparting justice. In fact, even now, twenty years later, impunity continues despite the convictions handed down by the judiciary, and as the title of the report shows, the tragedy has not ended. In almost every case, the testimonies of the victims point to the complicities and the alliances behind their tragedy. These complicities and alliances profoundly mark their memories and their claims.

For its part, the report on La Rochela revealed the paradoxical faces of justice in Colombia. On the one hand, a judiciary which was an accomplice in the crimes, blocking an investigation and becoming an obstacle to sanctioning the perpetrators, and, on the other, a judiciary victimized for being committed to the effort to clarify the facts and provide justice.

The GMH reports on the Justice and Peace Law<sup>20</sup> show how these problems of justice have brought about new concerns, debates, challenges and stresses related to the post-conflict implementation of a transitional justice. They document the enormous efforts successive governments have made to come up with judicial and political scenarios that would help to overcome the armed conflict. In this respect, as in others, Colombia has a weak memory: it has not taken advantage of its experiences or learned from its successes or mistakes. Time and again, different presidents have started initiatives to end

the armed confrontation without correctly calculating the institutional adjustments and innovations they would imply, their economic costs and the political agreements they would require. This legacy could be employed in the light of current discussions that seek to establish a legal framework to overcome the war.

GMH researchers analyzed the judicial testimonies of the paramilitary commanders in the report entitled *Justice and Peace: Legal Truth or Historical Truth (Justicia y Paz: verdad judicial o verdad histórica)*.<sup>21</sup> The report confirms the efforts of victims to attend and participate in the judicial proceedings with dignity, without risk of being mistreated or victimized again. It also confirms that many prosecutors provided a space for perpetrators to justify their atrocities. Furthermore, an analysis of the judicial scenario shows the efforts of others, especially women, to expose the truth, confront their victimizers and demand a dignified and fair treatment for the victims. The challenges facing the legal system and, in general, its investigatory and judicial branches, are strikingly illustrated in this report and stand as examples of the challenges that should be kept in mind within the framework of transitional justice.

In spite of the limitations and deficiencies of the Justice and Peace Law which are pointed out in this report, it should be noted that the process has allowed for the uncovering of many truths about what happened with the victims, perpetrators and criminal alliances. Similarly, the brutal methods of the armed groups have been revealed, and thousands of families have been able to find the bodies of their loved ones, which they had been restlessly searching for until then. The testimonies of the victimizers – extracted by researchers

<sup>20</sup> GMH, *Justicia y paz. ¿Los silencios y olvidos de la verdad?* (Bogotá: Ediciones Aguilar, 2012).

<sup>21</sup> GMH, *Justicia y paz. ¿Verdad judicial o verdad histórica?* (Bogotá: Taurus/ Semana, 2012).

from the files of criminal proceedings or even assembled from interviews held in jails – have made it possible to confirm some of the victims’ charges. Above all, they have demonstrated the full horror of what had had been reported, and they have proven, as recorded in this report, the existence of crematory ovens, clandestine cemeteries and schools for torture and dismemberment. The unbelievable stories told by the victims have finally become credible. It is through the voices of the victimizers that some judges and, to a certain extent, society as a whole, are acknowledging the brutality of the war these victims have suffered from. In some reports, the GMH collected and documented these testimonies because they serve to confirm the truth of the narrations of the victims, and the complicities and alliances between illegal and legal armies and between armed groups, politicians and businessmen. On many occasions, it was through these versions that the public acknowledgment of hundreds of crimes could be obtained.

Although many truths have now become public, an important part still remains hidden. Many victimizers have hidden the evidence that incriminates them, and many were simply mercenaries who killed for some personal benefit, obeyed orders and did not understand the motives behind the war. The identity of the power structures behind the armed groups still needs to be clarified. This is the truth that the country needs to be able to dismantle and thus overcome the true sources of the horror.

### **The victims: damage and impact**

Documenting the violence on the basis of memory, and giving the victims’ voices a prominent place, allowed us not only to clarify facts and identify the motives, interests and intentions of those who ordered

and perpetrated the horror, but also to better understand the victims’ experiences and recognize the damage and impact they have individually and collectively experienced. This is recorded in Chapter 4 of this report. Remembering the violence also involves remembering the undesirable changes that took place, as well as the loved ones, relationships, places and cherished possessions that were taken away. It means remembering the humiliation and looting, remembering the life plans that were cut short. It means remembering the injustice and offence. It is the memory of anger, rage, impotence, guilt and suffering.

