

BASTA YA!

COLOMBIA: MEMORIES OF WAR AND DIGNITY

General Report Historical Memory Group

PROSPERIDAD SOCIAL
Centro Nacional de Memoria Histórica
TODOS POR UN NUEVO PAÍS
PAZ EQUIDAD EDUCACIÓN

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BASTA YA! Colombia: Memories of War and Dignity
General Report by the Historical Memory Group
English version

HISTORICAL MEMORY GROUP

General Coordinator
Gonzalo Sánchez G.

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, 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, 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, Victor Barrerra, Lina Pinzón, Jairo González

EDITORIAL PRODUCTION

Translation
Jimmy Weiskopf
Joaquín Franco
Traducciones & Servicios S.A.

Editing and Proofreading (Spanish version)
Ana Cecilia Calle, Ana María Carvajal, Francisco Thaine, Tania Intriago and Patricia Nieto

Editing and Proofreading (English version)
Joaquín Franco

Design and Layout (Spanish version)
Daniel Clavijo and Magdalena Forero Reinoso

Design and Layout (English version)
Pasajero and Magdalena Forero Reinoso

Photo selection (Spanish version)
Jesus Abad Colorado and Lina Díaz

Photo selection (English version)
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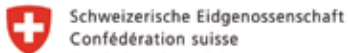
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The GMH is solely responsible for the contents of this report and publicly declares its acknowledgment of the strict compliance that has been given to the academic and operational autonomy which its mandate has laid down.

TABLE OF CONTENTS

SPEECH AT THE OFFICIAL PRESENTATION OF THE BASTA YA!
GENERAL REPORT TO THE PRESIDENT OF THE REPUBLIC 15

PROLOGUE 19

INTRODUCTION 25

CHAPTER I
A Prolonged and Degraded War
Dimensions and Methods of Violence 36
1.1. A violence that is difficult to measure 37
1.2. Attacks on the civilian population and the rationale of the armed conflict in Colombia 40
1.3. The objectives and repertoires of the violence 43
1.4. Methods of violence: a frequent and low intensity violence 48
1.4.1. Selective assassinations: the less visible deaths 49
1.4.2. Massacres: strategies to sow terror 53
1.4.3. Abuse and torture: the degradation of the war 60
1.4.4. Forced disappearances: absence, uncertainty and solitude 62
1.4.5. Abduction and hostage-taking: the denial of liberty 70
1.4.6. Forced displacement: uprooting, nostalgia and humiliation 76
1.4.7. Plundering and extortion 81
1.4.8. Sexual violence in the armed conflict: bodies marked by war 82
1.4.9. Unlawful recruitment: the war is not a children´s game 90
1.4.10. Acts of war: 93
1.4.11. Anti-personnel mines, unexploded munitions and improvised explosive artifacts: “At home, you don´t know what you´re stepping on” 98
1.4.12. Attacks on civilian property and sabotage 102
1.4.13. Terrorist attacks 107
1.4.14. Threats: you cannot live in peace 108

CHAPTER II
The origins, dynamics and growth of the armed conflict 116
2.1. Bipartisan violence becomes subversive violence (1958-1982) 118
2.1.1. The legacies of the old violence: brutality, exclusion and internal enemies 118
2.1.2. From peasant farmer self-defense groups to revolutionary guerrillas 123
2.1.2.1. The State fights to recover the monopoly of force in the regions 124
2.1.2.2. The war against the independent republics and the transition to the FARC 127
2.1.2.3. Old and new conflicts in a changing world: the rise of the ELN and the EPL 129
2.1.2.4. Social mobilization and the State´s response: reformist and repressive 134
2.1.3. Frustrated expectations and the repression of social protest 137
2.2. Expansion of the guerrilla, peace policies and the emergence of the paramilitaries (1982-1996) 141

2.2.1. The Constituent Assembly, the refusal of the FARC and ELN to participate and the new impetus of paramilitarism 155
2.3. The years of the humanitarian tragedy: the expansion of the guerrilla and paramilitary groups, the State adrift and the war of blood and fire for territory (1996-2005) 162
2.3.1. The paramilitaries commit massacres, expand, and coopt and transform politics 163
2.3.2. The guerrilla groups abduct, grow and arrive at Caguán in a strong position 167
2.3.3. The paramilitaries strengthen their hold in the north and the FARC in the south of Colombia 169
2.3.4. The combination of war and peace: the frustrating results of Caguán 172
2.3.5. Massacres, armed actions and more victims. The paramilitary and guerrilla groups escalate the war 176
2.3.6. Another fruitless round of talks with the ELN 180
2.3.7. The differentiated expansions and territorial adjustments of the war 181
2.3.8. The economic background of the territorial disputes 184
2.4. The AUC negotiate and demobilize. The State forces the FARC into its rearguards (2005-2012) 185
2.4.1. The Democratic Defense and Security policy 186
2.4.2. The withdrawal, weakening and readjustment of the FARC 187
2.4.3. The failed negotiations with the AUC 189
2.4.4. The impact of paramilitary rearming on the territorial development of the conflict 192
2.4.5. State control of the center of the country and the presence of the guerrilla on the peripheries 196

CHAPTER III

War and Justice in Colombian Society 202

3.1. The system of justice inherited from the National Front (1971-1987) 206
3.1.1. A hybrid criminal justice: criminal investigation and military law 210
3.1.2. The judicial treatment of political crimes 213
3.2. Readjusting the system of justice and the birth of the 1991 Constitution (1987-1992) 217
3.2.1. The transformations of a system of justice confronted by the war 217
3.2.2. The birth of the 1991 Constitution 224
3.2.3. The Gaviria administration's strategy of submission 229
3.3. Between siege and resistance: the judicial system in the framework of the armed conflict of the past two decades (1992-2013) 232
3.3.1. Between modernization as a weapon against impunity and the resurgence of exceptional measures: the transformations of the criminal justice system and the criminal jurisdiction of military courts 234
3.3.2. Tendencies in prosecuting illegal armed groups 243
3.3.2.1. In the meantime, what has happened with judging the paramilitary groups? 245
3.3.3. The incipient chapter of transitional justice in Colombia 250
3.3.4. Parapolitics: the resistance of the justice system to the criminal coopting of the State and the strengthening of its leading role in fighting it 256
3.3.5. The approval of the Juridical Framework for Peace: a new chapter in the history of the Colombian justice system´s confrontation with the armed conflict 262

CHAPTER IV

The impacts and harms caused by the armed conflict in Colombia 264

4.1. A framework of harms and impacts 266
4.1.1. The emotional scars that the war leaves 267
4.1.2. Stigmatizing, demeaning, humiliating. The moral harm of the war 274

4.1.3. Isolated, distrustful and without fiestas. The sociocultural harms 278
4.1.3.1. Afro-Colombian and Indigenous communities, the most abused 284
4.1.4. Criminalize, persecute, repress. The damage that the war inflicted on democracy 287
4.2. The harms and forms of violence 294
4.2.1. Massacres: terror and devastation 294
4.2.2. Forced disappearances: absence, uncertainty and loneliness 296
4.2.3. Forced displacements: uprooting, nostalgia and humiliation 301
4.2.4. Abduction: liberty retained 305
4.3. The harms and impacts in terms of gender and age 310
4.3.1. Nurturers, protectors and and unifying forces – the damages and impacts on women 310
4.3.2. Providers and protectors – the damages and impacts on men 317
4.3.3. The rupture of innocence – damages and impacts on children, adolescents and youngsters 319
4.3.4. Degraded, ridiculed and silenced – harms and impacts on the LGBTI community 327
4.4. The harms and impacts caused by impunity, deficiencies in government assistance and social responses 328

CHAPTER V
Memories: the Voice of the Survivors 334
5.1. The memories of suffering 337
5.1.1. The faces of suffering 337
5.1.2. The horizons of pain and terror 341
5.1.3 The faces and actions of the armed actors 343
5.2. The protests and interpretations that result from the memories 347
5.2.1. Memories of collaboration and abandonment 348
5.2.1.1. The State agents 349
5.2.1.2. The collaboration of politicians and local powers 354
5.2.1.3. Internal collaborations 356
5.2.1.4. The dynamics of collaborations 358
5.2.2. Memories of stigmatization 360
5.2.2.1. Allegations of membership that stigmatize 360
5.2.2.2. The fate of living in a marked-out place 362
5.2.2.3. The criminalization of leaderships 364
5.3. Labors of dignity and resistance 365
5.3.1. Enduring the war and the labors of dignity 366
5.3.1.1. Reading the signs in the surroundings 366
5.3.1.2. Refuges and subterfuges 370
5.3.1.3. Support and help 373
5.3.1.4. Humanitarian rescues 374
5.3.1.5. Extraordinary acts 377
5.3.2. Resisting the war 380
5.3.2.1. Disobedience and the recovery of spaces 380
5.3.2.2. Direct rejection and negotiations 383
5.3.2.3. Rebellion and mutiny 390
5.3.2.4. Resisting through the reconstruction of memory: Initiatives of Memory 393

RECOMMENDATIONS 402
ANNEX 412
BIBLIOGRAPHY 424
GLOSSARY OF ACRONYMS 436

SPEECH AT THE OFFICIAL PRESENTATION OF THE BASTA YA! GENERAL REPORT TO THE PRESIDENT OF THE REPUBLIC

Gonzalo Sánchez G.
Director, Nacional Center for Historical Memory

Mr. President,

The Basta Ya! Colombia: Memories of War and Dignity report is a memorial of grievances of hundreds of thousands of victims of the internal armed conflict. It also aspires to be a statement of commitment to the transformation of the future of Colombia.

This report and the accompanying 20 volumes, prepared by the Historical Memory Group and the National Center for Historical Memory, document the violence suffered by so many of our fellow countrymen and women that have been in this country for decades without knowing peace. It has been a long-standing violence associated with multiple unresolved social and political conflicts. It is a violence that has been changing with regards to its agents, motivations, intensity and mechanisms. It is a war that has cast a shadow over most of Colombia's territory, even thought very unevenly, mostly because it is a war whose victims have been for the most part civilian population. It is therefore a degraded war, which has broken every humanitarian norm, beyond the social and political objectives put forward by the multiple sides.

By presenting to you this report, Mr. President, and through you to the victims and to Colombian society, we are fulfilling a legal mandate, but we are primarily carrying out an ethical and moral responsibility towards the victims: the responsibility to clarify what has happened and to make the victims' tragedy visible. We are joined today, Mr. President, by delegations of victims of all the cases we have been studying in this effort to reconstruct the map of memory and conflict in this country: from Trujillo – Valle; from El Salado – Carmen de Bolivar; from Bahia Portete – Alta Guajira; from Bojayá – Chocó; from the Comuna 13 of Medellín; from San Carlos – Antioquia; from Magdalena; from Montería – Córdoba; peasant-farmers from La India – Santander; from Remedios and Segovia – Antioquia; from El Placer and El Tigre – Putumayo; from Mampuján, in Maríalabaja – Bolívar; from Las Brisas in San Cayetano – also Bolívar; and from Libertad and Rincón del Mar in San Onofre – Sucre.

The realities presented in the report are very harsh. From the amount of violent deaths that occurred in Colombia between 1958 and 2012, at least 220,000 were caused by the armed conflict, 80% of which were unarmed civilians. There are hundreds of thousands of fatalities caused in particular by massacres and targeted assassinations. To this, we must add the victims of forced disappearance, forced displacement, abduction, extrajudicial executions, unlawful recruitment, torture and abuse, anti-personnel mines, and sexual violence. They are thousands of victims, many of whom have been invisible, not only because of the strategy of concealment used by the armed groups but also because of the routinization of violence and the social and institutional indifference.

The responsibilities of the violence fall on a differentiated basis on the guerrilla groups, the paramilitary and State agents that acted outside their legal mandate. The distinctive feature of paramilitary violence is the violence against the physical integrity of individuals, while violence against liberty and property characterizes the actions of the guerrilla. In other words, paramilitary kill more than the guerrilla, while the

guerrilleros kidnap more and cause much more destruction than the paramilitary. Nevertheless, the fact that the distribution of responsibilities in each case reveals a greater or lower participation with respect to a particular method of violence does not mean overlooking, oversizing or undervaluing the criminal actions carried out by the other groups.

The calculations of the distribution of responsibilities for the violence at national level are certainly substantive in terms of truth and memory. However we must also mention that this opprobrious scale does not lessen the responsibility that each one of the victims of the internal armed conflict demands specifically to the perpetrators involved.

It is worth noting that in order to adequately understand the violence we have endured, we cannot afford to simply sum the compatriots killed and the inflicted damages. Instead, we must acknowledge that violence falls within the context of the interweaving of exclusion, impunity, plundering and terror, which have configured the daily happenings of our nation.

There is a lot of cruelty in these pages. However, the report is not aimed to be a catalogue of horror. The display of decontextualized horror could arouse hatred and revenge, rather than condemnation and reflection. This has led us to be committed to give an account of both the huge magnitude reached by the war and the social and political fabric that produces the war and that feeds it back.

There are many arguments put forward by the warring sides to attempt to give some sort of rationality to their actions: some in the heat of the time, based on ideologies and perhaps also dreams, ventured themselves into the shortcut they thought would be the quickest, the armed struggle, in order to transform the country. In that endeavor they swept all that was on their path away with chocking disdain: life, property, liberties and values they said they were defending. Others, invoking neglect or inability of the State to assume its duty of protecting citizens from the guerrilleros, raised revenge and private justice to the rank of political project and armed organization. With an avenging discourse they spread massacres and blood across the whole country. And others, the majority of whom are selfless State agents, sacrificed their own lives in order to honor their constitutional oath, deserving recognition by the society. However, they were unable to prevent many others within their ranks to resort to unlawful methods to obtain information, to fight irregularly, to make disproportionate use of force or even to perpetuate forced disappearance or take the life of their adversaries out of combat. Furthermore, without ignoring the high cost in human lives and suffering they have paid, members of political parties, public institutions and collegiate bodies at local and national level not only avoided their legal and political responsibilities to fight violence but they were also infiltrated or coopted by organized crime, whether it was drug-trafficking, corruption or parapolitics. Those are truths that we must get accustomed in order to undertake the necessary corrections.

In order to change durably this scenario of tolerance and complicity with the war, a social conversion must take place, through an immense task of political education, which would reappraise dissent, controversy and difference. This is the essence of democracy. Although we appreciate it, this democracy still has great limitations and threats: the polarization without reservation or the exclusion of the other, corruption, impunity, strategies of cooptation of the State by illegal armed groups, and persistent social inequalities are some of the most notorious and destructive ones. If we were to learn from other traumatic experiences, the first lesson would be that the best antidote against violence in the long run is the deepening of democracy and justice.

That is why we cherish the hope that the responsibilities demonstrated here will be assumed by all the agents involved in the violations of human rights and international humanitarian law, and we hope that the recommendations put forward in this report will be shared and appropriated by the different public authorities concerned.

National reconciliation to which we all aspire cannot be based on concealment and denial, but rather on accountability by the State as well as by all the armed agents involved. Only then can a complete reintegration of the armed insurgents into society be achieved. Only then can the

State fully recover its legitimacy, and can local and regional communities, and the whole nation, recognize the State as their own, rather than as a merely vigilant, oppressive or exclusive institution. Furthermore, the relationships among citizens, and between them and the State, must be based at the very least on the exercise and effective protection of human rights. This would be the solid policy rationale of reconciliation.

We are in a scenario of immense possibilities but also unprecedented challenges. In a context of open conflict such as the Colombian, memory can only be essentially controversial: memory is and will continue to be a field of tensions within the society and between the society and the institutions, a field in which this report is set. When memory is turned into a hegemonic account, it becomes something close to totalitarianism. However, when memory is recognized in its diversity, it is one of the practices with most democratizing vocation. In fact, memory is nowadays in Colombia a place from which claims and outstanding obligations are set forth, but also from which social and community demands of a very varied nature are processed.

Ladies and gentlemen, this report is made public and is presented to you, Mr. President, in a moment in which conflict, peace negotiations and memory intertwine, unexpectedly I would say. This context, which draws the world's attention on Colombia, raises demands and profound transformations to the meaning of memory, as a place from which the victims of more than half a century of armed confrontation express their grievances and their expectations of changes.

Today more than ever, memory in Colombia has a meaning of future. This report will accompany you, Mr. President, in the commitment to peace.

As a result and as a contribution of memory to the future of the country and to peace, I hereby officially present to you, Mr. President, the Basta Ya! Colombia: Memories of War and Dignity report. Thank you very much.

PROLOGUE

Gonzalo Sánchez G.
Director Nacional 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."[1]

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.[2]

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.

1. Cited in Gonzalo Sánchez and Mario Aguilera (Editors), *Memoria de un país en Guerra: Los Mil Días 1899-1902,* Editorial Planeta, Bogotá, 2001, p.23.
2. See: Daniel Pecaut, *Guerra contra la Sociedad,* Editorial Planeta, Bogotá, 2001. And Eric Lair, "Reflexiones acerca del terror en los escenarios de guerra interna," in *Revista De Estudios Sociales*, No. 15, june 2003, p. 88-108.

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 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 democratiza-

tion. Hence, democratization without democracy or, in the words of J. Habermas,[3] 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.

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.

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



Ten months after the armed seizure of their town by the FARC guerrilla, which destroyed nearly 250 homes and left 5 policemen and 18 civilians dead, the townspeople, with the support of the Governor´s Office of Antioquia, held the "bricks march" to inaugurate the rebuilding of their 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,[1] 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.

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

1. These publications can be consulted on the website of the National Center for Historical Memory: www.centrodememoriahistorica.gov.co

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[2] took such forms as arbitrary 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,[3] 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.

2. 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.
3. GMH, *Trujillo. Una tragedia que no cesa* (Bogotá: Planeta, 2008).

The report on the events in the small town of El Salado[4] 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,[5] 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[6] 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,[7] 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,[8] 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,[9] 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[10] 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 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[11] documented the historic, persistent and dynamic processes behind the violent seizure and appropriation of land.[12] 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 drug-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[13] in the fight for lands and territories, based on the testimonies of their members.

4. GMH, *La masacre de El Salado: esa guerra no era nuestra* (Bogotá: Semana, 2009).
5. GMH, *Silenciar la democracia, las masacres de Remedios y Segovia, 1982-1997* (Bogotá: Taurus/ Semana, 2011).
6. GMH, *La Rochela. Memorias de un crimen contra la justicia* (Bogotá: Taurus/ Semana, 2010.
7. GMH, *Bojayá: la guerra sin límites* (Bogotá: Semana, 2010).
8. GMH, *La masacre de El Tigre, Putumayo* (Bogotá: Pro-offset editorial, 2011).
9. GMH, *San Carlos. Memorias del éxodo en la guerra* (Bogotá: Taurus/ Semana, 2010).
10. GMH, *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13* (Bogotá: Taurus/ Semana, 2011).
11. GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa caribe, 1960-2010* (Bogotá: Taurus/ Semana, 2010).
12. GMH/ IEPRI, *El Despojo de tierras y territorios: aproximación conceptual* (Bogotá: CNRR/ IEPRI, Universidad Nacional, 2009).
13. GMH, *Justicia y paz. Tierras y territorios en las versiones libres de los Paramilitares* (Bogotá: Semana, 2012).