These revelations led us to discover other meanings implied by the word *victim*, beyond the legal connotation that defines him or her as an abused person who has the right to obtain reparation. A victim is the person whose face is marked by suffering and whose lacerated body reveals the cruelty of the perpetrators, as well as the presence of evil and the ethical breakdown in this society, which includes both elected leaders and citizens. In all the emblematic cases the victims expressed the pain caused by the cruel actions of their victimizers, but they were also hurt by the actions, omission and complicity of those who should have protected and respected them. They expressed indignation about the silence and indifference of thousands of countrymen who are unaware of or do not want to hear about their suffering, and who simultaneously ignore the vulnerability and precariousness of our democracy.

Digging into the memories of the armed conflict, the victims also mentioned multiple types of violence. Therefore, reflecting on the war also brings up the subjects of inequality, discrimination, racism and sexism. Although the violence has affected society as a whole, it was most merciless towards those who are excluded and vulnerable. Although it is true



that no one has been free from the effects of the war, the reports and data on violations of human rights show that the war does not affect everyone equally. The war especially affects the poorer sectors of the population, Afro-Colombian and indigenous communities, and opponents and dissidents. Women and children are the ones particularly affected.

Due to their particular relationship to the land and socio-cultural characteristics, indigenous and Afro-Colombian communities have been especially harmed by the dynamics of the war. Through documented cases we can understand the women and men of the indigenous Wayuu community<sup>22</sup> in Bahía Portete, who now fight to return from their place of exile in Maracaibo and whose case illustrates how the violence severely affected indigenous populations and brought the risk of their extermination. The indigenous communities of Cauca have long been victims of violence and their ancestral territory has been occupied and fought over by practically all the armed groups; a story that not only threatens their autonomy and culture but also their very survival. Indigenous and Afro-Colombian communities in Bojayá and the Medio Atrato in Chocó were abused during the long war, and were victimized by one of the bloodiest confrontations between the armed groups, which happened when a cylinder bomb exploded in a church that killed 79 people, mutilated and wounded others, and led to the exile and relocation of many. The rigorous documentation of each case revealed a pattern of direct violence that included other indigenous and Black communities. The long history of the exclusion, discrimination and violations of these communities, as well as the armed groups' premeditated and systematic efforts to exterminate them, were documented. A number of international organizations categorize these actions as ethnocide, as they

<sup>22</sup> GMH, La masacre de Bahía Portete.

threaten to wipe out communities which have made this country a multi-ethnic and multi-cultural one.

The GMH also decided to document cases that reveal the particular ways that the armed conflict has affected women. For this reason, the following reports were written: *Women and War: Victims and Resistance in the Colombian Caribbean (Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano)*,<sup>23</sup> *Wayuu Women in sight (Mujeres wayuu en la mira)*, and *El Placer: Women, War and Coca in the Bajo Putumayo (El Placer: Mujeres, guerra y coca en el bajo Putumayo)*.<sup>24</sup> These cases confirmed the use of sexual violence as a weapon of war and attacks against women due to their roles in organization and leadership. Additionally, they illustrated the close link between violence in the armed conflict and sex crimes in a patriarchal culture, as well as a sexual order that has attempted to place women in a subordinate position of inequality and exclusion both in private and public spheres, which include the economic and political ones that have also imposed a model of violent and oppressive masculinity. In this sexist and patriarchal culture, conservative views of sexuality impel armed groups to exile, persecute and humiliate groups with sexual orientations that these groups consider to be transgressive.

In each case, the voices of women were central to clarifying the facts, not only due to their particular leadership in the search for justice and memory, but also due to their insistence that their voices be heard and that their reality no longer remain hidden, that it should become part of the memory and history of a country that has placed more importance on the masculine version.

<sup>23</sup> GMH, *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano* (Bogotá: Taurus/ Semana, 2011).

<sup>24</sup> GMH, *El Placer. Mujeres, coca y guerra en el bajo Putumayo* (Bogotá: Semana, 2012).

The testimonies of children, youngsters,<sup>25</sup> and the elderly also had a place in the exercises of memory. Through their drawings and words, the first group showed their own interpretation of what happened and the suffering they experienced and the resulting impact on them, most of which is still underestimated or unknown. The youngsters dug into their childhood and spoke about the scars that, in some cases, have left them silent today, and in others active, creative and belligerent as they search for a country that will allow them to live differently. The elderly were eager to share their legacy. For them, the exercises of memory have arrived too late, since many of them are no longer alive and their testimonies have been lost. Memory should not be left until after the war, since such men and women may no longer be here and the risks of oblivion are higher. In their opinion, memory should be heard in the middle of a war, in order to halt, denounce, protest against and transform it, and thus build peace.