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.

As shown in the reports on Bojayá, Cauca[14] and Bahía Portete,[15] 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.

14. GMH, *"Nuestra vida ha sido nuestra lucha". Resistencia y memoria en el Cauca indígena* (Bogotá: Semana, 2012).
15. GMH, *La masacre de Bahía Portete. Mujeres Wayuu en la mira* (Bogotá: Taurus/ Semana, 2010).

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)*;[16] and a further study of lands on the Caribbean Coast. Thus, these reports are full 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.

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

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 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[17] 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)*.[18] 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 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

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

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

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[19] 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

19. GMH, *La masacre de Bahía Portete.*

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 threaten to wipe out communities that 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),*[20] *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).*[21] 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.

20. GMH, *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano* (Bogotá: Taurus/ Semana, 2011).
21. GMH, *El Placer. Mujeres, coca y guerra en el bajo Putumayo* (Bogotá: Semana, 2012).

The testimonies of children, youngsters,[22] 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

22. The NCHM and the ICBF are working on a research entitled: Las voces de niños, niñas y adolescentes (The Voices of Children and Adolescents).

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*)[23] 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.

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.[24] 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 Historical Memory[25] and several academic institutions, social organizations, and sectors of Colombian society.[26] 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

23. GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carere (ATCC)* (Bogotá: Semana, 2011).

24. GMH, *Memorias en tiempos de guerra. Repertorio de iniciativas* (Bogotá: Punto Aparte Editores, 2009).

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

26. GMH, *Recordar y narrar el conflicto. Herramientas para la reconstrucción de la memoria histórica* (Bogotá: CNRR, 2009).

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 that 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.



23 peasant-farmers were murdered by the AUC during its two-day circuit of the rural districts of the town of Yolombo. Some days later, the inhabitants of the town paid homage to the victims by organizing a collective burial. Photograph: Jesús Abad Colorado © 1998.

CHAPTER I

A Prolonged and Degraded War Dimensions and Forms of Violence

If one does not speak, does not write and does not tell the stories, one forgets and little by little it gets covered by fear. People who saw the dead body begin to forget and are afraid to speak, so that we wind up carrying around a darkness that has lasted for years and that nobody talks about […] And since nobody talks about what happened, nothing has happened. So, if nothing has happened, then we continue to live as if nothing happened.

Testimony of an inhabitant of Trujillo, Valle del Cauca

The extent of lethal violence in Colombia shows that its armed conflict is one of the bloodiest in the modern history of Latin America. Research done by the GMH concludes that this conflict resulted in the death of approximately 220,000 people between January 1, 1958 and December 31, 2012. That number is overwhelming; taking Colombia as a reference, the killing of that amount of people would be equivalent to the disappearance of the whole population of cities like Popayán or Sincelejo.

It is necessary to understand that the violence which Colombia has suffered for many decades is not simply a sum total of occurrences, victims or armed agents. This violence is the result of intentional actions that are mostly inscribed within political and military strategies and based on complex alliances and social dynamics. With this way of understanding the conflict, one can identify different political and social responsibilities for what has happened.

The GMH starts telling the story of the armed conflict by clarifying the dimensions of what happened, when and how it occurred, how it happened, who did it and who suffered from it.

Recognizing that this past is characterized by the dynamics of violence means facing up to the reality of war, rejecting the acceptance of war, restoring indignation about it, breaking the perverse cycle of explanations that become justifications, and wholeheartedly condemning the atrocities committed as well as those who were responsible for them.

1.1. A violence that is difficult to measure

Establishing the real extent of the violence produced by the armed conflict is a task with numerous difficulties. On the one hand, collecting and processing the information got a late start in the country due to the lack of a political will to recognize and face up to the problem, and also because the true magnitude of the armed conflict has still not been understood. Further obstacles include the logistical and methodological difficulties of obtaining and recording information, the dynamics of the war itself, such as its length, changes in the mechanisms of violence used by the armed agents and the overlapping of multiple kinds of violence. All of the above means that violent acts are under-reported.

On March 31, 2013, the Sole Register of Victims (*Registro* Único de Víctimas), RUV,[1] of the Unit for the Care and Comprehensive Reparation of the Victims (*Unidad de Atención y Reparación Integral a las Víctimas*) reported that 166,069 civilians were killed in the armed conflict between 1985 and that date.[2] However, this is a partial assessment, since the existing legal framework only recognizes victims from January 1, 1985 onwards, which excludes 11,238 victims documented[3] in the database of the GMH between 1958 and 1984.[4] It is also important to point out that the RUV does not include combatants killed in acts of war. According to the GMH´s research, 40,787 combatants died between 1958 and 2012. Thus, by combining these figures, it is possible to state that the armed conflict in Colombia has caused approximately 220,000 deaths. Of these deaths, 81.5% correspond to civilians and 18.5% to combatants; that means that approximately eight out of every ten deaths have been civilians, and therefore, they – these non-combatant persons – are the ones who, according to international humanitarian law, have been most affected by the violence.

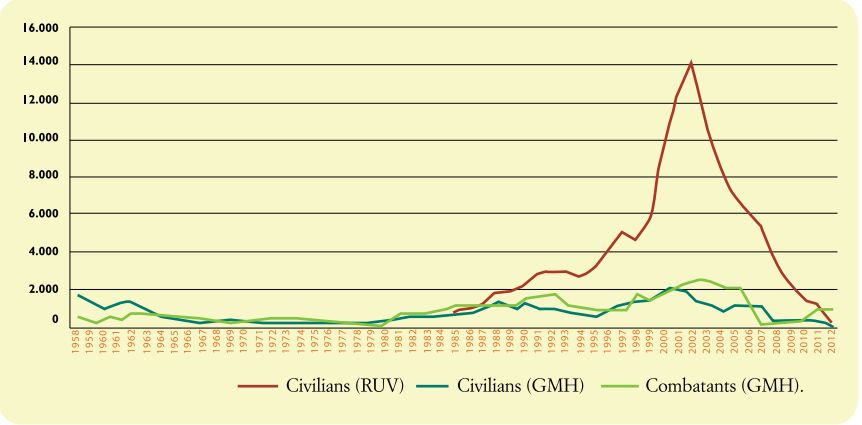


Figure 1. Evolution of the number of civilians and combatants killed in the armed conflict in Colombia, 1958-2012. Source: RUV, March 31, 2013 update/ GMH.

These figures show that it is necessary to review the real burden of violence in the armed conflict, in particular when it is compared with other types of violence that affect Colombian society. The data presented refute the assertion that only one in every ten homicides is a result of the armed conflict,[5] since in reality it has caused one out of three violent deaths. Similarly, the notion that the number of civilian and combatant deaths is equal can thus be refuted.[6] On the contrary, civilians have been more affected: for each fallen combatant there have been four civilian casualties.

1. The Sole Register of Victims (RUV in its Spanish initials) was created under Article 154 of Law 1448 of 2011, as a mechanism to guarantee the care and effective reparation of the victims. The RUV covers the victims recognized under Law 397 of 1997 (forced displacement), Law 418 of 1997 (peaceful coexistence and justice), Decree 1290 of 2008 (individual reparation), Law 1448 of 2011 (victims and restitution of lands) and the judicial rulings issued within the framework of Law 975 of 2005 (justice and peace). It also adds and compares data from official sources like the Colombian Family Welfare Institute (ICBF in its Spanish initials), the Office of the Attorney-General, the Presidential Program for Coordinated Action against Anti-personnel Mines, the National Commission for Locating Disappeared Persons, the National Institute of Legal Medicine and Forensic Sciences, the Higher Council of the Judiciary, the Ministry of National Defense, the Department of Social Prosperity, the Ministry of Agriculture and Rural Development, Fondelibertad (the anti-kidnapping office of the Ministry of Defense) and the Protection Unit (responsible for protecting potential victims of violence). In all cases, its work is in line with the stipulations of Article 3 of Law 1448 of 2011. The records of the armed conflict compiled by human rights organizations are used to assess the testimonies of the victims, but they are not a source of data for the RUV.

2. All of the figures provided by the RUV for this report of the GMH are liable to undergo variations due to the need to cross-compare and standardize the information.

3. The GMH complemented and updated the data base on lethal political violence compiled by the IEPRI on the basis of a review of articles in seven nationwide and regional newspapers between 1958 and 2012, namely, *El Tiempo*, *El Colombiano, El País, Vanguardia Liberal, La Patria, El Heraldo* and the weekly *Voz Proletaria.* On that basis, the number of combatants killed in the fighting during the armed conflict was documented.

4. The confessions of the paramilitaries in their voluntary testimonies before the Justice and Peace Unit of the Office of Attorney-General (Fiscalía General de la Nación) reported 25,757 homicides up to December 1, 2012, which surpassed the figures documented up to that time. Those confessions obviously underestimate the true number, and more so when we take into account that many homicides and other crimes have still not been acknowledged by their perpetrators.

5. Commission on studies of the violence in Colombia (Comisión de estudios sobre la violencia, Colombia): *violencia y democracia* (violence and democracy). Coord. Gonzalo Sánchez (Bogotá: La Carreta Editores, 2009), 24.

6. Francisco Gutiérrez, "*Tendencias del homicidio político en Colombia: una discusión preliminar*", ("Trends in political homicide in Colombia: a preliminary discussion"). In: *Nuestra guerra sin nombre. Transformaciones del conflicto en Colombia* (Our nameless war: Changes in the conflict in Colombia). Coord. Francisco Gutiérrez (Bogotá: Norma, 2007), 487.

These dimensions of the armed conflict show the gap between what is known and what really happened. Well-founded studies estimate that three out of every four homicides have been omitted from the statistics. That is what has been asserted by several human rights NGOs and research institutes, among them the Conflict Analysis Resource Center *(Centro de Recursos para el Análisis de Conflictos* – CERAC*);* the Center for Research and Popular Education (*Centro de Investigación y Educación Popular* – CINEP); and the Institute of Political Studies and International Relations *(Instituto de Estudios Políticos y Relaciones Internacionales*– IEPRI), along with other observation groups and regional academic institutions. Certainly, this immense under-reporting reflects the technical and logistical limitations of State agencies, but it also shows the efficient strategies the armed agents have used to hide their crimes.[7]

In fact, the armed agents, both legal and illegal, use the context of generalized violence in which the conflict takes place to make their actions invisible and hide them as violent acts perpetrated by others. The perpetrators use hired killers and violent practices like forced disappearances and selective killings. They thus seek to make it difficult to solve the crime and blur the repercussions by using multiple forms and types of violence.

The difficulty in distinguishing these armed agents increases when the victims and witnesses are silenced in order to impede denunciations and obstruct judicial investigations. All this has resulted in the prominence of armed agents who deny their responsibility for the perpetrated crimes and deflect public attention from themselves.

Furthermore, the violence used during the armed conflict has not been homogenously and continuously lethal. The trend towards a decreasing violence between 1958 and 1964, marked by a transition from a bipartisan to a subversive violence, gave way to a reduced but stable violence between 1965 and 1981. The violence of that period was characterized by the irruption of guerrilla groups and their confrontation with the State. Later, between 1982 and 1995, the trend increased, due to the expansion of guerrilla groups, emergence of paramilitary groups, spread of drug-trafficking, democratic reforms and the crisis of the State. This was followed by an explosive tendency between 1996 and 2002, when the armed conflict reached its most critical level as guerrilla groups gained military strength, paramilitary groups expanded across the country, the State and the economy entered into crisis, and drugs- trafficking was reshaped to the conditions of the armed conflict. This was followed by a decreasing trend, starting in 2003, which continues to the present time, and has been characterized by a recovery of the military initiative by the State, the withdrawal of guerrilla groups and the partial demobilization of paramilitary groups. This period poses new threats, however, due to the military reconfiguration of the guerrilla groups, the rearming of the paramilitaries and the erosion of the government's military offensive, which has been unable to end the conflict.

Moreover, the armed conflict's violence has a non-lethal dimension that gives rise to equally serious consequences. By March 31, 2013, the RUV had reported 25,007 missing persons, 1,754 victims of sexual violence, 6,421 children and adolescents recruited by armed groups, and 4,744,046 displaced persons. Cifras & Conceptos did a study for the GMH that reported 27,023 kidnappings associated with the armed conflict between 1970 and 2010, while the Presidential Program for Comprehensive Action Against Anti-personnel Mines *(Programa Presidencial de Atención Integral contra Minas Antipersonal* – PAICMA) reported 10,189 victims of anti-personnel mines between 1982 and 2012.

7. This figure could be much higher if we take into account the results of a comparison of a sampling of the cases of homicide documented by the GMH with the figures of the RUV. The GMH undertook a simple random sampling with an index of accuracy of 98% and a 2% index of error. This analysis yielded a sampling of 460 direct victims, but only 63 of them appeared on the RUV. That would mean that only 13.7% of the cases in the sample appear on the RUV, an underestimate which, when it projected onto the total number of cases documented by the GMH between 1985 and 2012 (36, 674 civilian deaths), shows that there is a total of at least 31,500 cases which would have to be verified and validated to be included on the RUV. This underestimate ignores those victims who are margined from the State institutions responsible for the care and reparation of the victims, and also those who left no surviving family members to make claims on their behalf, but those are not reasons to ignore their status as victims.

The magnitude of this non-lethal violence becomes evident when the facts are presented within other contexts. For example, the number of kidnappings in Colombia equals the entire population of municipalities such as San Pablo in the south of Bolívar, San Juan Nepomuceno in the sub-region of Montes de María or El Carmen de Viboral in eastern Antioquia.

If, on the other hand, the displaced population were concentrated in an urban setting, it would be the second most populated city in the country after Bogotá. To understand the dimensions of the forced displacement, imagine the exodus of all the inhabitants of capital cities like Medellín and Cali. Taking into account that official records only began to be kept in 1997,[8] the number of displaced persons could be even higher, since this type of violence has a long and complex history in the Colombian conflict. In fact, projections from the estimates for 1985-1995 undertaken by the Consultancy on Human Rights and Displacement *(Consultoría para los Derechos Humanos y el Desplazamiento* - Codhes) indicate that 819,510 persons were displaced as a consequence of the armed conflict. This suggests that the number of displaced persons could be close to 5,700,000 people, which would be equal to about 15% of the total Colombian population.

According to the collected data, the clock of non-lethal violence shows that between 1985 and 2012, 26 persons were displaced in the country every hour as a consequence of the armed conflict, while one person was kidnapped every 12 hours. The 1996-2005 period was the most critical: one person was kidnapped every eight hours, and one civilian or soldier stepped on an anti-personnel mine every day. These data make Colombia the country with the second highest number of anti-personnel mine victims after Afghanistan, and the second highest number of internally displaced persons worldwide.

How did the violence of the armed conflict reach this degree of lethalness? What violent practices provoked this degradation of humanity? When, where and how did the armed agents perpetrate such violent practices? What has characterized the methods of violence unleashed in the course of the armed conflict? What types of violence distinguish the Colombian armed conflict from others? What were the objectives of these violent acts and the strategies of the armed agents who committed them?

1.2. Attacks on the civilian population and the rationale of the armed conflict in Colombia

All of the armed agents have incorporated attacks on civilians as part of their war strategy. However, the methods of violence used and the intensity of its implementation differ in accordance with the assessment which each agent makes of the region, the stage of the war and the strategies which he deploys, all of which involve the civilian population.

The armed agents have spared no efforts in the use of violence. Reconstructing historical memory in the emblematic cases studied by the GMH shows that the guerrilla[9] and paramilitary[10] groups and members of the

8. In 1997, Law 387 was passed, which stipulates measures for the prevention of forced displacement, which include the care and protection of those internally displaced by the violence in Colombia and aid for the reestablishment of their family life, emotional stability and sources of income.

9. The guerrilla groups have not been a homogeneous actor in the Colombian armed conflict. On the contrary, a number of armed organizations which fight against the State in the name of different ideological programs have emerged. They have often fought among themselves in the midst of violent disputes and only unified on particular occasions. The guerrilla groups known as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) have been fighting since the 1960s. By contrast, the guerrilla forces known as the Popular Liberation Army (EPL) and the 19 April Movement (M-19) demobilized between 1989 and 1990. Others emerged in the 1980s, like the Revolutionary Workers´ Party (PRT) and the Quintín Lame Indigenous Movement, but they both demobilized in 1991. Still others have emerged as dissident factions of the FARC, ELN, EPL and M-19, some in the midst of the armed conflict, and others following the demobilization of their comrades. The first include the Current of Socialist Renovation and the Guevarist Revolutionary Army (ERG), which split off from the ELN, and the Ricardo Franco Front, a dissident offshoot of the FARC. The second include a faction of the EPL which rejected the 1991 peace agreement, and the Jaime Bateman Cayón Movement, which broke with the M-19 when the latter demobilized in 1990.

10. The paramilitary groups have traditionally been regional armed forces of a very diverse nature and a great deal of autonomy. It was only in the mid-1990s that they

Security Forces[11] reorganized and adjusted their violent practices in line with changes in the rationales of the war and the objectives that each group pursued. Some practices were used more by some than by others, and became a distinctive feature of their operations.

Thus, the paramilitary groups conceived and implemented a repertoire of violence based on selective assassinations, massacres, forced disappearances, torture and brutality, threats, massive forced displacements, economic blockades and sexual violence. The guerrilla groups used kidnapping, selective assassinations, attacks against civilian property, pillaging, terrorist attacks, threats, illegal recruitment, and selective forced displacement. Additionally, civilians became a collateral damage in attacks on urban areas and the widespread and indiscriminate use of anti-personnel mines. The violence of members of the Security Forces was focused on arbitrary detentions, torture, selective assassinations and forced disappearances, as well as the collateral damage from bombings and the excessive and disproportionate use of force.

Violence against the physical integrity of persons is the distinctive aspect of paramilitary violence, while violence against their liberty and property defines guerrilla violence. In other words, paramilitary groups assassinated more than the guerrilla groups, while the guerrilla groups kidnapped more and caused much more destruction than the paramilitary groups.



During the Orion operation carried out by the Colombian Army and the Police in the Comuna 13 in Medellín, young people were interrogated and filmed. Photograph: Jesús Abad Colorado © October 2002.

wagered on a system of national coordination through the founding of a federated organization known as the United Self-Defense Groups of Colombia (AUC).

11. The Security Forces (*Fuerza Pública*) include the military services of the Colombian army, air force and navy, and also the Colombian police.

Of the 1,982 massacres[12] documented by the GMH between 1980 and 2012,[13] paramilitary groups perpetrated 1,166 or 58.9%. Guerrilla groups were responsible for 343 and the Security Forces 158, which amount to 17.3% and 7.9% respectively. Furthermore, 295 massacres, equivalent to 14.8% of the total, were perpetrated by armed groups whose identity could not be determined.[14] The remaining twenty massacres corresponded to joint actions of paramilitary groups and members of the Security Forces or acts perpetrated by other armed groups (foreign agents[15] or popular militias). In approximate terms, this means that for each massacre perpetrated by guerrilla groups, paramilitary groups were responsible for three.

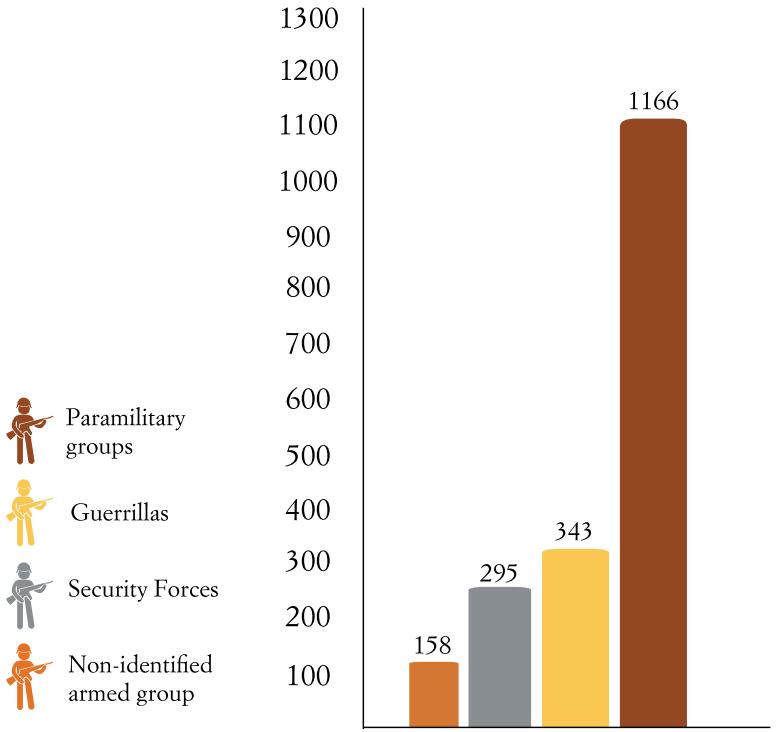


Figure 2. Distribution of the number of massacres in the armed conflict by armed group, 1980-2012. Source: GMH, Database of massacres in the armed conflict in Colombia (1980-2012).

The tendency remains the same for the documented selective assassinations.[16] Between 1981 and 2012, 16,346 acts of selective assassination claimed 23,161 victims. Of that total, 8,903 people were selectively assassinated by paramilitary groups, which corresponds to 38.4%; unidentified armed groups assassinated 6,406 victims, or 27.7%;[17] 3,899, or 16.8%, were victims of guerrilla groups; and 2,339, or 10.1% of the

12. The GMH defines a massacre as the intentional murder of four or more persons in a defenseless state; in the same way, time and place; and meant to be a public display of violence. It is committed in the presence of others and makes the spectacle of horror visible to them. It is the result of the brutal encounter between the absolute power of the victimizers and the complete powerlessness of the victim.

13. Data base: "Massacres in the armed conflict in Colombia (1980-2012)", compiled by the GMH by the joining and contrasting of ten sources of information, among them: *Boletín Informativo Justicia y Paz* (The Informative Bulletin on Justice and Peace), the magazine *Noche y Niebla*, *Colombia Nunca Más* (Colombia: Never Again), the voluntary testimonies before the Unit of Justice and Peace, *Enterrar y callar* (Bury and silence), *Las masacres en Colombia 1980-1993* (The massacres in Colombia), Inter-American Commission on Human Rights, the reports of the Office of Colombia's People's Ombudsman (Defensoría del Pueblo-SAT) and the Permanent Committee for the Defense of Human Rights, the emblematic cases documented by the GMH and regional reports, such as the one of the Meta Committee on Human Rights, *Ceder es más terrible que la muerte, 1985-1996: Una década de violencia en el Meta* (Yield is worse than death, 1985-1996: A decade of violence in Meta) (Bogotá: Sobrevivientes del Comité Cívico por los Derechos Humanos del Meta/ Abogados Demócratas/ ASCODAS/ Justicia y Paz/ Ilsa, 1997) and the one investigated by Javier Giraldo, in: *Fusil o toga. Toga y fusil. El Estado contra la comunidad de paz de San José de Apartadó* (Rifle or toga. Toga and rifle. The State against Community of Peace of San José de Apartadó). Bogotá: CINEP, 2010.

14. Referring to cases where it is presumed that the acts were committed by the agents of the armed conflict, due to indications like the use of uniforms of the exclusive use of the Armed Forces, the carrying of heavy weapons and the direct testimony of the source which alleges the intervention of an armed group.

15. Foreign agents refer to members of the armed forces of neighboring countries who undertake counter-insurgency operations in Colombian territory, especially the armies of Venezuela and Ecuador.

16. The GMH defines a selective assassination or murder as the intentional murder of three or fewer persons in a defenseless state in the same way, time and place.

17. An unidentified armed group refers to cases where the source claims that the act was done by armed groups or provides indications of their participation (the wearing of military uniforms or use of heavy weaponry), but without stating whether they were paramilitary or guerrilla groups or members of the Armed Forces.

total number of selective assassinations, were caused by members of the Security Forces; 1,511, or 6.5%, of the victims were assassinated by unidentified persons,[18] 83 assassinations, or 0.4% of the total amount, were the result of joint actions by paramilitary groups and members of the Security Forces; and, finally, 13 assassinations were perpetrated by other groups.

Of the 27,023 kidnappings reported between 1970 and 2010,[19] guerrilla groups were responsible for 24,482, or 90.6%. Paramilitary groups were responsible for 2,541 kidnappings, which correspond to 9.4%. The above means that for every ten kidnappings, guerrilla groups were responsible for approximately nine and paramilitary groups one.

Information about the perpetrators of forced disappearances is notoriously scarce. However, according to denouncements from human rights organizations and the relatives of disappeared persons,[20] the alleged perpetrators of these acts were mostly members of the Security Forces and paramilitary groups. Of the 5,106 cases documented by the above-mentioned organizations, the alleged perpetrators were only identified in 689 cases. Of this total, 290 disappeared at the hands of members of the Security Forces, which corresponds to 42.1%; 246 by paramilitary groups, or 41.8%; 137 disappearances, or 19.9%, were attributed to other armed groups; and finally 16, or 2.3% of the total amount, were attributed to guerrilla groups.

In the 5,137 cases of damages to civilian property documented[21] by the GMH from 1988 to 2012, guerrilla groups were responsible for 4,322, which corresponds to 84.1%. Unidentified armed groups were responsible for 308, or 5.9%; paramilitary groups 270, or 5.2%; members of the Security Forces were responsible for 182 cases of damages to civilian property, equivalent to 3.5%; the combined actions of two or more agents in the armed conflict accounted for 49 cases, corresponding to 1%; and other armed groups were responsible for six cases of damages to civilian property.

1.3. The objectives and repertoires of the violence

The armed agents attack civilian populations as part of a strategy to force them to either transfer or maintain their loyalties and use them to obtain resources. For the armed agents, attacking the civilian population is a way to weaken the adversary and, at the same time, amass strength.[22] For the armed agents, civilians are a source of political, economic, moral, and logistical support which is crucial for the final outcome of the conflict.[23] For the victimizers, whether this support is willing or forced is of little importance.

18. "Unknown" agents refer to those cases where there are no indications about the perpetrator, either because the murders were done by hired killers or the victims were abandoned in out of the way places. This category includes two types of victims, in accordance with their respective profiles. The first are those whose participation in social and political movements makes them vulnerable, like political militants, trade union leaders, local authorities and community leaders. The second are those who belong to persecuted social groups, like "reinserted" members of subversive groups, the LGBTI population and socially marginal people like vagrants.

19. Data of Cifras & Conceptos compiled for the GMH, in accordance with the database on kidnapping, which joins and contrasts seven sources of information on cases since 2008.

20. ASFADDES, CINEP, Justice and Peace Inter-Church Commission, Colombia Nunca Más and the United States-European Union International Cooperation Agency.

21. Harms to civilian properties refer to attacks on properties, the burning of homes, the destruction of infrastructure, the theft of cattle, acts of sabotage against electricity installations, roads and similar public services and assaults on private institutions. They also include the homes and goods that are damaged in attacks on towns with gas-cylinder bombs, the burning of vehicles at illegal roadblocks and goods affected by terrorist attacks. The paramilitaries, for their part, focused on economic blockades that restricted the circulation of goods or destroyed them, as well as the destruction and looting occurring in "scorched-earth" massacres.

22. Eric Lair, "*Reflexiones acerca del terror en escenarios de guerra interna*", ("Reflections on terror in scenarios of internal war"). *Revista de Estudios Sociales* 15 (2003): 93.

23. See: Peter Waldmann, "*Guerra civil: Aproximación a un concepto difícil de formular*" ("Civil war: An approach to a concept which is difficult to formulate"), in: *Sociedades en guerra civil. Conflictos violentos de Europa y América Latina* (Societies in civil war. Violent conflicts in Europe and Latin America), comp. Peter Waldmann and Fernando Reinares, (Barcelona: Paidós, 1999), 32. Lair; op. cit, 93. "*Reflexiones*" - 100; Stathis Kalyvas, "*La violencia en medio de la guerra civil. Esbozo de una teoría*" ("Violence in the midst of civil war. Outline of a theory"). *Análisis Político* 42 (2001): 9.

In the discourse of the armed agents, violence against civilians is always justified. In their view, the civilian population is an extension of the enemy (they call them, among other things, "social bases," "helpers," "collaborators," "traitors," "representatives" or "officials"). They even regard their victimization as part of the price of war or *collateral damage.* However, attacks on civilians differ in terms of the frequency, dimensions and forms of violence used by each agent. For example, when paramilitary groups consider entire communities to be guerrilla groups disguised as civilians, this stigmatizes them and results in a more extended and lethal violence.

The GMH has observed that the violence used against civilians, rather than being a simple collateral damage, has been deliberately employed by the armed agents. When the support of civilians is regarded as a decisive factor in the final outcome of the conflict, the armed agents use violence to intimidate them. But when civilians are seen as a prolongation of the enemy, the aim is to exterminate or destabilize them. By reviewing these cases, it is possible to track the relation between the different types of violence and different dynamics of the war, such as cycles of retaliation, lack of restraint, opportunism in the face of operational results and the imposition of acts of war regardless of their effects. The GMH has also found that the intensity and types of violence vary in accordance with the degree of territorial competition that exists between the armed agents and their social anchoring. In this sense, it is possible to affirm that the use of a massive and indiscriminate violence, or the use of a recurrent selective violence, depends on the armed agents´ assessments and strategic calculations of the intensity of the fighting or their degree of territorial dominance.

The period between 1996 and 2002, when paramilitary groups challenged the ascendancy of the guerrilla, was marked by a competition between the armed agents that resulted in a greater violence against civilians. In fact, when one armed agent exercises absolute control, violence tends to diminish and be more selective. In Colombia, the agents who did not have such a territorial control tended to resort to violence as a way to force people to change their loyalties and thus impose their rule. This happens when they have no ties to the civilian population. In the opposite case, when an armed group loses control of a territory, it tends to use violence to a lesser degree in order to avoid the loss of support that would result from attacking civilians with whom they have forged links.[24]

Based on the way the armed agents have historically consolidated their territorial control, the GMH has distinguished two basic types of relationships between paramilitary or guerrilla groups and civilian populations. These differences have affected the magnitude and type of violence used against civilian populations. In accordance with the above explanation of the establishment of the guerrilla or paramilitaries in a given territory, we may see:

1) *A primary or endogenous anchoring.* In the case of the guerrilla, this category refers to a constant presence among the civilian population from the moment it occupies a region for the first time, generally an outlying or marginal area. It also refers to the emergence of guerrilla movements formed within communities as a form of self-defense group. Examples of this category can be found, on the one hand, in the armed colonization areas and strategic rearguards of the Revolutionary Armed Forces of Colombia (FARC) in the southeast of Colombia,[25] and in the formation of the Quintín Lame guerrilla movement in the southwest on the other.[26]

In this type of anchoring the guerrilla group assumes regulatory functions, and therefore the levels of violence tend to be low and the armed groups become part of the emerging social order. However, although the illegal groups consolidated their domination, the civilian populations in these territories were victimized, especially in the second half of the 1990s, as the FARC gained military strength. During this period, the insurgents declared any type of political and military representation of the State to be

24. Andrés Fernando Suárez, *Identidades políticas y exterminio recíproco. Guerra y masacres en Urabá, 1991-2001* (Political identities and mutual extermination. War and massacres in Urabá, 1991-2001). Bogotá: La Carreta, 2006), 35-40.
25. Especially the Departments of Meta, Guaviare, Caquetá and Putumayo.
26. In the Department of El Cauca.

a military objective. Candidates in popular elections in municipalities and departments and representatives of the civil authorities were threatened and persecuted. Similarly, urban areas, particularly mayor's offices and police stations, were attacked with unconventional weapons, such as gas cylinders or car bombs, which killed numerous civilians and destroyed infrastructure. After such attacks, the Security Forces left many territories, and the irregular guerrilla and paramilitary armies took advantage of the situation to make the civilian population more vulnerable.

The paramilitary groups faced huge challenges in the guerrilla's primary anchor areas, which were often located in regions of mountains and jungles. To gain access to those places, they had to rely on short-lived or probing incursions, since it was impossible to exercise a lasting control. These incursions used the *scorched-earth*[27] or *extermination* method, especially when the anchor territories were near towns or localities dominated by paramilitary groups. In such expeditionary attacks, these groups tried to safeguard their territorial interests and intimidate and demoralize the insurgents. Those furtive and devastating attacks were strategies to maintain territorial control, since they caused mass displacements of civilians in the guerrilla´s rearguard and left the insurgents weak and isolated. When it became part of a regional strategy for territorial control, this extermination method was complemented by a political strategy on a national level. Huge civilian massacres were presented to the public as strikes meant to defeat and demoralize the guerrilla. That was the case, for example, with the massacres in Montes de Maria in 2000 and 2001; El Salado, in February, 2000, which left 60 victims; Chengue, on January 17, 2001, with 35 victims; Macayepos, on October 16, 2000, with 17 victims; and Las Brisas, on March 11, 2000, with 12 victims.

In addition to this type of violence, the paramilitary groups acted on a national level by assassinating human rights defenders, journalists and political leaders in order to challenge the central government's peace talks with the FARC, as we shall explain in Chapter 2 of this book.

The GMH was able to determine that these particular attacks by the paramilitary groups were not aimed at territorial control, but to establish sporadic alliances with other political and military agents. By means of these alliances, they were able to eliminate political adversaries and punish populations for their electoral choices. Illustrative of this rationale of armed action was the Segovia massacre on November 11, 1988, which claimed 46 victims.

The scorched-earth method used by paramilitary groups caused massive displacements as well as various responses from civilians. In some cases, paramilitary violence strengthened the ties that civilians had with the guerrilla; in others, it weakened it. Many victims of the paramilitary massacres in the rearguard of the guerrilla questioned the FARC because, in spite of having the military means, they did not prevent or impede such incursions. They also complained that the guerrilla exposed them to a stigmatization that turned them into a target of the paramilitary groups. That is what surviving victims of the El Salado massacre indicated to the GMH:

> I was talking with a woman who lives up there […] and I said to her: "Hey, don't you see those people [the guerrilla], how they're leaving, something is going to happen to us here. We are the ones here who will pay for all they have done, because something is going to happen to the community. Anyone who stays behind will be a victim, they´ll kill him, because those people [the paramilitary groups] are going to come; those who, they say, are arriving in Carmen de Bolívar and the whole region […] and now today they [the guerrilla] are leaving us at the mercy of another group […]", and that's what happened.[28]

27. The "scorched earth" strategy consists of the exercise of a violence that not only annihilates persons but also destroys the material and symbolic environment of the victims. In that way, the scars of terror render the territory uninhabitable and lead to the forced exodus of its inhabitants.

28. Testimony of a surviving victim of massacre at El Salado. GMH, *La masacre de El Salado: esa guerra no era nuestra* (The massacre at El Salado: that war was not ours. Bogotá: Taurus/ *Semana*, 2009), 135.

The guerrilla´s response to the paramilitary´s strategy of advancement consisted of extending and spreading minefields to impede or slow down the operations of the Security Forces or the return of the paramilitaries. This tactic resulted in serious harm to the civilian population.

2) *An unstable anchoring.* This form of anchoring can be seen in two kinds of areas: those with an economic and political integration and those enjoying an economic boom. The former includes regions with large scale farms devoted to cattle rearing or commercial agriculture, like the south of Cesar, Córdoba, Antioquia, Valle del Cauca and the coffee-growing region (*Eje Cafetero*). The latter consist of regions of bonanzas based on coca-growing fields, banana plantations, oil fields or mines, for example, Arauca, Putumayo, and the part of the Urabá region of Antioquia.

In the first case, the guerrilla groups´ attempt to impose a new order on regions with a common history and a distinctive social dynamics has distorted the social relationships that previously existed among members of the community. This situation has led to the resistance and opposition of some sectors, which results in their being subdued with a selective violence. This pattern of attack, used by the FARC, has been aimed at regional and local elites, and can be seen in such violent acts as kidnappings, extortions, attacks on property and looting. The guerrilla strategy focuses on demoralizing the owners of large estates, farmers and businessmen by attacking their property, which is a symbol of power and status that the armed groups try to undermine.

The areas of economic booms, by contrast, are usually outlying areas which are barely integrated into the nation´s overall economic and political dynamics. The exploitation of new sources of wealth results in an excessive and disorganized demographic growth and creates conditions that attract a large floating population. In these areas, social mobility gives rise to the emergence of new political and economic powers, many of a fleeting and criminal nature. In such communities, the coalitions with armed agents are forever changing and loyalties are malleable, since they revolve around circumstantial interests rather than political ideologies. In these territories, the fighting among the armed agents has become particularly fierce, because their aim is not only to capture assets to finance the conflict (weapons, troops, logistics, etc.) but also because they use their reputation for violence[29] to control both the territory and its inhabitants.

Tensions between the guerrilla and civilians frequently arise in both areas. The paramilitary groups used this friction to challenge the guerrilla, both socially and militarily. The paramilitary raids in these territories were characterized by a massive and indiscriminate violence that sent the message that nobody would be safe. This type of violence was based on terror, and sought to deepen internal divisions, force people to inform on the guerrilla or desert their ranks and show the communities that the guerrilla was unable to protect them.

On a social level, the paramilitaries posed as an alternative form of protection for those who were dissatisfied with the presence and conduct of the guerrilla. The paramilitary groups presented themselves as the restorers of order and they pressured civilians to join them. However, what started as an offer was likely to turn into a threat when the civilian population was reluctant to do so.