### Memories: accents, dignity and resistance

Chapter 5 of this report returns to the victims' accounts in order to document what those affected by the violence of the internal armed conflict in Colombia consider important to remember and their versions of what happened and its causes. These are memories that provide data and describe the events, settings and political and social dynamics which characterize the impact of violent acts and add elements that help us to interpret the motives and logic of the conflict.

The testimonial archive compiled by the GMH set out in this chapter amounts to a

living portrait, brutal and human, of the suffering caused by the violent acts. It shows the extent of the pain and human cruelty that the witnesses and survivors remember. It also shows the complicity of politicians, local figures and State officials in the victimization of the civilian population, and the stigma of collaborating with the guerrilla that was forced on leaders and communities. It is a compilation of emblematic memories in which the victims explain the origins and causes of the armed conflict in their territory.

From the memory of suffering also comes the memory of dignity and resistance. While these memories were present in all the cases, they were systematically documented with the help of members of the Farm-Workers Association of Carare (*Asociación de Trabajadores Campesinos del Carare*)<sup>26</sup> in San Carlos and the Indigenous Guard of Cauca (*Guardia Indígena del Cauca*). Through multiple conversations and workshops, accounts emerged that highlight the heroic acts and the courage of men and women who tried to survive and support others; those who, though completely defenseless, confronted powerful groups in order to defend themselves and stand up to and defy those who had snatched their children and neighbors from their hands. It is the memory of efforts to confront the war and build peace; it is the memory of courage and bravery that speaks of the extraordinary solidarity of which we human beings are also capable. From this memory, another connotation of the word *victim* arises: the *victim* as the main actor, as the social agent who defies power, who protests and demands and does not only survive and rescue himself, but also transforms and builds a new society.

<sup>25</sup> The NCHM and the ICBF are working on research entitled: *Las voces de niños, niñas y adolescentes* (The Voices of Children and Adolescents).

<sup>26</sup> GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare (ATCC)* (Bogotá: Semana, 2011).



This historical clarification of the war that the GMH provides for the country is also a record of resistance, a record of the multiple ways in which the civilian population faced and resisted the violence and took control of their lives. Along with the work of historical clarification is the imperative of non-repetition, and that also implies a commitment to recognizing the victims' capacity to act and respond.

To resume, this task has brought us face to face with injustice, arbitrariness, pain and courage. Behind all the macabre accounts beautiful stories also emerge, ones that are profoundly human and full of hope, as well as true lessons about the value of organization, persistence and individual and collective undertakings. Many of these are found in the reports, and especially in *Memory in Times of War (Memoria en tiempos de guerra)*, in which the GMH documented many initiatives of memory.<sup>27</sup> In the midst of bullets or truces, the communities, in many cases encouraged and supported by human rights organizations, safeguarded and conserved objects, pictures and texts to ensure that there would be some way of preserving memory. They also stitched, sang, wrote, dramatized and documented their experiences to render tribute to their dead and to ensure that they would not be forgotten, since that would have amounted to an acknowledgement of the victimizers' success at destruction. These guardians and protectors of memory have made it possible to reconstruct the story of what happened and justly claim a leading role in reconstructing the history of this country.

The work revolving around memory is enormous, and there is still much to do if we wish to continue the task of clarifying and dignifying the past, a task that many have taken on, including the National Center for

<sup>27</sup> GMH, *Memorias en tiempos de guerra. Repertorio de iniciativas* (Bogotá: Punto Aparte Editores, 2009).

Historical Memory<sup>28</sup> and several academic institutions, social organizations, and sectors of Colombian society.<sup>29</sup> And it will be a necessary task for as long as the communities continue to rightly demand that their cases be recorded and considered emblematic and they feel that their tragedy and resistance have not been less important than those of others, and that their stories also have to be told and circulated.

So many years of war require a great deal of effort and commitment, so that our history may become a source of lessons, transform what we have been and commit us to demand truth, justice and reparation for the victims and guarantees that these acts will not be repeated. Only if our society takes on the cause of the victims as if it were its own – protesting on their behalf and defending them – will it merit the title of being a constructive and democratic society which guarantees its citizens the right to live with dignity.

To clarify and wrest the terrible human rights violations that have happened in our country from silence and oblivion is a challenge that will surely need the determined work of several generations of Colombians. We are living in times of memory, but building it has just begun.

<sup>28</sup> The NCHM presently has several research projects oriented towards clarifying forms of violence such as forced disappearance, kidnapping, guerrilla seizures and incursions and forced displacement. There are also investigations going on concerning common graves, genocide of the Patriotic Union, victimization of journalists and members of churches.

<sup>29</sup> GMH, *Recordar y narrar el conflicto. Herramientas para la reconstrucción de la memoria histórica* (Bogotá: CNRR, 2009).

# PUBLIC POLICY RECOMMENDATIONS

*What are you going to do with my words?*<sup>30</sup>

The Group of Historical Memory (GMH) – within the framework of the former National Commission for Reparation and Reconciliation, and in compliance with the mandate of Law 975 of 2005 – has produced 24 public reports on historical memory since the end of 2008, all in the midst of the internal armed conflict in Colombia. In these reports, the central pillar are the memories of the victims and their communities. Then, based on this historical and factual memory, the environment, circumstances, structural elements and agents that led to the spread and intensification of the conflict are reconstructed. In each of these reports, impacts and individual and collective damages are identified, and memories of survival and resistance against armed violence become visible.

These reports have produced a reliable approximation of what occurred during six decades of a complex internal conflict, with its different phases and methods and its large number of victims, armed groups and perpetrators. When we look at this fragmented mirror, which gives us a chilling portrait of Colombia, the task of designing public policies that address and repair these realities seems to be a daunting challenge.

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<sup>30</sup> This is one of the questions that the victims repeatedly asked when they offered us their testimonies.

This chapter includes recommendations which can guide and contribute to the making of relevant decisions that foster a democratic society and a lasting and sustainable peace. This chapter on public policy recommendations acknowledges the efforts, progress and work which different institutions and social organizations are developing in a legal framework designed especially for the purpose of consolidating social conditions and policies that recognize and dignify the victims, and which lead to peace and social inclusion.

## **What kind of institutional setting is needed for a transition to peace?**

Sixty years of armed conflict have built up a history characterized by the use of violence as a method to resolve conflicts, criminal impunity and a coexistence based on exclusion. There has been a constant denial of the right to life and freedom, and differences are dealt with through discrimination and intolerance. This conflict has spread dehumanization and an unwillingness to accept responsibility by denying or concealing reality, and has silenced victims and made them invisible.

The long duration of the armed conflict has shaped cultural and political practices that, in turn, have facilitated its spread. This creates the need for *recognition* and *responsibility* to





be imposed as the two foundations of all public policy efforts aimed at responding to the magnitude of what happened over so many years of war.

For this purpose, it is necessary to transform the institutional structure that has been designed for wartime conditions and, with the active participation of all sectors of society, build institutions that are conducive to the goals of peace, although the country is still in the midst of an ongoing armed conflict. In this sense, this chapter contains specific proposals to fully grant the right to truth, justice, reparation and guarantees of non-repetition, which are the unavoidable basis of efforts to overcome the conflict, build the very foundations of democratic society and also comply with the commitments which Colombia, as a society and State, has to the Commonwealth of Nations.

The effort to build a new institutional architecture in peace and for peace presupposes that the country ensure the participation of victims and various sectors of civil society, both on a regional and national level, which is important for strengthening society's trust in the State.

Other recommendations in this chapter are based on the premise that there is a dialectical relationship between the nature of the armed conflict and the country's power structures, without which this conflict would not have gone on for six decades. In that regard, the forming of a "State for War" should be gradually replaced by the forming of a State that is able to deactivate the war, even if the armed conflict were to continue.

The transition time will be long, because the war has covered at least four generations. A decade to transform the State and the cultural traits permeated by the conflict seems to be the minimum period required, since we are

dealing with a system whose structures and visions of the world are rooted in collective concepts. Therefore, our recommendations for an architecture of peace may contribute to the transformation of the ongoing conflict.

The GMH recognizes the efforts made in recent years to create a favorable environment for the comprehensive reparation of victims and a transition towards peace. The following recommendations are provided to strengthen those purposes.