The following testimony of a paramilitary shows what this situation was like:

> Urabá is a region that was under the yoke of the guerrilla for a long time. The population was tired of them and the Security Forces had their hands tied, so when we arrived, offering a solution, and showed the community and the Security Forces that we were capable of defeating the guerrilla in military terms,

29. A reputation for violence is the image that an armed group deliberately creates for itself on the basis of the violent acts which it unleashes in order to strengthen the credibility of its threats and secure its domination by means of the intimidation which exploits its own capacity to cause harm. Once it has this reputation for violence it can gradually reduce the frequency and intensity of its violent acts, since the mere threat is enough to cause the effects on the victims it seeks.

> we won the support of the Security Forces and the communities themselves. We counted on the support of the people, and that is how Urabá was liberated.[30]

For their part, the guerrilla responded to the paramilitary offensive with a violence that was meant to teach a lesson to those who had tolerated the entry of the paramilitaries or cooperated with their raids. In contrast with the paramilitary violence, that of the guerrilla was selectively aimed against the very inhabitants of the region, which held a very high political cost. For instance, the GMH documented the following cases of violent acts by the guerrilla in San Carlos, Antioquia. The GMH report states:

> Almost two months later, on January 16, 2003, there was another massacre in Dos Quebradas, Dinamarca and La Tupiada, where a total of 18 people were assassinated. The FARC guerrilla acknowledged their responsibility for those acts a few days later and explained: according to them, it was done in retaliation for the massacre a few months before by the paramilitary groups in El Chocó. […] A group of men from the IX Front of the FARC attacked a small village, and assassinated 11 people who were together in a house, among them seven minors and a pregnant woman. […] After that they went to La Tupiada and Dinamarca where they assassinated seven more people: three in Dinamarca (two young people and a woman) and four in La Tupiada (two men, a woman and her nine month-old daughter); some of them had their throats cut. The guerrilla arrived at Dos Quebradas asking which houses had telephones; they went there and killed some of their inhabitants after accusing them of being informants for the paramilitary groups. Later they went to a house where some youngsters that came back from a football game, and they asked them if they were paramilitaries. When they answered no, they were invited to join the guerrilla. The youngsters once again said no. The guerrilla killed them one by one. Then, they left by one edge of the small village and went to La Tupiada, where they killed four more people.[31]

In addition to the armed actor's anchor in a particular region, the GMH observed cycles of reprisals that did not follow any strategic objectives but happened in the heat of battle. In spite of being improvised, these forms of violence affected long-term objectives. In other words, members of the armed groups sought vengeance for enemy actions that caused casualties in their ranks. These acts of vengeance, usually bloody and cruel, were also aimed against civilians, considered by the attacking group to be the enemy's weakest and most vulnerable link. Members of the Security Forces responded to guerrilla attacks with this type of violence, using massacres or selective assassinations. Paramilitary groups also responded to guerrilla kidnappings with civilian massacres. An example of this type of violence was the forced disappearance of 42 peasant farmers in the village of Pueblo Bello in Turbo, Antioquia. A group of paramilitaries under the leadership of Fidel Castaño perpetrated this after the Popular Liberation Army (*Ejército Popular de Liberación* – EPL) kidnapped the manager of one of his farms. "The people said that the disappearances had occurred because the guerrilla had stolen Fidel Castaño's cattle and he had said that these 42 heads of cattle were going to cost the lives of 42 people."[32]

The same rationale of revenge was noted in the paramilitary massacre perpetrated in the rural district of Nueva Venecia in Sitionuevo, Magdalena, on November 22, 2000. There, 37 fishermen were killed by the paramilitaries in retaliation for the kidnapping of nine people in the Ciénaga del Torno by the ELN guerrilla in Barranquilla on June 6, 1999.

30. Interview of Ever Veloza, alias HH. GMH, *Informe de Justicia y Paz ¿Verdad judicial o verdad histórica?* (Report on Justice and Peace: Judicial truth or historical truth?), Bogotá: Taurus/ *Semana*, 2012), 170.

31. GMH, *San Carlos: memorias del éxodo en la guerra* (San Carlos: memories of exodus in the war), Bogotá: Taurus/ *Semana*, 2011), 125-126.

32. Testimony of Euclides Manuel Calle Álvarez. Sentence issued January 31, 2006, Case of the massacre at Pueblo Bello vs. Colombia, CIDH, downloaded May 16, 2013, http://www.corteidh.or.cr/docs/casos/articulos/seriec_140_esp.pdf

Something similar happened in the massacre undertaken by soldiers and paramilitaries in the small town of San José de Apartadó on February 21, 2005.[33] On that occasion, four adults and four minors were murdered in retaliation for the FARC attack on members of XVII Brigade of the Colombian Army in the El Porroso area 10 days before the massacre. The guerrilla attack left 17 soldiers dead. The massacre was aimed at two historic leaders of the Peace Community of San José de Apartadó and their families, and for that reason the act was regarded as a systematic persecution against the Peace Community that was established in 1997.

Many of these acts remain in the memory of the armed agents as milestones that strengthened the imaginaries of war. These cycles of retaliation have served to consolidate the internal political-military structures of the victimizers and provide them with justifications to perpetrate new violent acts. The perverse logic of justifying their own violent acts as a legitimate response to the violence of the enemy feeds the cycles of retaliation and has made civilian population even more vulnerable.

33. In February, 2010, the First Penal Court of the Specialized Circuit of Antioquia passed a plea-bargain sentence of 20 years of prison for the Army captain Guillermo Armando Gordillo Sánchez, for the crimes of homicide against persons in his protections, acts of brutality and criminal conspiracy. A similar sentence is expected against Rober Darío Muñoz Hernández. On March 12, 2010, proceedings were undertaken against Edinson Galindo Martínez and Francisco Javier Galindo Martínez, members of a paramilitary group that colluded with the members of the Colombian Army responsible for the crime against multiple victims. See: Fiscalía General de la Nación, *Revista Huellas* 71 (Bogotá: 2010, August): 27.

1.4. The methods of violence: a frequent and low intensity violence

While large-scale massacres,[34] terrorist attacks or the assassination of pubic figures were the most visible acts found in GMH's research, they were far from being the most frequent or most lethal acts against civilians. Selective assassinations, forced disappearances, kidnappings and small massacres have prevailed in the violence of the armed conflict. These methods consist of a high frequency but low intensity type of violence, and are used by the armed agents as strategies of invisibility, concealment and silencing. In fact, these were precisely the methods that drew little attention on a national scale but had a high impact at the local level, and had a lasting effect on the daily lives of the victims.

The GMH has directly documented such violent methods as selective assassinations, massacres, civilian fatalities in combats, terrorist attacks and attacks on towns and civilian property. This documentation is based on cases recorded in the log books of the armed conflict of various human rights organizations.[35] The violent methods documented by the

34. In its investigation of massacres, the GMH distinguishes between small and large ones, in accordance with the number of victims, which evidences degrees of visibility and impact that are related to the different strategic objectives of the armed agents. A massacre is regarded as a small one when it claims between four and six victims, whereas a large massacre is that which results in more than ten victims. The media are more likely to cover the large massacres, a fact that the armed agents may take into account when their aim is to have an impact on a national rather than a local level. Distinguishing between large and small massacres is an investigatory tool that helps to identify the cases when the methods of violence used by the armed agents are meant to hide their activities from the outside world. In no case does this categorization imply using the dimensions of a violent act to minimize its moral significance, insofar as a massacre, like a murder, is violation of Human Rights and warrants the same condemnation.

35. Among the files on the armed conflict which we have consulted are those published by Human Rights organizations like the CINEP, together with *Noche y Niebla*; Justicia y Paz, with its *Informative Bulletin*; the Permanent Committee for the Defense of Human Rights, with its *Itinerary of Repression* and the *Colombia Nunca Más* (Colombia, Never Again) project, with its reports for zones V, VII and XIV. We also took into account the cases presented to and accepted by the Inter-American Commission on Human Rights; those directly documented by the GMH and others based on regional reports like those published by the Meta Committee on Human Rights, *Ceder es más terrible que la muerte, 1985-1996: Una década de violencia en el Meta* (To yield is worse than death, 1985-1996:

GMH are divided into two periods, in accordance with the availability of information in each case: 1) 1980-2012 for selective assassinations and massacres, 2) 1988-2012 for civilians killed in acts of war, attacks on civilian properties, attacks on towns and terrorist attacks.

Other methods of violence such as abduction, torture, forced disappearance, forced displacement, sexual violence, anti-personnel mines and unlawful recruitment are documented using different sources which give detailed accounts of each particular case, and are adjusted to their own periods of coverage.

1.4.1. Selective assassinations: the less visible deaths

The method of violence that has caused the most deaths during the conflict is the use of selective assassinations. According to projections of the GMH, the number of victims may be as many as 150,000 people. This means that nine out of every ten civilian homicides in the armed conflict were selective assassinations.[36]

Selective assassinations are the expression of a criminal strategy that seeks to mask the dimensions of the violent acts against civilians. This results from the fact that its characteristics as individual action and its pattern of attack make it difficult to identify the perpetrators. The strategy is used under a regime of terror that is designed to silence the victims and thus ensure impunity for the crimes.[37]

Since the RUV´s information on who perpetrated these victimizing acts is very limited (9.8% of the cases), the GMH's statistical record only allows for a broad outline of the trends in the use of this method and a distinction between levels of alleged responsibility. In this record, 23,161 selective assassinations were documented between 1981 and 2012. Of this total, 8,902 deaths, that is, 38.4%, were presumably perpetrated by paramilitary groups; 6,406 or 27.7% were perpetrated by unidentified armed groups; 3,906, or 16.8%, were by guerrilla groups; 2,340, or 10.1%, were done by members of the Security Forces; 1,511, or 6.5%, by unknown groups; 83 deaths, equivalent to 0.4%, by joint actions of paramilitary groups and the Security Forces, and 13 more, or 0.05%, by other groups, among them popular militias and foreign agents. The high prevalence of unidentified or unknown armed groups shows how effective the strategy of concealment used by the armed agents was as a method to avoid responsibility for their acts and prevent the judiciary from investigating them. The invisibility of these homicides was further revealed by the confessions of members of paramilitary groups, who in their voluntary testimonies[38] to the Justice and Peace Unit reported a total of 25,757 homicides as of December 31, 2012.

A decade of violence in Meta) or S. J. Javier Giraldo, *Fusil o Toga. Toga y Fusil. El Estado contra la comunidad de paz de San José de Apartadó* (Rifle or toga. Toga and rifle. The State against the Community of Peace of San José de Apartadó). All of the cases found in the archives on the armed conflict were scrutinized by the GMH in accordance with two criteria which enabled it to define their relation with the armed conflict, in view of the difficulty of distinguishing the different kinds of violent acts which occur in our internal conflict: 1) the direct participation of agents of the armed conflict or indications of the same (the use of heavy weaponry and/or uniforms for the exclusive use of the Armed Forces and/or the number of victimizers) and 2) the profiles of the victims, in accordance with factors which make them vulnerable in the contexts of the armed conflict, including such persons as political militants, local authorities, public officials, trades union leaders, Human Rights activists, community leaders, teachers, members of the LGBTI population, socially marginal persons like vagrants and "reinserted" members of subversive groups.

36. These dimensions are inferred after contrasting the figures on homicide reported by the RUV and the data bases of the GMH on massacres, terrorist attacks, warlike acts and attacks on civilian properties, added to the PAICMA´s reports on the number of civilians killed by anti-personnel mines.

37. GMH, *La Rochela. Memorias de un crimen contra la justicia* (La Rochela. Memories of a crime against justice). Bogotá: Taurus/*Semana*, 2010), 18.

38. The Law of Justice and Peace (Law 975 of 2005) established the juridical framework which regulated the procedure for the demobilization and reinsertion into civil society of the paramilitary groups. Among other aims, it sought to: facilitate the processes of peace and the individual or collection reincorporation into civilian life of members of subversive armed groups; guarantee the victims´ rights to truth, justice and integral reparation, in the quest for peace and national reconciliation; and facilitate humanitarian agreements. That law stipulates a judicial procedure which is penal, exceptional and transitional and includes a stage of voluntary testimonies, in which those who seek the benefits of demobilization must present a full and truthful confession of all the crimes in which they participated or of which they have knowledge and indicate all the legal or illegal goods they own, directly or in the name of figureheads, so that those possessions may be surrendered and used to guarantee the reparation of the victims. See: Procuraduría General de la Nación, *Conceptos básicos acerca de la Ley 975 de 2005 (Justicia y Paz) y los derechos de las víctimas* (Basic concepts of Law 975 of 2005 (Justice and Peace) and the rights of the victims). Bogotá: Giro Editores, 2007, downloaded June 8, 2013, http://www.procuraduria.gov.co/portal/media/file/descargas/victimas_2007/conceptosbasicos_ley975.pdf



In the midst of the territorial dispute between illegal armed agents in Urabá, dozens of peasant-farmers and banana field workers were murdered.
Photograph: Jesús Abad Colorado © September 1995.

In the cases documented by the GMH, the relationship between the number of acts and the number of victims revealed an average of 1.4 victims for each act, specifically in selective assassinations; that is, there were 23,161 victims in 16,346 acts. Assaults, contract killings, and retention-execution are the repeated patterns of attack in this selective violence, since they were used in nine out of every ten cases where the method of the crime could be determined. In contract killings and assaults, the victimizer attacks quickly, in small groups, both in public and private places. In retention-execution, on the other hand, the victimizer takes the victim away by force, murders him in secret and then abandons the body on the outskirts of cities or in rural areas.

The effectiveness of selective assassination as a strategy to conceal violence against the affected communities is illustrated in the following testimony, which speaks of the contrasting and questionable ways in which the armed acts in Segovia (northeast Antioquia) have been perceived:

> You ask the people of Segovia, what was the largest massacre in Segovia? And the people, what are they going to tell you: "The one in 1988." And logically, that wasn't it. At times, I ask people and they tell me the one in 1988. But the largest was in 1997. Because during four or five months, three, four or five people were killed every day in selective, daily assassinations. And you add that up and you get two hundred and so people killed. So, that was the largest massacre in Segovia. Then why do people say it wasn´t? Because they didn't see the two hundred and some dead all at once, since they were selective, people say: "The one in 1988 was massive, in just one day."[39]

Although this type of violence tends to be under-recorded or unnoticed on the national level, with the exception of the assassination of public figures, in some initiatives of memory the victims denounce these acts in order to make the individual dramas and magnitude of this selective violence more visible. When the victims of Trujillo, Valle del Cauca, now speak of a 'massacre', they do not refer to a concrete event but the systematic violence perpetrated by an alliance of drug-traffickers, paramilitary groups and members of the Security Forces between 1986 and 1994. Through this alliance, selective assassinations, forced disappearances and other acts of brutal violence were carried out in secrecy. By using the term "massacre", the inhabitants of Trujillo try to call the nation´s attention to the real scale of what happened.

Selective assassinations were not just a strategy of concealment, but they were used in conjunction with other terror tactics, such as the public display of corpses that bore the traces of abuse and torture, and the assassination of public figures. These acts were meant to cause a social and political destabilization, as seen in the assassinations of presidential candidates Jaime Pardo Leal, on October 11, 1987; Luis Carlos Galán, on August 18, 1989; Carlos Pizarro, on April 26, 1990; and Bernardo Jaramillo Ossa, on March 22, 1990, as well as the murder of the humorist Jaime Garzón, on August 13, 1999, among other public figures.

With regard to the social and political affiliations of the victims, the GMH documented the selective assassination of 1,227 community leaders, 1,495 political activists, 685 members of trades unions and 74 human rights defenders. Diverse sources have provided figures that confirm the degree to which trade unionists were victimized. The UNDP report on violence against trade unionists and unionized workers during the period between 1984-2011 cites a CINEP figure of 2,883 homicides of unionized workers between 1984 and 2009; and a National Labor Union School (Escuela Nacional Sindical) figure of 2,863 between 1986 and March, 2011.[40] The assassination of 1,287 public officials and/or political figures are further recorded. Among the political activists who were murdered, five out of every ten belonged to left-wing political parties and movements. Among

39. The witness refers to the massacre committed by the paramilitaries on November 11, 1998 in the town of Segovia in which 46 people died. Unpublished testimony, GMH.

40. PNUD/UNDP, *Reconocer el pasado. Construir el future* (Acknowledging the past. Building the future). Bogotá: PNUD, 2011, 115, downloaded June 16, 2013, http://www.pnud.org.co/2012/informe_sindicalismo_resumen_ejecutivo.pdf



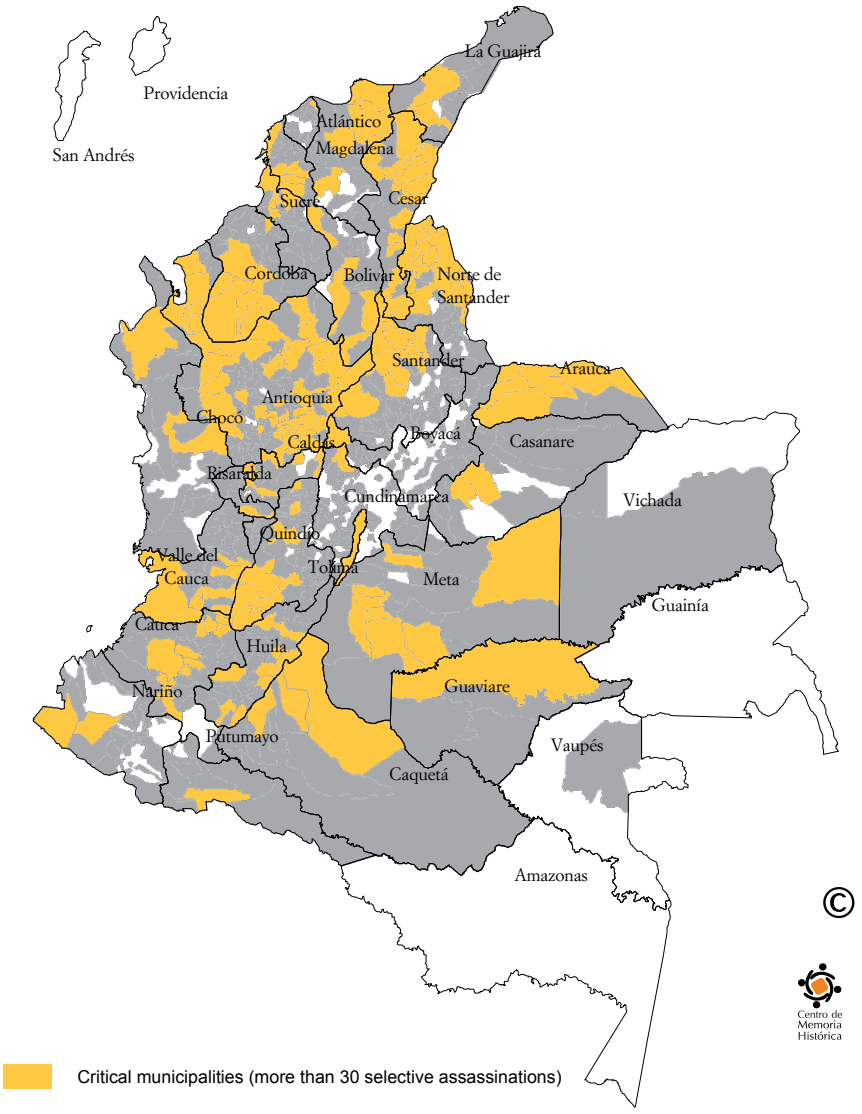
Jaime Garzón, journalist and humorist, assassinated by paramilitaries on August 13, 1999. Photograph: Carlos Duque, El Espectador ©.

the former, 503 victims of selective assassination were reported for the Patriotic Union (Unión Patriótica), followed by the Liberal Party with 329; the Communist Party with 158; the Conservative Party with 151; and Hope, Peace and Liberty (*Esperanza, Paz y Libertad*) with 110.