## Recommendations to secure the victims' rights

### Right to the Truth

The right to the truth is a substantial part of the fight against impunity and the prevention of new violations of human rights, with a focus on non-repetition. Thus, an official and social recognition of what has happened (the what, why, who, where and how) and assigning responsibilities for what has happened are part of a society's public patrimony. The full and public dissemination of the truth, so long as it does not cause unnecessary harms to the victims, witnesses and others, is a measure of satisfaction and a guarantee of non-repetition. Furthermore, the importance of preserving memory serves as a check against the emergence of revisionist versions of what happened in this violent past or ones which deny its harsh truths.

Within the framework of the right to know, the right to the truth, both in its individual (the victims) and collective dimensions (society), merges with the State's duty to remember. This means providing the guarantees and conditions that are required for both society – through its different components, such as victims; academic institutions; think tanks; and social, victims'



📷 Signing the Victims' Law before the Secretary General of the United Nations. Casa de Nariño, Bogotá – June 10, 2011. Photograph: Felipe Ariza - SIG. <http://wsp.presidencia.gov.co/Fotos/2011/Junio/Paginas/20110610.aspx>

and human rights organizations – and State bodies which have the required authority, autonomy and resources to advance their efforts to reconstruct memory in order to secure the realization of the right to the truth which the victims and society as a whole deserve.<sup>31</sup>

To contribute to the right to truth and the State's duty to preserve memory, we recommend:

1. That the President of the Republic and other government officials, in the name of the Colombian State, recognize the State's responsibility for human rights violations in relation to the internal armed conflict before society as a whole, and before the victims, their families, and their communities, and apologize for it through dignified acts.
2. As part of the necessary input to achieve the right to the truth of the victims and society, we recommend that the government provide resources to those entities responsible for preserving, protecting and providing access to the files of State security agencies that are no longer in operation, and preserve the files of acting security institutions or of other institutions and other significant records in this area, in order to clarify the conduct of those agencies during the armed conflict and contribute to truth and historical memory.
3. To guarantee the victims' and society's right to know, we recommend strengthening the National Commission for the Search for Disappeared Persons, created by Law 589 of 2000, to give it the autonomy and logistical, technical and financial resources to guarantee, within a reasonable period, and in coordination with the entities responsible for exhumations, the effective identification and location of missing per-

<sup>31</sup> See Law 1448 of 2011, Art. 143.



sons and due care of their families and thus ensure the full implementation of the existing national and international standards in that field.

4. That, on behalf of their organizations and before society as a whole, the leaders of the armed groups acknowledge their responsibility for human rights violations to the victims, their families and their communities and ask their forgiveness through dignified acts.
5. That members of the illegal armed groups effectively contribute to consolidating the transition process by providing information to facilitate the location of missing persons, release of kidnapped persons, mapping of areas planted with anti-personnel mines, and identification of minors who illegally joined and/or were recruited into such groups, along with any information which clarifies the violent acts and human rights violations that occurred during the conflict.
6. To contribute to the historical memory of the armed conflict, we recommend that in the course of constructing historical memory initiatives, the acts of defense and protection of the rights of citizens and communities in the midst of the armed conflict undertaken by the victims and their organizations, as well as by citizens, organizations, officials and exemplary public servants, be identified and publicly acknowledged.
7. That at the end of the armed conflict a mechanism for clarifying the truth, based on reports produced by the National Center for Historical Memory and other available information, be created in order to unveil what happened during the armed conflict, with the participation of the victims and, as far as possible, the participation of all the armed groups.

## Right to Justice

In accordance with the international principles for the fight against impunity and the provision of reparation for the victims, one of the duties of the State is the timely prevention and investigation of human rights violations to determine who the responsible parties are and take appropriate measures against the perpetrators. Likewise, effective guarantees of the victims' right to justice is an important component of comprehensive reparation and constitutes a solid and inescapable foundation for the guarantees of non-repetition.

8. Given the length of the Colombian armed conflict, legal clarification will require specially trained judicial officials to administer a justice which facilitates the transition from the conflict to peace. We therefore recommend, in developing the legal framework for peace incorporated into the Constitution through Legislative Act 01 of 2012, the creation of mechanisms such as a Special and Temporary Court devoted to clarifying and sanctioning the illegal acts of the various armed groups involved in the conflict. These mechanisms could fulfill the democratic imperative of prompt, effective and timely justice, with the aim of closing the door on impunity, although without interfering with the higher purposes of peace and reconciliation. These mechanisms could implement special and exceptional sanctions.
9. In seeking to advance the consolidation of a transition process that leads to reconciliation, we recommend guaranteeing the right to due process for the perpetrators of criminal acts caused during the armed conflict, in all its scenarios, and the design of a public policy that will implement measures for rehabilitation, reintegration and psychosocial support to facili-

tate their transition to civilian life. For this effect, we recommend that the government design and implement educational and pedagogical campaigns.

## Right to Reparation

To compensate for the harms caused by grave human rights and International Humanitarian Law violations, the right to reparation focuses on responding to the entirety of the harms and damages suffered by the victims through individual and collective measures, both material and symbolic. In Colombia, and in line with the international regulatory framework on human rights, Law 1448 of 2011 establishes measures of restitution, compensation, rehabilitation and satisfaction, as well as guarantees of non-repetition as part of a comprehensive reparation.

Given the magnitude and diversity of the harms that were caused, and to implement a comprehensive reparation that is satisfactory for the victims, the participation of victims must be guaranteed, with the use of a differential focus to ensure that these measures are specific, appropriate and relevant to its purposes.

10. Given the magnitude of the armed conflict's psychosocial impacts on the Colombian population, it is recommended that the Ministry of Health and Social Protection, the Secretaries of Health and other relevant entities create and develop Regional Psychosocial Care Centers, equipped with the technical and financial resources required to ensure the psychological and psychosocial care and rehabilitation of populations affected by the conflict, with a differential approach.

11. We recommend that the government design and implement regional mechanisms which, along with the necessary security

guarantees, provide scenarios where the victims, and stakeholders, can voluntarily deliver their testimonies about what happened in the context of armed conflict. In order to satisfy the victims, we propose creating forums where high officials can actively listen to these accounts, historical memory can be constructed and the search for the truth honored. These testimonials should be organized and preserved as the nation's oral memory.

12. We recommend that the national government strengthen the technical and financial capacities of the national and regional entities which are responsible for implementing the National Policy for the Care, Assistance and Reparation of Victims. In particular, effectively implementing Comprehensive Plans for Collective Reparation could play a key role in bringing about the local conditions needed for the transition to peace.

## Guarantees of non-repetition

A key challenge in the transition to peace is consolidating guarantees of non-repetition, understood as the measures the State should take to ensure that the victims do not again suffer violations of their rights, as set out in international principles.<sup>32</sup> This should include institutional reforms and appropriate measures to reinforce the legitimacy of the Social Rule of Law and the trust that society has in its public institutions.

Guarantees of non-repetition are usually related to the disarmament, demobilization and reintegration of illegal armed groups, as well as institutional reforms. Furthermore, officials implicated in serious human rights violations should be dismissed after a fair and transparent procedure. Likewise, government institutions

<sup>32</sup> (Joinet, 1996; Theo van Boven, 1996; Orentlicher, 2005).



should be reformed in accordance with the standards of good governance and the rule of law.

13. The illegal armed groups are urged to seek political solutions to the armed struggle and to disarm as a basic guarantee to build peace and secure non-repetition.
14. All armed groups are urged to put an immediate end to the various methods for the illegal enlistment or recruitment of boys, girls and adolescents.
15. Due to the history of the emergence of the self-defense and guerrilla groups as non-State organizations that appropriated the monopoly of force with or without the consent of regional and local powers, the GMH recommends that the Congress establish a constitutional ban on all types of legislation that lead to delegating the State's monopoly of force to private groups. Likewise, we recommend issuing and implementing laws to regulate gun ownership.
16. The national government and local authorities are urged to include public policies in their annual plans and budgets to overcome inequality, discrimination, marginalization and exclusion, and to ensure the effective realization of economic, social and cultural rights.
17. We recommend that the national government identify the lessons that were learned from the processes of disarmament, demobilization and reintegration in order to ensure that the processes for reincorporation into civilian life will be successful and sustainable for both the demobilized persons and their communities.
18. We recommend that the national government revise its processes for training and selecting public officials and servants in a manner which emphasizes the aspects of public ethics, human rights and service to citizens.
19. We recommend that the national government create an alternative to compulsory military service which will allow young people to participate in programs that promote human rights and the effective reparation of victims.
20. We recommend that, in accordance with Law 1482 of 2011, the State, and particularly the institutions responsible for educational and cultural policies, promote and implement educational and communicative programs and campaigns which help to overcome stigmas against specific groups, particularly those who participate in political, social, and community activities (trade unionists, human rights defenders, community leaders, left-wing activists, church members, among others). These programs, campaigns and other institutional actions must spread the message that differences and the freedom of opinion and ideology are vital for the consolidation of any democracy and that the State should protect them.
21. We recommend that the national government and the Secretaries of Education and Culture, schools, and academic institutions promote and implement educational and communicative programs and campaigns which aim to overcome the stigmatization of ethnic groups and communities, and recognize the value of their history, identity and contributions to Colombia's identity as a multiethnic and multicultural nation.
22. We recommend that the national government and the Secretaries of Education and Culture, schools and universities