When the fight between the guerrilla and paramilitary groups for the control of regions became crucial in the dynamics of the armed conflict, that is, during the period between 1996 and 2002, selective assassinations became the armed agents´ preferred method to establish their authoritarian order. This was especially true for the paramilitary groups. The above statement does not imply that guerrilla groups would have strengthened their social and political power without resorting to selective assassinations; it only indicates that they resorted to them on fewer occasions. This violent method guaranteed the prolongation of the terror that began with large massacres. Thus, its paralyzing effects were intensified and the perception that nobody was safe spread.

Special mention should be made of the 2,304 selective assassinations allegedly committed by members of the Security Forces. The seriousness of those cases lies in their violations of rights of which they are the guarantors, in accordance with the Colombian Constitution. Among those cases are the extrajudicial executions that became part of a criminal strategy in which corpses were presented as *guerrilleros* killed in combat, when in fact they were civilians who had been tricked or forced to leave their homes and were later executed in distant places so the bodies would not be claimed and they would be buried in cemeteries as "N.N." (anonymous dead). This perverse result of the Democratic Security Policy added to a saga of crimes which took place throughout the armed conflict and were meant to cover up military mistakes or conceal intentional acts motivated by the wish to retaliate for guerrilla attacks or the conviction in the success of the counterinsurgency maxim that only by isolating the civilian population from the guerrilla, would it be possible to defeat it.

It is worth adding that the intensity of the violence was not homogenous throughout Colombia. Of the 23,161 selective homicides committed between 1981 and 2012 in 950 municipalities, 85% of these violent



Selective assassinations in the armed conflict in Colombia (1980-2012).
Source: GMH

acts occurred in 322 municipalities, which means that the most severe violence was concentrated in 30% of Colombian territory. Of these 322 municipalities, 46 reported more than 500 of these violent deaths; that is, 46 municipalities alone accounted for one out of every three homicides that occurred during the abovementioned period.

1.4.2. Massacres: strategies to sow terror

The abovementioned distribution of armed agents that participated in the more than 1,982 massacres committed between 1980 and 2012 (58.9%, paramilitary groups; 17.3%, guerrilla groups; 7.9%, Security Forces; 14.8%, unidentified armed groups; 0.6%, paramilitaries and Security Forces in joint acts; and 0.4%, other groups) reveals that out of every ten massacres, six were perpetrated by paramilitary groups, two by guerrilla groups and one by members of the Security Forces.

Regarding the participation of the Security Forces in massacres, it is important to add that in other cases, besides the 7.9% mentioned, the alleged responsibility is not separated from the actions of the main perpetrator. This is what can be deduced from the sentences of the IACHR,[41] based on the free versions confessed by paramilitary groups members within the framework of Law 975 of 2005, and also in various cases studied by the GMH. Some of the acts that implicate members of the Security Forces in facilitating massacres are: omitting information, collusion, logistical support to the perpetrators, or covering their own actions.

Among the massacres perpetrated by guerrilla groups, 238 were done by the FARC; 56 by the ELN; 18 by EPL; 3 by other guerrilla groups (M-19 and

41. See: Judgment of September 15, 2005 on the Case of the Mapiripán Massacre vs. Colombia, CIDH, Fondo, reparaciones y costas (Merits, Reparations and Costs); Judgment of January 31, 2006, on the Case of the Pueblo Bello Massacre vs. Colombia, CIDH, Fondo, reparaciones y costas (Merits, Reparations and Costs); Judgment of May 11, 2007, on the Case of La Rochela Massacre vs. Colombia, CIDH, Fondo, reparaciones y costas (Merits, Reparations and Costs); Judgment of July 1, 2006, on the Case of the Ituango Massacres vs. Colombia, CIDH, Preliminary exceptions, Merits, Reparations and Costs.

the Quintín Lame Movement); 7 by two or more guerrilla groups acting together; 18 by unidentified guerrilla groups; and 3 by dissidents or factions of the guerrilla (the Ricardo Franco Front of the FARC or the ERP of the ELN). This reveals that out of every ten massacres committed by the guerrilla, the FARC is responsible for seven, while the ELN is responsible for two.

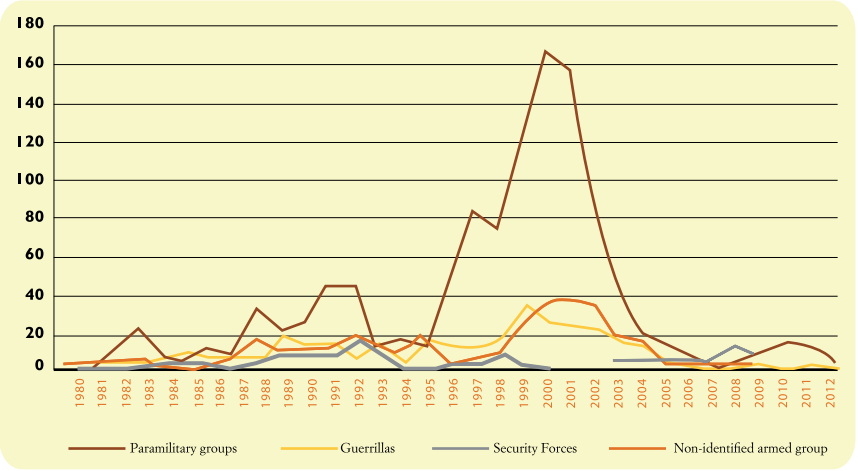


Figure 3. Evolution of cases of massacres in the armed conflict in Colombia by alleged perpetrator, 1980-2012. Source: GMH, Database of massacres in the armed conflict in Colombia (1980-2012).

For the armed agents, massacres were central to their strategies to maintain control over the population, since they caused terror and led to the exile and destruction of communities. The 1,982 massacres perpetrated between 1980 and 2012 left 11,751 dead. The proportion between the number of acts of war and the number of victims shows an average of six victims per massacre. The GMH has been able to establish that 7,160 people died in massacres committed by paramilitary groups, which corresponds to 61.8% of the total; 2,069 in those by the guerrillas, 17.6%; 870 in those perpetrated by members of the Security Forces, which corresponds to 7.4%; 1,486 in those done by unidentified armed groups, that is, 12.6%; massacres organized by two or more armed agents in joint actions left 98 fatalities, 0.8%; and there were 68 (0.6%) victims of acts committed by other armed groups.

Massacres have been important as a method of violence within the paramilitary strategy. Due to their visibility and cruelty, they have been a means to challenge and undermine the guerrilla's offer of protection in the territory. Making the violence a spectacle, it carries – from the point of view of the perpetrator – a sobering message to the population. Placing the victims' bodies in public, with the marks of abuse visible on their exposed bodies, gives a warning about the cost of collaborating with the guerrilla. But it also has warned the guerrilla about the type of war that the paramilitary groups were ready to fight to obtain total control of the territory. The testimony of surviving victims of the paramilitary massacre in El Tigre, Valle del Guamuez, department of Putumayo, illustrates this intention:

> On January 9 [of 1990] the paramilitary groups accused us of being *guerrilleros* […], they laughed and shouted: Call the guerrilla to defend you! Their insults and mistreatment were so intense that I remember I felt humiliated […]. I just cried, and I couldn't defend myself or my son, who was among those they took to the river.[42]

When the paramilitary groups expanded in the 1990s, large massacres signaled the incursion of this armed group in the territory. Afterwards, the perpetrators continued to use violence on civilians. They used these massacres to build a violent reputation that would be constantly reaffirmed with other, less visible methods that were frequent and generalized: selective assassinations, small massacres, and forced disappearances. Similarly, paramilitary groups decisively incorporated brutality into their violent acts and thus increased their potential to humiliate and damage.

Small massacres are more common than larger ones, and are therefore more representative. Those massacres, along with selective assassinations, were the most recurring method that the paramilitary groups

42. Story 5, workshop on memories, 2010. GMH, The massacre at El Tigre, Putumayo (Bogotá: Pro-offset editorial, 2011), 43.



Eight people, including adults and minors, were killed by members of the 17 Brigade of the Colombian Army and paramilitaries from the Heroes of Tolová Bloc in San José de Apartadó on February 21, 2005. Photograph: Jesús Abad Colorado ©

used to maintain or establish territorial order. In fact, the majority of the paramilitary massacres documented by the GMH had between four and six victims (that is, 880 massacres, or 75.5% of the total in the 1980-2012 period). This reinforced the abovementioned tendency to conceal the violence.

Furthermore, in the majority of regions, paramilitary groups signaled their incursion in the territory by carrying out large massacres (more than ten victims) or by wiping out populations in places the domination where they were fighting for control with the guerrilla groups. Of the 158 large massacres recorded between 1980 and 2011, 111 (70%) were perpetrated between 1996 and 2004. On that subject, Carlos Mario Ospina Bedoya, alias *Tomate*, who participated in the incursion in El Placer, Putumayo, mentions the order to expose the bodies of the victims to mark the territory:

> The exact orders in 1999, when I entered in September, when we got to El Placer, well he [Antonio Londoño Jaramillo, alias Rafa Putumayo, paramilitary leader] always said that in incursions, incursions like the one in El Placer, we should leave them there [the bodies] to spread terror among the enemy. In El Placer we'll make them feel the organization, as they say. That's how it was in the incursions, when an area was opened, it was to leave them lying there, not to hide them, he did say this: "Leave them there, all of them, so that the guerrilla believes it." The one in El Placer was like that.[43]

While the large massacres were not the most repeated violent acts in the armed conflict (they represent one out of every ten massacres), using them at specific moments hugely contributed to establishing the terrifying reputation of the armed agents, and on which they based their power.

43. Voluntary testimony of the person seeking benefits, Carlos Mario Ospina Bedoya, alias Tomate, March 15, 2010, Bogotá. Unidad de Justicia y Paz de la Fiscalía (Justice and Peace Unit of the Office of the Attorney-General). GMH, *El Placer. Mujeres, coca y guerra en el bajo Putumayo* (El Placer. Women, coca and war in the lower Putumayo). Bogotá: Taurus/ *Semana*, 2012), 150.

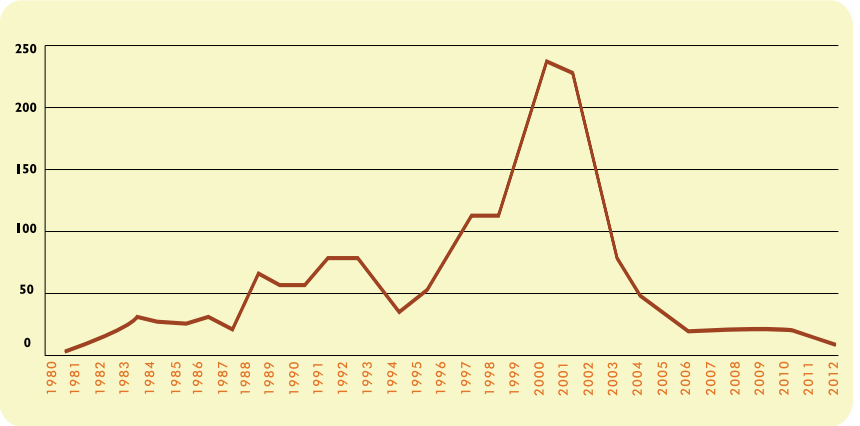


Figure 4. Evolution of the number of massacres in the armed conflict in Colombia, 1980-2012. Source: GMH, Database of massacres in the armed conflict in Colombia (1980-2012).

In the 1988-1992 period, large massacres were true expeditions to punish social movements and reject the political success of the left, particularly the Patriotic Union and the Popular Front.[44]

Among the emblematic cases of massacres perpetrated against left-wing territories and militant groups are: the massacres in Honduras and La Negra (Urabá, Antioquia) committed by paramilitary groups on March 4, 1988, which left 30 victims; that of Punta Coquitos (Turbo, Antioquia) on April 11 of the same year in the region of Urabá with a total of 20 victims, aimed against union members and members of the Popular Front; the one in Mejor Esquina, in the south of the department of Córdoba, on April 3, 1988, which left 28 victims; that of Caño Sibao (municipality of El Castillo, department of Meta) in the region of Ariari, July 3, 1988 with 17 victims, aimed against militants of the UP; and Segovia (department of Antioquia) on November 11, 1988, which left 46 victims in retaliation for the electoral backing the population gave to the Patriotic Union.

44. For an account of the emergence of these organizations, see chapter 2.

The greatest number of cases was produced between 1996 and 2002: 1,089 massacres with 6,569 victims, which is 55% of the massacres in the whole period examined by the GMH (1980-2012). This tendency is directly associated with the paramilitary expansion, although it is important to note that in the same six years, massacres committed by guerrilla groups (in particular the FARC) also increased, although in a lesser proportion. In fact, the gap between massacres perpetrated by the paramilitary and the guerrilla groups grew in this period and reached the proportion of five to one.

The increase in the massacres used as a violent method by paramilitary groups was related to the struggle with the guerrilla over territorial control, but it was also a challenge to the central State, which was in the midst of peace talks between the administration of president Andrés Pastrana and the FARC (1998-2002).[45] The paramilitary groups used massacres as a single effective action to batter and demoralize the guerrilla, thus seeking to be recognized as a third political player which might have a seat at the negotiating table. As a last resort, they sought to end the negotiations themselves, considering them disadvantageous to the interests of the paramilitary project.

A shift thus came about, from the expeditionary and punitive types of assault that were used between 1988 and 1992 to occasional occupations of territory or raids between 1996 and 2002. Paramilitary attacks were characterized by the massive use of military force and operations that only lasted several hours or days. The violence was more indiscriminate than before, not because the paramilitary groups abandoned the use of selective methods (listings, the presence of hooded militiamen and perpetrators known to their victims) but because these were combined with random acts covered by the stigmatization of the civilians as a *guerrilla population*:

> Between eighty and one hundred paramilitaries of the AUC [Autodefensas Unidas de Colombia], who were transported in five vehicles, two 600 trucks, two Mazdas and one jeep, executed ten people and disappeared five more in the 18 de Enero neighborhood, at 2:30 a.m. According to the source, the paramilitaries "cordoned off 5 blocks between 28th street and 32nd street and, it seems, that with list in hand, they took them out of a party." In different areas they were tied up and then assassinated. The group remained in the zone for two hours.[46]

When the paramilitaries occupied a territory, large massacres were perpetrated at two points in time: when the armed agents made their incursion, and when they had consolidated their position in a part of the territory. Among the most representative of these cases of paramilitary operations, we find the La Holanda massacre in San Carlos, Antioquia, perpetrated on October 25, 1998. This massacre marked the arrival of the paramilitary presence in eastern Antioquia and left 13 dead. Also significant is the case of the massacre in La Gabarra (department of Norte de Santander) perpetrated on August 21, 1999, with a total of 32 victims, which marked the paramilitary incursion into the Catatumbo. Or the massacre of Barrancabermeja (department of Santander) on May 16, 1998, which left 7 victims and 22 disappeared persons, and marked their arrival at that riverine oil port. And finally the massacre of Mapiripán in the department of Meta on July 15, 1997, which left 49 victims[47] in the southeast of the country.

The guerrilla massacres, in particular those of the FARC, served as an armed response to paramilitary actions. Some were perpetrated at the same time that the paramilitary violence irrupted and were meant to show their willingness to respond with terror to the war that the other armed group proposed. They also executed other massacres when the paramilitary groups

45. See chapter 2 of this report.

46. An event that occurred in Ciénaga, in 2000, presumably the responsibility of the paramilitaries. Database of *Noche y Niebla*. GMH, *Mujeres y Guerra. Víctimas y resistentes en el caribe Colombiano* (Women and War. Victims and members of the resistance in the Caribbean region of Colombia). Bogotá: Taurus/*Semana*, 2011, 257.

47. The GMH takes into consideration the fact that while eleven victims who did not die in the violent events of the Mapiripán massacre have been identified, eight new victims have been discovered, without its being able to determine so far the names and number of the victims thrown into the river.

had consolidated their domination over a territory, so that their control would be perceived as unstable and precarious and therefore, vulnerable. The following guerrilla massacres conformed to that type of action: Dos Quebradas, Dinamarca and La Tupiada, in San Carlos, perpetrated on January, 2003 in eastern Antioquia, which left 18 victims; La Gabarra, on June 15, 2004, in the region of the Catatumbo, Norte de Santander, with 34 dead; Tierralta, in the Nudo de Paramillo, department of Córdoba, on May 22, 2001, with 24 dead; and the bloody chain of massacres perpetrated during August and September of 1995 in the region of Urabá that resulted in the assassination of 20 banana plantation workers on the Bajo del Oso farm in Apartadó, department of Antioquia, on September 25. The victims were members of the Hope, Peace and Liberty movement, a political group made up of ex-members of the Popular Liberation Army (Ejército Popular de Liberación– EPL), who had demobilized in 1991.

In other situations, the massacres committed by the guerrilla were the result of the competition between armed groups over territory or ideology. Among these cases is the massacre of La Chinita, Apartadó, where the FARC assassinated 34 political activists from the Hope, Peace and Liberty movement on January 23, 1994. It also includes the massacre in Tacueyó, in the municipality of Toribío, Cauca, where the Ricardo Franco Front, dissidents of the FARC, assassinated 126 combatants from their own organization in December 1985 whom they accused of being infiltrators working for the Colombian army.