promote and implement educational and communicative programs and campaigns which seek to recognize the different impacts of the armed conflict on women and men, overcome gender discrimination, promote new forms of gender equality and disseminate messages which encourage gender equality, a respect for all identities and an imaginary of masculinities engaged as promoters of peace.

23. We recommend that the national government and the Secretaries of Education and Culture, schools and universities on a national and regional level integrate into their programs and activities the historical memory reports produced by the GMH, the National Center for Historical Memory, non-governmental organizations, think tanks and universities and use them in their curricula, educational projects, text books and books on history and the social sciences.

24. We recommend that the national government and the Secretaries of

Education and Culture, schools and universities on a national and territorial level integrate training in the nonviolent resolution of conflicts and mediation skills into their programs and activities.

### Recommendations for peace-building

For decades, the Colombian State has shaped its legal structure to respond to the need to deal with an internal armed conflict that has weakened and bled it. Therefore, the domestic legal system is, to a large degree, built around the needs of a State in the midst of a violent conflict, which means that to secure a peace-building process, the State will need to adjust, amend and repeal regulations that interfere with those goals. It is therefore necessary to review the regulatory and

institutional structure so that it may respond to and facilitate the transition.

Building peace will require substantial resources, but it would be more expensive to keep the war going. For decades, the government's military budget has increased significantly, which makes it necessary, during the transitional stage, to gradually reverse this trend in order to design and implement a budget for peace and social development.

Based on the above:

25. We recommend that the national government and Congress, in a context of peace-building, review and make the normative and institutional reforms needed for peace, democracy, social inclusion and the validity of the rule of law, specifically focusing on a differential approach to matters of gender, ethnicity, age, disability, etc.

Among the topics to review, we recommend that the State should:

- a. Promote and strengthen citizen participation.
- b. Ensure that its planning and national budget establish priorities of social inclusion, the strengthening of regional institutions, measures for victims, measures to effectively reintegrate demobilized persons and specific measures to protect especially vulnerable populations, among other priorities.
- c. Guarantee the exercise of political participation, particularly with regard to security.
- d. Adjust regulations to the challenges of the transition.



- e. Reorient the work of the armed forces towards peace and adjust their structure to post-conflict situations. For this purpose, we propose, for example, forming a committee of independent civilian experts who would monitor, for a year, the results of recent reforms such as that of the autonomous military jurisdiction and assess their relevance and effectiveness.
- f. Strengthen its efforts to protect and guarantee human rights, particularly for vulnerable groups.

From another angle, the intolerance of diversity and discrimination for reasons of gender, sexual diversity, ethnicity, age, etc., have caused deep-rooted practices of social exclusion and serious violations of human rights and International Humanitarian Law which must be eradicated. Therefore, it is necessary to implement norms for affirmative action and special provisions to protect groups who have been victims of these forms of exclusion.

This will involve strengthening and sustaining State efforts under Law 1448 of 2011 to transform the situation of the victims of violations and restore their status as subjects of law in the immediate post-conflict period and for at least ten years.

26. There are currently opportunities under Law 1448 of 2011 for victims to participate in building and developing programs and measures for full reparation. We emphasize the importance of the victims' participation in designing and implementing public policies for full compensation as the foundation for their sustainability. In addition, such concerted and participatory measures will help to strengthen efforts to construct peace. Therefore, we recommend that the national government work with governors and mayors to expand

and strengthen these scenarios for participation in order to facilitate conditions for the concerted drafting of regional proposals for guarantees of non-repetition.

The absence, weakness or illegitimacy of the State in outlying regions has contributed to the formation of institutional and social settings which are prone to use intolerance and violence as a mechanism to resolve conflicts. Thus, practices that are contrary to the democratic values and principles enshrined in the 1991 Constitution have become entrenched in a society that maintains authoritarian political views and practices.