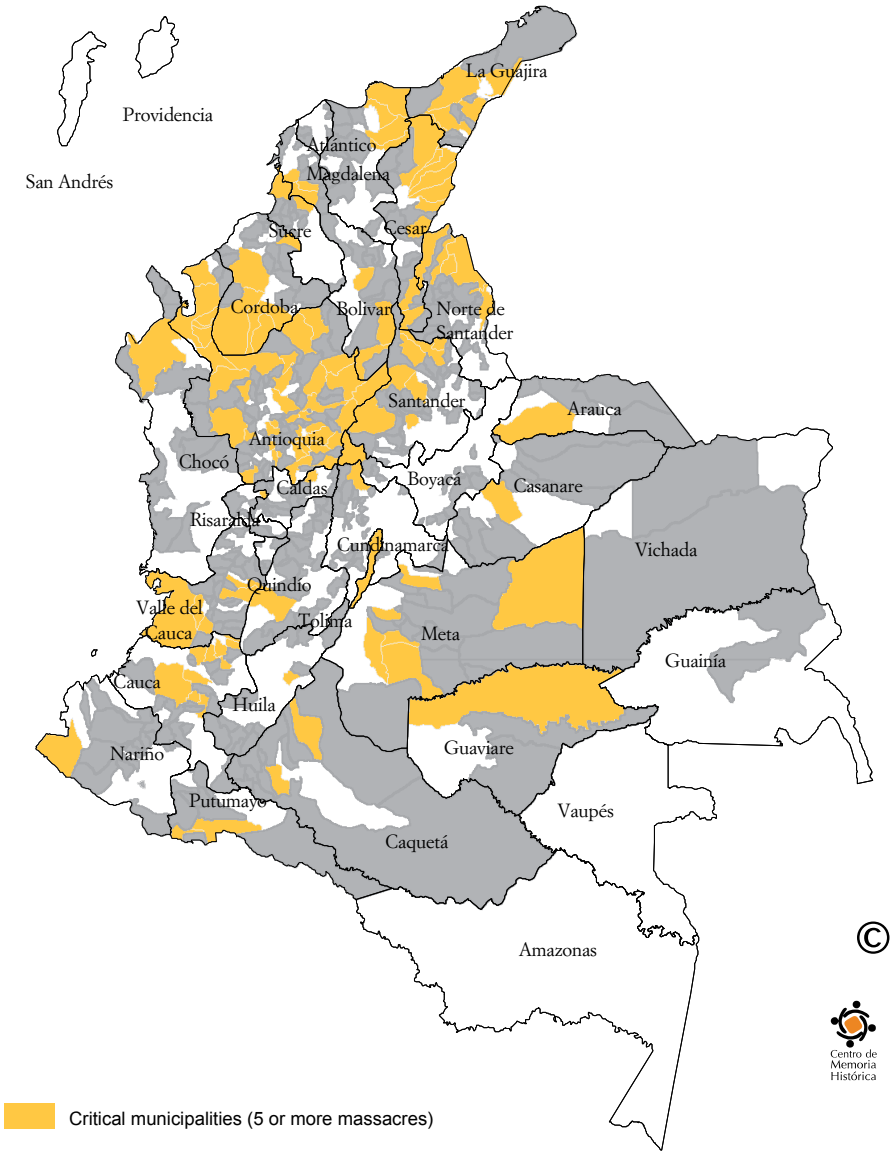
In the second phase of the paramilitary occupation, perpetrating large massacres was used to strengthen their territorial consolidation. In fact, once control was assured, an attack was unleashed against the rearguards of the enemies to definitively expel them from the territory and impose an absolute supremacy. It was then that the *scorched-earth* type of massacre was used.

Scorched-earth massacres tended to be used in conjunction with paramilitary roadblocks that were strategically placed along roads leading to the regions in order to impose an economic blockade in the area and confine the population. The most representative cases of this type of massacre are the ones in: El Salado (department of Bolívar), perpetrated by paramilitaries between February 16 and 21, 2000, which left 60 victims; Chengue (department of Bolívar), on January 17, 2001, with a total of 35 victims; El Tigre (Putumayo), on January 9, 1999, with 28 victims; El Aro (Ituango, Antioquia), on October 25, 1997 with a total of 14 victims. These types of actions intensified between 1996 and 2002.

> During the massacre, the paramilitaries burned six houses. These were businesses; they were places where people not only lived but also worked. So, those people's means of living were lost. After eight days and in the presence of the army, the same ones burned another house. That night they also took some of our belongings: TVs, stereos, generators, all this they stole from us. For example, from my house they also took jewelry and money. Our animals also suffered from the massacre, and so we didn't have eggs we could go out and sell, or chickens or pigs to sell. Anyway, even if we´d had them, we couldn't have sold them, because there was no money. Many of us abandoned our farms, we stopped going to them, we preferred to stay at home: don't you know that the paramilitary groups also arrived at the farms, so they could take them over. I still don't go to the farm, I don't like to, it brings back bad memories, it scares me. And, they completely destroyed the farm, it's abandoned.[48]

The biggest devastation caused by the armed agents took place in the scorched-earth massacres. It wasn't enough to kill massively. They attacked the physical and symbolic environment of the communities. They abused women, the elderly, children and community leaders; they destroyed homes, damaged and stole material goods from the victims, and they staged the violence by using brutality and torture. It was an exercise of systematic terror that sought to cause a lasting clearing of the land. The aim of the terror they used was to make the physical and

48. Story 10, workshop on memories, 2010. GMH, *La masacre de El Tigre (The massacre at El Tigre),* 39



Massacres in the armed conflict in Colombia (1980-2012).
Source: GMH

social space uninhabitable, to prompt massive forced displacement, abandonment and plunder of the lands.[49]

Starting in 2003, massacres were no longer used as frequently, and this coincided with the beginning of the government's negotiations with the paramilitary groups. A reduction in massacres did not, however, necessarily mean a decrease in violence against civilians. In one of his voluntary confessions before the Court of Justice and Peace, Salvatore Mancuso, a top paramilitary leader, stated that the collaboration between the paramilitary groups and members of the Security Forces reached the point where the former began to hide their victims' bodies, burying them in common graves and throwing them into rivers, so that the statistics of violent deaths did not shoot up and affect the latter. This is detailed in the following account by the demobilized paramilitary leader Mancuso:

> The victims of the battles or [other] acts against the guerrilla [attacks against civilians] increased the figures of fatalities and affected the statistics of security in the regions. That didn´t look good on the career records of the military officers who were operating in those areas. So, to remain on good terms with them, Carlos Castaño gave the order to hide the bodies of the victims, and the "policy" of disappearance began to be implemented across the country.[50]

Despite the massive and often indiscriminate nature of the massacres, they never stopped being selective in the sense that the choice of victims was mostly related to stereotypes or the stigmatization of the people who participated in social and political movements. The victims of these massacres were mainly men (88%) and adults (96%).

49. GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la Costa Caribe, 1960-2010* (The fight over land. Memories of land seizures and peasant-farmer resistance on the Caribbean coast, 1960-2010). (Bogotá: Taurus/ *Semana*, 2010), 18.
50. "The armed forces were key for the expansion of the AUC", Verdad Abierta, downloaded June 9, 2013, http://www.verdadabierta.com/component/content/article/80-MAPA%20MASACRES%20versiones/3932-qla-fuerza-publica-fue-clave-para-la-expansion-de-las-aucq-mancuso

The GMH was able to identify 405 children and adolescents among the victims of the armed agents, which represented 3.4% of the cases documented for the 1980-2012 period. In fact, attacking children and adolescents during the massacres became an intentional act, which was meant to devastate the survivors and a way for the perpetrators to send a message to their enemies that they would not respect any moral limit in the armed conflict. The assassination of 85 elderly persons can be attributed to this same attitude.

The diversity of the profiles of the victims highlights the massification of the violence, which became more indiscriminate and threatening for ordinary people. Of the 7,147 victims whose occupations could be ascertained (60% of the total number of victims), six out of ten were peasant farmers, one a worker or employee and the three remaining ones merchants or independent workers. Along the same lines, the GMH observed that the proportion of victims who were social or political activists was smaller in indiscriminate massacres than in selective assassinations. This suggests that for each political activist assassinated in a massacre, three were victims of selective assassinations.

As the armed conflict lengthened and escalated, massacres spread throughout the country, but at different intensities. At least one massacre occurred in 526 municipalities of the country between 1980 and 2012. One out of every three massacres in the armed conflict occurred in a specific cluster of 38 municipalities. These 38 municipalities, in turn, recorded 10 or more massacres, which means that 36% of the total of reported cases were concentrated there.

1.4.3. Abuse and torture: the degradation of the war

In the period between 1981 and 2012, the GMH documented 588 violent events in which scars or marks of cruelty were found on the bodies of 1,530 people. Of the total number of cases of brutality,[51] 433 of the victims were selectively assassinated and 154 killed in massacres. It should be noted that this record only includes violent acts where the victim´s corpse was publicly displayed by the victimizers as part of their terror strategy.

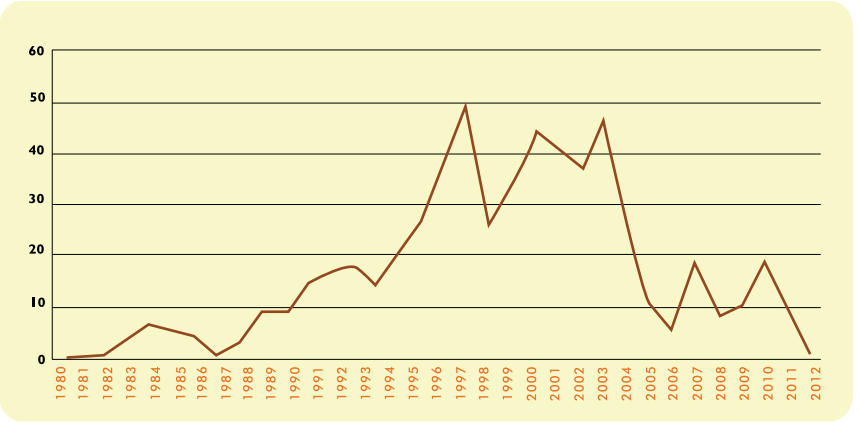


Figure 5: Evolution of cases of massacres and selective assassinations with abuse in the armed conflict in Colombia, 1980-2012. Source: Database of abuses in the armed conflict (1980-2012),

Among the documented cases of brutality, the GMH has been able to identify the following violent methods: throat slitting, quartering, decapitation, gutting, burning, castrating, impalement, and burns using acids or blowtorches. In addition to using sharp edged weapons in these practices of extreme cruelty, they also used agricultural tools that became symbols of terror: the chainsaw and the machete. This is how the victims of the massacre in Trujillo, Valle del Cauca, described the brutality:

> Let's say these are the sacks they stuffed them in [the victims]. After tying them up, they filled their mouth with water and began to cut off all their limbs with a chainsaw. They also came and got them with some knives and cut up their bodies, their limbs, they threw acid on them and then with the thing that makes fire [blowtorch] they burned their wounds.[52]

51. The GMH understands excessive abuse (*sevicia*) to be the causing of injuries that goes beyond the ones needed to kill. That is, it is the excessive violence and cruelty that is taken to the extreme of mutilating and quartering the body of the victim.

52. GMH, *Trujillo. Una tragedia que no cesa* (Trujillo. A tragedy that does not end). Bogotá: Planeta, 2008, 221.

Of the 588 events with episodes of torture and extreme cruelty, 371 (63%) were attributed to paramilitary groups; 126 (21.4%) to unidentified armed groups; 57 (9.7%) to members of the Security Forces; 30 (5.1%) to the guerrilla; and 4 (0.7%) to joint actions of paramilitary groups and Security Forces. Altogether, six out of every ten cases of this type were perpetrated by paramilitary groups, which reveals that cruelty was a violent practice that had the stamp of the paramilitaries. This is supported by evidence that reveals the identity of members of paramilitary groups in cases where they tried to conceal their responsibility for these violent acts.

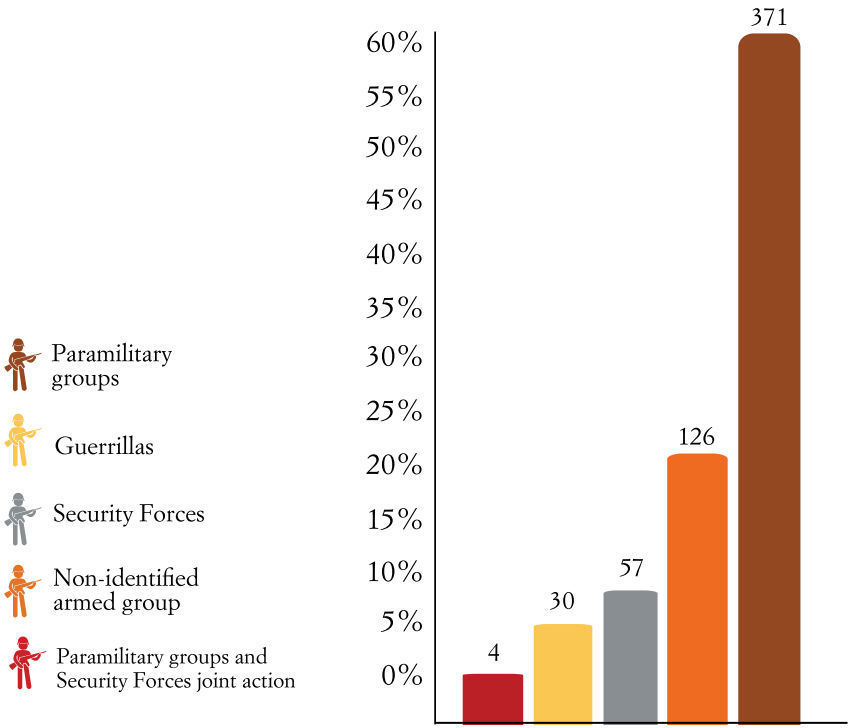


Figure 6: Distribution of acts of abuse in the armed conflict by armed group, 1980-2012.
Source: Database of abuses in the armed conflict (1980-2012), processed by the GMH.

The paramilitary groups established a violent reputation through massacres, selective assassinations and forced disappearances. However, they reinforced it with brutality, which was employed in one out of every ten massacres (9.8%) and in four out of every 100 selective assassinations (4.2%). Another characteristic of the brutality in paramilitary massacres that should be mentioned is that it was used more frequently in small massacres (65) than large ones (26). This confirms that the terror produced by large massacres was backed by the brutality used in small massacres and selective assassinations.

The marks of torture[53] were imprinted on the lacerated bodies of the victims.[54] Torture was used in 1,123 of the 16,340 acts of selective assassination (6.8%) documented by the GMH between 1980 and 2012,

53. The Convention against torture laid down in Law 70 of 1996 defines it as "any act by which grave pain or suffering is intentionally inflicted on a person, be it physical or mental, with the aim of obtaining information or a confession from that person or a third party, or punishing the person for an act he or she has committed or is suspected of having committed, or intimidating or coercing that person or others, or due to any type of persecution, when that pain or suffering is inflicted by a public official or another person exercising public functions, at the instigation of that person, and with that person´s consent and acquiescence". "*Glosario de Derechos Humanos y Derecho Internacional Humanitario*", (Glossary of Human Rights and International Humanitarian Law). Observatorio de Derechos Humanos y DIH, Presidencia de la República de Colombia, downloaded June 8, 2013, http://www.derechoshumanos.gov.co/Prensa/Destacados/Paginas/glosario_derecho_internacional_humanitario.aspx

54. Evidence was found that the victims were tied up and pain was inflicted on their bodies. Ropes or cables were used to tie up their hands and feet and gags put in their mouths or blindfolds on their eyes. Different parts of their bodies showed wounds and lacerations and signs of beatings. Torture is also understood to be the cruel and humiliating treatment of the victim before the victim is murdered and done in the presence of others, including the use of ropes to strangle the victims or plastic bags to asphyxiate them (just as was documented in the paramilitary massacre at El Salado, in February, 2000); the use of blowtorches to burn their skin; the insertion of high pressure water in their mouths or noses; the cutting of their skins with nail clippers or the violent removal of their nails, just as was documented for the massacre of Trujillo between March and April, 1990, as well as the other, similar practices by members of the Armed Forces which were documented in the case of the ATCC between 1976 and 1978.

as well as in 244 of the 1,982 massacres (12.3%). For its part, the RUV recorded 4,151 victims of torture between 1985 and 2012.

Violent acts involving cruelty and torture were decisive factors in the paramilitary project. That is seen in their high frequency and the use of these practices in the military training given to combatants in the so-called "quartering schools" or "death schools." In a confession made before the Office of the Attorney General, Francisco Enrique Villalba Hernández, alias *Cristian Barreto*, stated that he had received this type of training at the La 35 farm in El Tomate, Antioquia:

> They chose the students who would participate. Once, one of the students refused. "Double Zero" stood up and said: "Come on, I'll show you even I can do it". Then, he ordered them to quarter the student. They made me take off a girl's arm. They had already taken off her head and a leg. Beforehand, she had asked them not to do it, since she had two children.
>
> They opened people up from their chest to belly to take out their intestines, the guts. They took off their legs, arms and head. They did it with machetes or knives. The rest, the guts, with their hands. We, those in training, we took out the intestines.[55]

The incorporation of extreme cruelty into the repertoire of paramilitary violence helped them to build up a terrifying reputation. This became a sounding board that was effective enough to make their threats believable and show people their willingness to take violence to extremes in order to fulfill the aim of territorial dominance. This violent reputation was meant to instill fear in society in order to break the bonds between the civilian population and the guerrilla, and then re-establish an order in line with their strategic interests. In contrast with the insurgents, abuse was functional for the paramilitaries insofar as they wanted to secure a lasting control over the population by means of fear, rather than through protection.

Abuse, however, was not a generalized practice. It was used in small doses in conjunction with other methods of terror in order to avoid the attention and condemnation of Colombian or international organizations. Furthermore, It is necessary to consider the clandestine use of brutality as an act of torture and as a strategy meant to conceal crimes and also to train combatants. It thus decisively increased the recurrence of abuse and the number of its victims.

Brutality was used in 271 municipalities where at least one case was recorded, which represents 25% of Colombian territory. However, the recurrence of the cases varied from place to place, since 53.8% of them were concentrated in 46 municipalities.

1.4.4. Forced disappearances: absence, uncertainty and solitude

With disappearances, you knew that when one of them disappeared, the whole family would slowly start to die.
Testimony of a woman, San Carlos, Antioquia, 2010

In spite of the magnitude of the statistics on forced disappearance and its devastating impact on the country, forced disappearance[56] has been underreported in the media and is barely recognized by the competent authorities, due to the innate features of this violent method and the particular characteristics of the internal armed conflict.[57] This is explained,

55. "*Se entrenaban para matar picando campesino vivos*" ("They were trained to kill by cutting up the bodies of living peasant-farmers"). *El Tiempo* newspaper, Verdad Abierta, downloaded June 8, 2013, http://www.verdadabierta.com/component/content/ article/35-bloques/1273-se-entrenaban-para-matar-picando-campesinos-vivos-el-tiempo

56. The GMH defines forced disappearance as the deprivation of liberty of a person whose whereabouts are unknown, in which nothing is demanded in return and the victimizer denies his responsibility for the deed.

57. This method of violence is the one that most requires further investigative efforts, due, among other factors, to the difficulties in compiling statistics on this crime. The National Center for Historical Memory is advancing with projects to investigate the

in part, by the armed agents´ intention to conceal the crime, and, to a certain degree, by the fact that the specific nature of the crime lies in the deprivation of liberty and the concealment of the victim's whereabouts, which places the victim beyond the protection of the law.[58]

The concealment of the crime and the little public recognition of it are further explained by a number of aspects: 1) this crime may be mistaken for other methods of violence, such as kidnapping and homicide; 2) its social impact is minimal, compared to the spectacular coverage or high visibility which the media has given to other forms of violence (kidnappings, massacres, the murder of public figures and acts of war); 3) reporting the facts is difficult or impossible due to pressure from the armed agents, the participation of government agents in such crimes,[59] and the belated legal recognition of it, which began with Law 589 of 2000.

Forced disappearance, which international law regards as a crime against humanity in certain circumstances, was the most frequent violent act at a time when concealment strategies predominated, although the perpetrators have not stopped using it as a mechanism of terror.

In addition to their uncertainty about the whereabouts of the victims, relatives of victims must fight to obtain the recognition of the facts, deal with discredit, threats and even face the indifference of authorities that regard the crime as a trivial matter. The GMH was able to document this type of situations in the case of a forced disappearance that happened in La Sonora, municipality of Trujillo, on March 31, 1990, the result of a criminal alliance between members of the Security Forces, paramilitary groups and drug-traffickers. On this occasion, Ernesto González, the governor of the Valle del Cauca, spoke to the press about the disappearances, and stated: "Some of them [the victims] have simply



Paramilitaries killed 8 people and disappeared 25 in the riverine oil port of Barrancabermeja. Photograph: Jesús Abad Colorado © May 1998.

subject, in order to penetrate the silence that surrounds one of the most painful facets of the country´s conflict.

58. "International Convention for the Protection of All Persons from Enforced Disappearance", Office of United Nations High Commissioner for Human Rights, downloaded June 8, 2013, http://www2.ohchr.org/spanish/ law/disappearance-convention.htm

59. Annex of the report.

joined the guerrilla, or are fleeing from the guerrilla."[60] In the same vein, the commander of the Palacé de Buga Battalion, in an interview with the *El Tiempo* newspaper, stated: "The youngsters of La Sonora have not disappeared, they have escaped. In the middle of the fighting, they felt guilty and fled to the mountains, and within 15 days they'll be back."[61]

As of November 2011, the National Registry of Disappeared Persons reported 50,891 cases, of which it is presumed that 16,907 correspond to forced disappearances, while the RUV records 25,007 forced disappearances due to the armed conflict. The true magnitude of these crimes can only be understood when one takes into account that they surpass the ones which occurred under the military dictatorships in the Southern Cone of Latin America: 485 forced disappearances in Paraguay between 1958 and 1988;[62] 979 in Chile between 1973 and 1990;[63] and close to 9,000 in Argentina between 1976 and 1983, during the military dictatorship.[64] Despite the huge dimensions of forced disappearance in Colombia, the level of social and public recognition of this crime is very low when compared with other forms of violence.

When the cases recorded by human rights organizations and relatives of disappeared persons are taken into consideration,[65] the victims of forced disappearances are greater than those reported by the RUV for the period of 1970-1990. For that period, the first two groups reported 2,436 disappeared persons, while the RUV recorded 693 cases between 1985 and 1990. This difference is largely due to the coordinates for violent acts established under Law 1448 of 2011, which limits the legal recognition of such violent acts to those which only occurred after January 1, 1985.[66] This suggests that there are at least 2,000 cases of persons who were disappeared between 1970 and 1990 which need to be verified and assessed so that their inclusion in the RUV can be established.

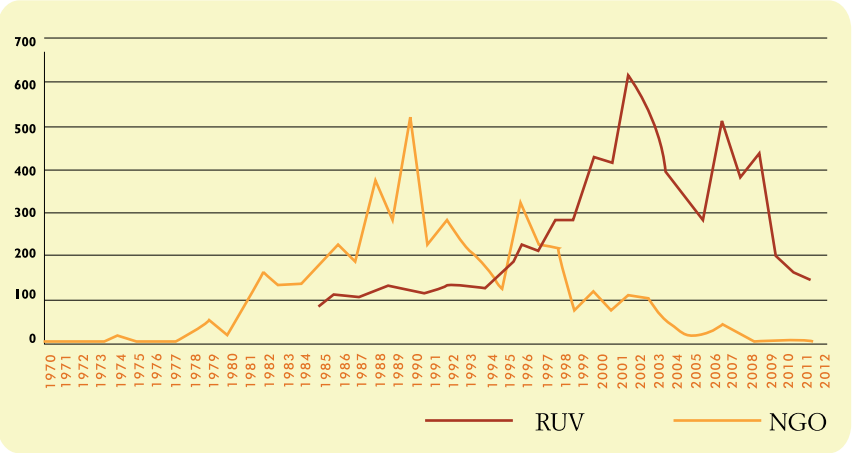


Figure 7: Evolution of the number of forcibly disappeared persons in the armed conflict in Colombia, 1970-2012. Source: GMH.

60. GMH, *Trujillo*, 69.
61. GMH, *Trujillo*, 70.
62. Commission on Truth and Justice, Paraguay, Final report, *Anive haguã oiko* (Asunción: Comisión de Verdad y Justicia 2008), downloaded June 9, 2013, http://www.cipae.org.py/V2/informe-final-anive-agua-oiko/
63. National Commission on Truth and Reconciliation, Final report of the National Commission on Truth and Reconciliation. (Santiago de Chile: Corporación Nacional de Verdad y Reconciliación, 1991), downloaded June 9, 2013, http://www.ddhh.gov.cl/ddhh_rettig.html
64. National Commission on the Disappearance of Persons, *Informe Nunca Más* ("Never Again" Report), Buenos Aires: EUDEBA, 1984). In 1984, the CONADEP presented 8,961 cases, even though the human rights organizations have raised the figure to 30,000. http://www.desaparecidos.org/arg/
65. ASFADES, Familiares Colombia, Nidia Erika Bautista Foundation, CINEP, Comisión Intereclesial de Justicia y Paz (Inter-Church Commission on Justice and Peace), Proyecto Colombia Nunca Más (Colombia "Never Again" Project).
66. Article 3 of Law 1448 of 2011 (on Victims and the Restitution of Lands) stipulates that: "For the effects of this law, victims are defined as those persons who, individually or collectively, have suffered a harm for deeds taking place since January 1, 1985, as the consequence of violations of International Humanitarian Law or grave and evident violations of the international norms on Human Rights, occurring during and occasioned by the internal armed conflict […] Paragraph 4. The persons who have been victims of events which occurred before the first of January of 1985 have the right to the truth, measures of symbolic reparation and the guarantees of non-repetition laid down in the present law, as part of the social collectivity and without any need for them to be individualized".

Forced disappearance began to be a part of the violent repertoires of the agents of the armed conflict in the 1970s. The milestone was the disappearance of the left-wing activist Omaira Montoya,[67] which happened in Barranquilla on September 9, 1977. This was the first formally reported case, and the first for which the Office of the Procurator-General of the Nation (PGN) would sanction government officials for their involvement in a forced disappearance. The case of Omaira Montoya occurred in the context of the national and international fight against communism[68] that associated members of the Security Forces with the practice of forced disappearance. It was the period when military dictatorships flourished in the Southern Cone (Chile from 1973 and Argentina from 1976, after military coups) and Latin American military forces were guided by the National Security Doctrine that marked the ideology of the so-called Cold War. In Colombia, it was the time when the military forces had their strongest involvement in public affairs, due to the National Security Statute passed by the government of president Julio César Turbay (1978-1982).

In this context, forced disappearances were widely associated with the fight against counterinsurgency and linked, in turn, to the use of torture to obtain confessions from the *enemy*. Forced disappearances happened, then, during the detentions, done, without court orders,[69] by the Security Forces, which had been granted an "exceptional" status by the National Security Statute. From this, it appears that the initial legal concept used by the relatives of the victims before the justice is the one of disappeared detained person.

The association between detention and disappearance diminished after the National Security Statute was repealed in 1982 and there was a shift in the government´s approach to the armed conflict. During the administration of president Belisario Betancur (1982-1986), a general amnesty was declared, as a first step in the peace negotiations with the guerrilla that began in 1982.[70] With this gesture, the government wagered that the civil power of the State would be able to limit the autonomy granted to the military forces in the handling of public security. As we shall see in Chapter 2, however, this readjustment did not sit well with radical sectors of the military that were opposed to a negotiated political solution to the armed conflict. In line with this opposition, State agents intensified human rights violations through clandestine acts that continued until 1990, and amounted to a defiance of the civil power´s right to manage public security. Due to the enactment of the 1991 Constitution, on the one hand, and the ongoing conflict between the State and the FARC and the ELN guerrilla armies, on the other, the levels of forced disappearances continued to be high until 1995, insofar as the new framework of Constitutional rights and guarantees forced the Security Forces to conceal their violent acts even more, which they still justified them as an effective means to gain victory in the by now long fight against counterinsurgency.

A new period began when the paramilitary groups expanded and wagered on wresting territorial control from the FARC in the Urabá region (1995-1997). This strategy was later launched on a national scale when the United Self-Defense Groups of Colombia (*Autodefensas Unidas de Colombia* – AUC) was formed in 1997.[71] In this new scenario, and largely as the result of the guerrilla offensive during this period, paramilitary

67. "Omaira Montoya Henao was arrested along with his companion, Mauricio Trujillo Uribe, by the then secret service of the Police, known as the F2, when the two intervened in the payment of a ransom for a kidnapped industrialist. The two were handcuffed, taken out of the city and subjected to a harsh interrogation with the use of torture. They were then separated and since then no one has known the whereabouts of Omaira". Coordinación Colombia-Europa-Estados Unidos, Observatorio de Derechos Humanos y Derecho humanitario, "*Desapariciones forzadas en Colombia. En búsqueda de la justicia*" ("Forced disappearances in Colombia. In search of Justice") *Documentos temáticos 6* (Thematic documents 6), 2012: 8, downloaded May 13, 2013, http://www.corporacionavre.org/files/documentos%206%20 FINAL%20mayo%2031.pdf

68. Coordinación Colombia-Europa-Estados Unidos, "*Desapariciones forzadas en Colombia*" ("Forced disappearances in Colombia"), 8.

69. The detained persons were taken to military bases, where they were then tried by military courts, which paid little attention to the laws on exceptional measures. These acts set up the conditions that favored the disappearance of the arrested persons.

70. See: Law 35 of 1982, which decreed an amnesty and dictated norms tending to the reestablishment and preservation of peace.

71. See: Chapter 2 of this report.



Exhumations in the municipality of Granada, Antioquia. Photograph: Jesús Abad Colorado © 2007.



Cauca River, water graves. Photograph: Manuel Saldarriaga. El Colombiano © 2002.

groups took over the use of this method from the military. They used forced disappearances to complement other methods of terror and hide the real dimensions of the violence they inflicted. The concealment and lack of knowledge of the forced disappearances perpetrated by the paramilitary groups became evident when members of these groups confessed to a total of 8,360 cases up to December 1, 2012 (3,551 disappearances, with 4,809 corpses exhumed from mass graves) during their voluntary testimonies under the Justice and Peace process (Law 975 of 2005).

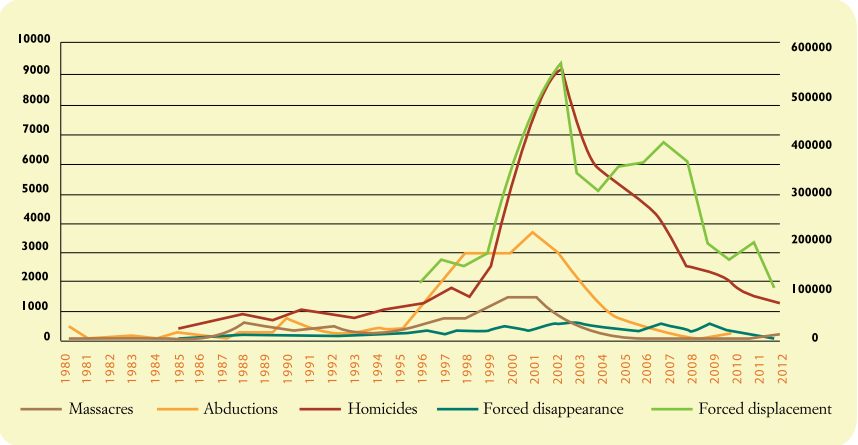


Figure 8: Evolution of the main methods of violence in the armed conflict in Colombia by number of victims, 1980-2012. Source: GMH.

Forced disappearance and selective assassinations were the preferred methods for intimidating and terrorizing communities, while other types of violence, such as massacres and kidnappings, diminished. That is, forced disappearances were used to heighten the violent reputation of paramilitary groups, and later allowed them to hide the magnitude of their acts without relinquishing the spread of terror.

The aim of disappearing people during massacres was to reduce their dimensions and thus contain the repercussions on public opinion on a national level, and at the same time it prolonged the effects of terror on the

surviving communities. In fact, the use of violence in forced disappearances magnified its effects. The survivors lived in a state of uncertainty, since they did not know the whereabouts or the fate of the victims, in an environment where the victimizers had built up a violent reputation for terror and cruelty, especially in communities that were affected by massacres and selective assassinations. As a mechanism of violence, forced disappearance operates through arrest, detention or other practices that deprive the victim of liberty and conceal his whereabouts. Among other methods, concealment often took the form of incinerating bodies in artisanal crematory ovens or burying them in mass graves:

> The witness could confirm that the people were assassinated: the bodies lay next to the mill where they had built an oven, and they remained there for several days. "We walked by with our heads down, it smelled horrible, nobody removed them up because the order was that anyone who did would die; only the chickens could get close," he relates. "They let the corpses dry in the sun and then when they were almost reduced to bones, they put them on the rack of the oven… I can´t tell you what it smelled like."
>
> "They killed people, buried them in graves and six months later dig up the bodies and at once threw them into the fire," a woman recounts. "Other times they opened the corpses, took out what was inside and when they were dry they cut them and when they were cut into little pieces, the remains went into the oven. If I tell you that they called it 'the slaughterhouse´, it would be enough. No one opened his mouth, no one said anything. The law of silence and terror reigned."[72]

Nevertheless, in many cases the armed agents sought to make the act resonate by exhibiting bodies that bore the marks of brutality, but had been handled in a way that made it very difficult to identify the victim.

The armed agents turned rivers into mass graves where they threw their victims and then prohibited those who lived alongside the river, the victims' relatives and neighbors to remove them. This was documented in the Trujillo massacre, perpetrated between March and April 1990. The disappeared persons were forcibly dragged from their homes, taken to the estates of drug-traffickers, stripped of their identities, subjected to multiple tortures and then quartered alive with a chainsaw, to be later thrown into the waters of the Cauca River.[73]

The practice of throwing bodies into rivers was frequent in many regions of the country. In the case of El Tigre, in the Bajo Putumayo, the victims relate the experience in this way:

> On the bridge of the [Guamuez] river, we managed to recover seven bodies. Those bodies were opened at the thorax. Others had their throats slit. What a young man who managed to survive told us was that the paramilitaries began by taking people off the trucks and with axes and knives they cut open their stomachs. They stuck the knife in the stomach, around the belly button, and they ran it up to the neck, and afterwards, they threw them in the river. We don't know how many people were thrown in the river, and for that reason we talk about "those who live in the river." It's impossible to know how many people live in this river.[74]

In addition to generating the terror associated with this form of violence, in accordance with the paramilitary rationale of teaching the communities a lesson or punishing the victims for the alleged support of their

72. *"Cambio conoció los hornos crematorios que construyeron los paramilitares en Norte de Santander"* ("*Cambio* magazine visited the crematory ovens that the paramilitaries built in North Santander") *Revista Cambio* magazine, 2009, downloaded June 10, 2013, http://www.cambio.com.co/informeespecialcambio/829/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-5235387.html

73. GMH, *Trujillo*, 47-56.

74. GMH, *La masacre de El Tigre* (The massacre at El Tigre), 27.

enemies, forced disappearance and torture were used to obtain information. It also had the function of military training for the "self-defense" troops. This was the case with the quartering school, as revealed in the voluntary confessions before the Unit of Justice and Peace of the Office of the Attorney-General.[75] Many disappeared persons were randomly captured for the sole purpose of using them to train the paramilitary soldiers: the aim of the paramilitaries was to train their combatants in the use of torture and brutality.[76]

In other cases, the victims were used for practice by the medical corpsmen of the paramilitary structures, as occurred in the case of Alberto Romero Cano, alias The Doctor *(El Médico)* in the small town of El Placer, Bajo Putumayo:

> —Who sutured? Who channeled the vein? Who applied the anesthesia?
> —I did the anesthesia, and the channeling, I did that, too, I first explained, then I showed the guys how it was done, because they already had the theory; they themselves did the practices.
> —How many people practiced on this victim?
> —Doc, there was a course for about ten people, but I don't remember them all, I don't remember them all […] They were also taught to sew internal stitches in the legs.
> —Everyone sutured the victim, the victim was channeled eleven times, the victim was sutured eleven times?
> —Yes, doc [...]. Channeling the vein was done in the hands and the arms and the suture in the part of the leg […] the victim lasted two hours, didn't say anything, we gave him water […] Afterwards, the victim was smothered, we smothered him. A towel was placed on his face and the nose and mouth were covered to kill him at once […] After he´s killed, the person is taken hold of and opened up to show the guys how a person is prepared for burial, when a person was going to be transferred to another place after being killed, so that the body could last a while and not putrefy. […]
> —What was done with the body of this victim?
> —By order of Rafa,[77] it was thrown into the river.[78]

In the victims' testimonies, the GMH was able to record references to similar methods of forced disappearance and selective assassinations. This coincidence shows the recurrence of these practices in the daily life of the victimized communities and, furthermore, the existence of some patterns in the behavior of the paramilitaries. That was documented in the case of the vehicles used when the victims were taken away by force. This lives on in the memories of many Colombians, and they call it the "trip to heaven" or "the last tear." These names refer to the knowledge the public had of the final, and fatal, destination that awaited those who were taken in these vehicles; their death was certain.