To strengthen democratic practices and culture, a rationale of dialogue, deliberation and respect for plurality and differences should be promoted by different institutions and with a greater effort and consistency. Moreover, building a consolidated democracy will require reviewing specific codes of conduct for public officials and the purging of harmful institutional practices and vetting protocols.

For the above reason:

- 27. We recommend that the national government and the judicial system strengthen, among other aspects, scenarios for accountability and mediation in order to resolve extrajudicial disputes on a regional level. This can be done by resignifying and empowering institutions, with innovations like peace judges or mediation agencies equipped with the technical skills, resources, acceptance and legitimacy that would enable them to make binding decisions.
- 28. We recommend that the national government, with the accompaniment of the Office of the Procurator-General of the Nation (Procuraduría General de la Nación) design mechanisms to cleanse public institutions with the aim of dismissing

from the public service any agents who have been co-opted by illegal armed groups or might be involved in serious human rights violations, and thus restore their legitimacy and trustworthiness in the eyes of the public and strengthen their capacity in terms of an efficient performance of their rights and duties.

The absence and weakness of the rule of law in certain areas of the country (those most affected by the armed conflict) have led to situations where the State has been co-opted by illegal armed groups (paramilitary and guerrilla) and organizations dedicated to drug-trafficking, a phenomenon that affected public institutions on a national, regional and local level.

Furthermore, the alliances which have developed between local and regional economic interests and illegal armed groups, along with the new dynamics resulting from the illegal seizure of lands and natural resources, are contrary to the purposes of the rule of law.

29. We urge the national government to include a mechanism to comprehensively reconstruct regions devastated by the war into national planning, in order to ensure the intervention and effective presence of the rule of law. This mechanism would ensure the provision, by the responsible ministries and agencies, of tertiary roads, electricity, connectivity and concrete measures to help integrate outlying regions and improve the socio-economic conditions in these areas (with schools, health, education, housing, collective rights). Likewise, full compensation and humanitarian assistance should be prioritized and coordinated.
30. We acknowledge that the participation and support of International Cooperation

agencies have been very important in the efforts to end the armed conflict in Colombia and provide full reparation to its victims. In the name of this peace-building effort and in accordance with the agreements of the Paris Declaration, we recommend that International Cooperation reinforce its coordination and prioritize its support for efforts to build peace, and that this be reflected in planning and the national budget.





This report complies with the legal mandate (Justice and Peace Law, no. 975 of 2005) to compile a detailed account of the origin and evolution of the illegal armed groups. The Historical Memory Group (GMH “Grupo de Memoria Histórica”) was originally attached to the National Commission for Reparation and Reconciliation (NCCR), and now forms part of the National Center for Historical Memory (NCHM). To produce this report, the GMH has fulfilled this requirement by considering the illegal armed groups not just as war devices, but the result of social and political factors that have shaped Colombia’s historical development as a country.

In the light of those considerations, this account attempts to go beyond the approaches that reduce the complex nature of the violence we have experienced into simple moral opposites (the good and the bad). The long path the conflict has taken and the way its protagonists have changed, together with the country’s social and institutional transformations, make it impossible to believe in a monocausal account that reduces the ongoing nature of the violence or its solution to the mere action of perpetrators or to a simple proclamation of moral condemnation. Society has been victimized, but it has also participated in the conflict through its consent, silence, support, and indifference, all of which should provoke collective reflection. However, extending these responsibilities to society at large does not mean diluting those concrete and differentiated

responsibilities into a statement of “we are all guilty.” The reconciliation or reencounter that we all yearn for cannot be based on distorting, concealing, or forgetting the facts, but only by clarifying them. We are all involved in this political and ethical call to action.

This report is not an account of a remote past. It is instead a narrative firmly anchored in our present. It is a report that, as a matter of conviction and by law, explicitly departs from the idea of an official memory of the armed conflict. Far from pretending to be a corpus of unchallengeable truths, it aims to encourage everyone to reflect on the country’s violence and enter into an open social and political debate about it. Colombia has yet to build a legitimate but non-consensual memory that explicitly includes the differences, contradictions, opposing political stances and responsibilities on all sides, and that in turn recognizes the victims.

This report is a moment and a voice among a packed audience undertaking multiple dialogues of memory over the past decades. It is the “Basta ya!” which emanates from a society that is overwhelmed by its past, but is striving to build a new future.

These excerpts from the Basta Ya! Colombia: Memories of War and Dignity Report include three sections of the General Report: the prologue, the introduction and the public policy recommendations.

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