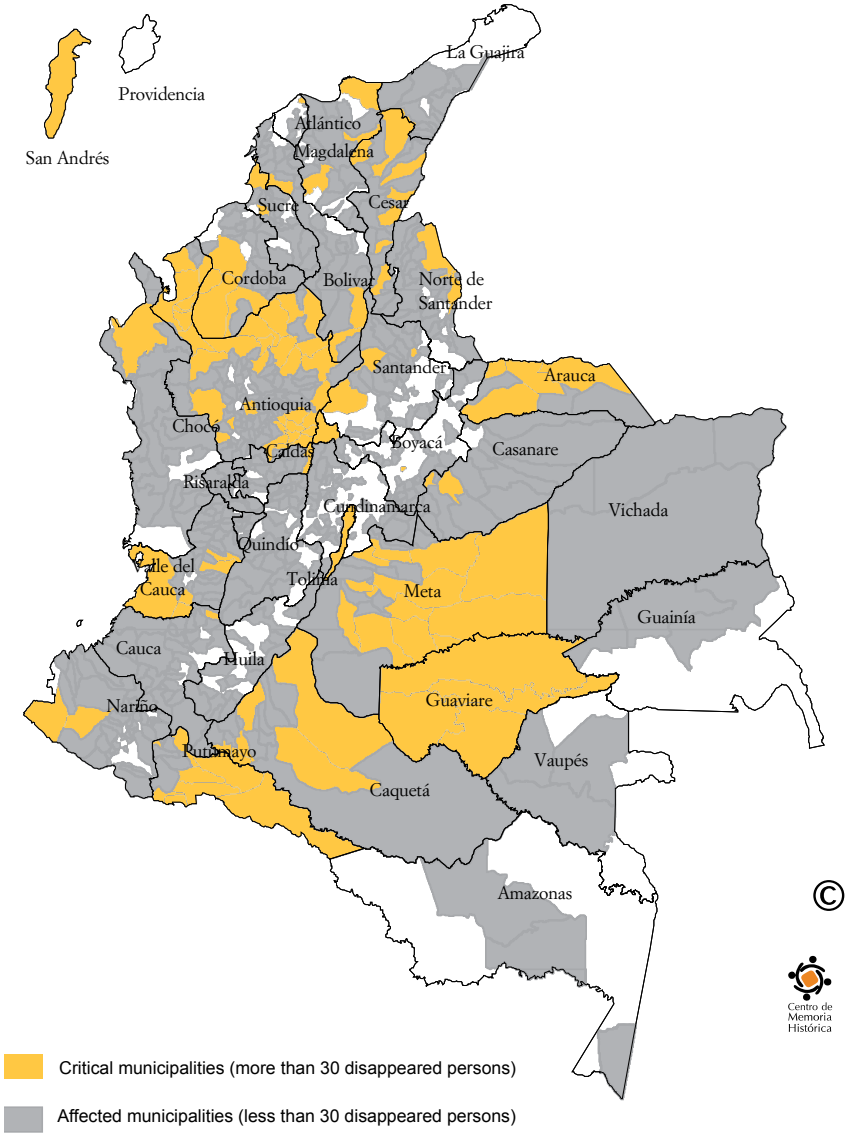
Similarly, in numerous locations that were continuously exposed to violence, a geography of terror was established. Certain places, houses, farms or haciendas were modified for that purpose and later became known as the places where people were tortured or disappeared. That is true in the following cases: the Hotel Punchiná, in the municipality of San Carlos in eastern Antioquia; the Chalet in the township of La Buitrera in Palmira, Valle del Cauca; the El Palmar hacienda belonging to Antonio Mercado Peluffo, alias Chain (*Cadena),* in San Onofre, Montes de María; or the case of the Villa Paola and Las Violetas haciendas which belonged to the drug-traffickers Henry Loaiza Ceballos, alias The Scorpion (*El Alacrán)*, and Diego León Montoya Sánchez, alias *Don Diego*, in the massacre in Trujillo in March and April of 1990.

75. Ever Veloza, alias HH, paramilitary chief of the Bloque Bananero of the AUC confessed that Rodrigo García, alias *Doble Cero*, acting on the orders de Carlos Castaño, created the first school where the ACCU taught their soldiers how to quarter bodies, in 1994, at the farm known as "Finca La 35", in the municipality of San Pedro de Urabá.
76. Andrés Fernando Suárez, "*La sevicia en las masacres de la guerra colombiana*", ("Abuse in the massacres of the Colombian war"). *Análisis Político* 63 (2007): 72.
77. "Rafa" is the alias of the member of the paramilitaries Rafael Antonio Londoño Jaramillo.
78. Voluntary testimony of Alberto Romero Cano, alias "El Médico" (The Doctor), May 13, 2011. GMH, *El Placer*, 160.

In the latest period recorded in this research (2005-2012), forced disappearances reached high levels, with cycles of contraction and expansion (a growing trend was seen between 2007 and 2009). These fluctuations responded to changes in the dynamics of the conflict, such as: 1) the most visible acts of violence, such as massacres, were reduced, and in their place more discreet forms of violence were used to minimize public repercussions, such as forced disappearances, as part of a military strategy related to the negotiations between the paramilitary groups and the State (Justice and Peace process, Law 975 of 2005); 2) The paramilitary rearmament which shifted to forced disappearances to reinforce and exercise territorial control, while reducing the visibility of its violence in order to lessen public pressure and halt the persecution of the State; and 3) the criminal strategy which grew under the Democratic Security policy, which enabled the State to recover the military initiative in the armed conflict, and was evidenced in what became known as the "*false positives*": the forced disappearance of youngsters from marginal social classes who were illegally executed by members of the Security Forces in regions far from their places of residence and later presented as *guerrilleros* killed in combat.

In spite of the long and persistent efforts of family members and human rights organizations, the task of historically clarifying forced disappearances has barely begun. This task entails the difficult challenge of legally investigating who the perpetrators of these acts were and their responsibilities for the crimes. Proof of this is that the RUV has been unable to identify the persons who were presumably responsible for the forced disappearance of 21,423 out of the 25,007 known victims, which is 85.6% of the total. Similarly, human rights organizations and the relatives of disappeared persons are unable to specify the persons who were allegedly responsible in 4,327 of the 5,016 documented cases, which represents 86.3% of the total.

The possibilities of an exhaustive characterization of the types of victims are still uncertain, due to the lack of complete information about each victim, especially in official records. This deficiency is particularly



Forced disappearance in the armed conflict in Colombia (1985-2012).
Source: GMH

crucial for the crime of forced disappearance. When relying on partial information or comparing presumable cases with known cases to establish the profile of the victims, it involves the risk of making, once again, the disappeared persons invisible.

Keeping this limitation in mind, human rights organizations and the families of disappeared persons report that in a total of 5,016 cases, six out of every 10 victims belong to vulnerable sectors of the population, such as political activists and trades union members. This confirms that a systematic attack against political opposition was part of the armed actor's strategies for concealing their acts. Forced disappearance spread throughout the territory of Colombia at different levels; at least one case was recorded in 787 municipalities of the country, which represent 68.79% of its territory. Among these, seven out of every ten cases took place in 140 municipalities.

1.4.5. Abduction and hostage-taking: the denial of liberty

According to the information Cifras & Conceptos provided to the GMH, 27,023[79] abductions associated with the armed conflict were recorded in Colombia between 1970 and 2010. Another 9,568 were perpetrated by organized crime; 1,962 by other groups; and in another 500 cases the perpetrators are unknown.

An analysis of the statistics related to this crime, associated with the armed conflict, shows that five periods between 1970 and 2010 can be distinguished. Between 1970 and 1979, kidnappings happened at a low and stable rate. In the following decade, 1980 to 1990, the figures increased and became variable. Later, between 1991 and 1995, they diminished. Between 1996 and 2002 they increased steeply, and they once again diminished between 2003 and 2010.

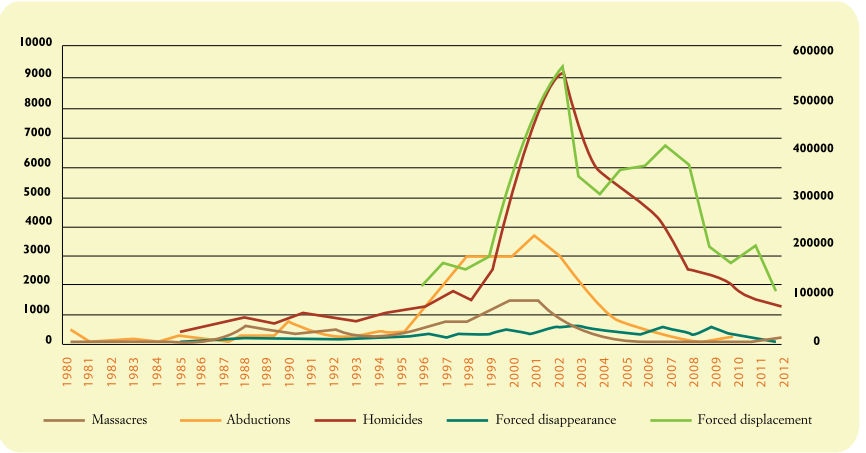


Figure 9: Evolution of the methods of violence in Colombia, 1970-2012.
Source: Cifras & Conceptos for GMH.

In the 1970-2010 period, the guerrilla groups were responsible for most of the kidnappings related to the armed conflict in terms of their alleged or confirmed responsibility. These groups were responsible for 90.6% of the cases, equivalent to 24,482 kidnappings; paramilitary groups were the next group, and appear to have been responsible for 2,541 kidnappings, which corresponds to 9.4%. This means that when we compare the number of kidnappings perpetrated by guerrilla with those done by the paramilitary groups, the proportion was nine to one for the total cases in the overall period.

The guerrilla groups went from 81 kidnappings between 1970 and 1979 to 2,594 between 1980 and 1990. This figure decreased to 1,558 between 1991 and 1995, rose to 16,040 between 1996 and 2002 and fell to 4,209 between 2003 and 2010. In contrast with the above, 43 kidnappings were recorded for the paramilitary groups between 1980 and

79. Cifras & Conceptos for the CNMH. Data base processed by Cifras & Conceptos in the framework of the project: CNMH, Final report on the project "*Dinámica de la desaparición forzada y el secuestro en Colombia, 1970-2010*" ("Dynamic of forced disappearance and kidnapping in Colombia"), Bogotá: CNMH, Unión Europea, 2012-2013). The construction of the data base used a methodology which cross-compared seven sources: Fondelibertad, DAS (the then Administrative Department of Security), Fiscalía (Office of the Attorney-General), National Police, the press, judicial sentences and publications.

1990, which fell to 35 between 1991 and 1995, rose to 2,399 between 1996 and 2005 and then decreased to 58 between 2006 and 2010.

Abduction burst into the armed conflict in the 1970s, and its principal agent was the April 19 Movement (*Movimiento 19 de Abril* – M-19) guerrilla group. That group started the practice for economic reasons, and also used it for the propagandistic purposes that distinguished their operations, so that kidnapping became a political weapon to negotiate and obtain social support. The M-19 hoped that the audacity and spectacular nature of their actions would win them popular support, insofar as those actions were not necessarily lethal and they focused on victims from powerful social sectors that, until then, had seemed to be invulnerable to the effects of the armed conflict and thus gave their acts a touch of righteousness. The bold and spectacular nature of the kidnappings that occurred during their seizure of the Embassy of the Dominican Republic in 1980, and the Palace of Justice in 1985, typified their strategy. Due to the profile of their victims, the kidnappings of the trade unionist José Raquel Mercado in February of 1976 and the managing director of Indupalma, Hugo Ferreira Neira, in 1977, were emblematic. The M-19 claimed responsibility for both abductions justifying them as gestures of justice.

The perverse consequences of introducing abduction into the armed conflict profoundly changed its dynamics. In December 1981, the M-19 kidnapped Martha Nieves Ochoa, sister of the drug-traffickers Fabio, Jorge Luis, and Juan David Ochoa Vásquez. In response, the members of the Medellín Cartel[80] formed the MAS, Death to Kidnappers (*Muerte a Secuestradores)*, one of the earliest paramilitary groups in Colombia.

The use of kidnapping extended into the 1980s. Guerrilla groups such as the ELN, the FARC and the EPL also used it, although the M-19 continued to be the guerrilla group responsible for the highest number of kidnappings in that decade.[81] The M-19 was responsible for 672 kidnappings between 1980 and 1989, followed by the FARC with 489, the ELN with 574, the EPL with 144 and other guerrilla groups with 45.[82]

Once the M-19 demobilized in 1990, the other guerrilla groups intensified the use of kidnappings: in 1990, the ELN carried out 397 and the FARC, 182. From 1991 onwards, when the M-19, the EPL, the Quintín Lame and the PRT were already demobilized, kidnappings intensified not only among the agents of the armed conflict, but also among criminal organizations of different types.

In the case of abductions associated with the armed conflict, the demobilization of the four abovementioned guerrilla groups led to a fall in the number of kidnappings between 1991 and 1995. Although the general figure declined, the FARC and the ELN used this practice more and more often. By that time, the FARC had kidnapped 789 people, while the ELN had kidnapped 539. The influence of these guerrilla groups became explosive in the period between 1996 and 2002, when kidnapping reached the highest levels in the history of the armed conflict in Colombia, with 16 times more kidnappings than in previous periods. The FARC became the main perpetrators with 8,578 abductions, followed by the ELN with 7,108 and other guerrilla groups with 354.[83]

In the case of kidnappings by various criminal organizations, drug-traffickers – particularly the Medellín Cartel – turned to kidnapping public figures to pressure the government and force it to stop extraditing Colombians to the United States, which was the axis of the political struggle against drug-trafficking. The intensification of kidnapping in the armed conflict also created an opportunity for organized crime, since the guerrilla groups relied on them to carry out mass kidnappings:

80. The Medellín Cartel was an organization of drug-traffickers that processed and exported coca paste to the United States along clandestine routes. The main partners of the Medellín Cartel were Pablo Escobar, the Ochoa Vásquez brothers, Carlos Lehder Rivas and Gonzalo Rodríguez Gacha.

81. Cifras & Conceptos for the CNMH.

82. Dissident factions of the M-19 and EPL guerrilla groups who went back to the armed struggle or of the ELN guerrilla, like the Guevarist Revolutionary Army (Ejército Revolucionario Guevarista –ERG) or the People´s Revolutionary Army (Ejército Revolucionario del Pueblo –ERP).

83. Data of Cifras & Conceptos, for the GMH.



Seizure of the Embassy of the Dominican Republic by the M-19 guerrilla in 1980. Photograph: El Tiempo Archive ©

the guerrilla delegated the capture of victims to them and then entered into the transaction by buying and selling the kidnapped people.[84] The figures rose from 263 kidnappings in 1980-1989 to 910 in 1991-1995; it reached 4,790 between 1996 and 2002[85] and dropped to 3,488 between 2003 and 2010.

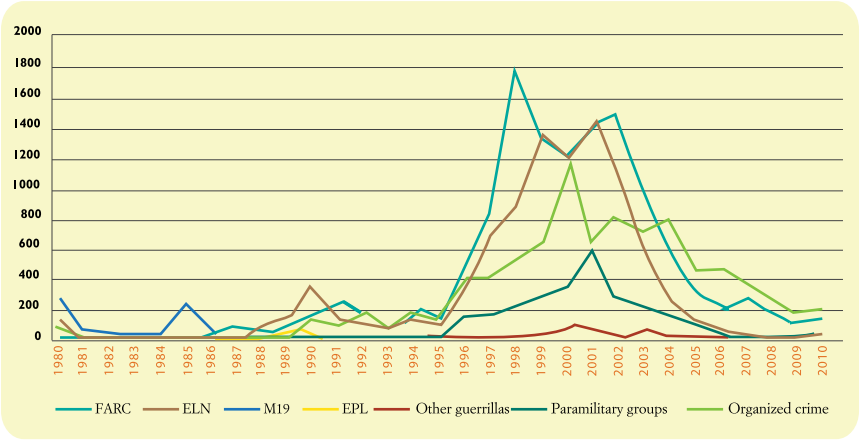


Figure 10: Evolution of the abductions in the armed conflict in Colombia by perpetrator, 1980-2012. Source: Cifras & Conceptos for GMH.

During the 1990s, the political and military radicalization of the FARC and the ELN changed the dimensions and connotation of abduction. Economic kidnappings were reinforced by a political undertone; it was not only about preying on the economic resources of the elite, but also involved the guerrillas' strategy of using siege and pressure to weaken them, since they considered the elite to be the social and political base of paramilitary projects or of the private interests which the State protected. Similarly, during the crisis of governability during the administration of president Ernesto Samper (1994-1998), the insurgent groups considered it an opportunity to gain access to power, and they decided to strengthen their capacity for political destabilization by widening the profile of the abduction victims, which led to the taking of hostages in armed assaults on a large scale. That was the case with the soldiers captured during the raids on military bases in Las Delicias, in the department of Putumayo (August 30, 1996), Patascoy, in the department of Nariño (December 21, 1997) and Mitú, in the department of Vaupés (November 4, 1998). As recorded by Cifras & Conceptos, of the 1,254 soldiers captured between 1982 and 2010, 790 were held between 1996 and 2002 (62.3%) and 356 between 1988 and 1992 (28.3%).

In the second half of the 1990s the FARC decided to wager on a risky political strategy and began to capture members of the military and kidnap politicians, to force the government to exchange them for imprisoned members of the guerrilla. With this strategy, the FARC tried to create a political situation that would bring about a *de facto* recognition of their status as belligerents. The massification of kidnappings also served to pressure civil authorities and the candidates in popular elections (mayors, governors, the representatives of legislative bodies) to resign or withdraw their candidacy. Cifras & Conceptos documented the kidnapping of 318 mayors, 332 councilmen, 52 representatives and 54 congressmen that were linked to the armed conflict between 1970 and 2010. The majority of those kidnappings occurred between 1996 and 2002: 219 mayors (68.9%), 246 councilmen (74.1%), 38 representatives (73.1%) and 27 congressmen (50%). Among the 912 people kidnapped because of their political affiliations, Cifras & Conceptos found that 464 were associated with the Liberal Party (50.8%), 135 with the Conservative Party (29.8%), 135 from other political movements (14.8%) and 41 from left-wing parties or political movements (4.5%).

During the peace negotiations between the administration of president Andrés Pastrana and the FARC (1998-2002), guerrilla groups saw abduction as an effective strategy for strengthening their position at the negotiating table, while the ELN employed such kidnappings to win recognition. The following list of kidnappings were the result: 41 passengers on the Avianca airline flying the Bucaramanga-Bogotá route on April 12, 1999; more than 200 worshippers at the La María church

84. CNMH, *Informe final del proyecto* (Final report on the project).
85. Cifras & Conceptos for the CNMH.

in Cali, May 30, 1999; Óscar Tulio Lizcano, a Conservative Party congressman from Caldas and a prominent member of that party, abducted on August 5, 2000; Fernando Araújo, Minister of Development in the Pastrana administration, kidnapped on December 4, 2000; Luis Eladio Pérez, a Liberal Party senator, kidnapped on June 10, 2001; Alan Jara, the Liberal Party governor of Meta, kidnapped on July 15, 2001; Orlando Beltrán, a Liberal Party congressman from Huila and a prominent member of that party, kidnapped on August 28, 2001; Consuelo González de Perdomo, a Liberal Party congresswoman from Huila with the Liberal Party, kidnapped on September 10, 2001; Jorge Eduardo Gechem, senator of the Liberal Party, kidnapped on February 20, 2002 (this precipitated the rupture of the peace negotiations between the Pastrana administration and the FARC); Íngrid Betancourt, candidate for the presidency of Colombia for the Partido Verde Oxígeno (Oxygen Green Party) kidnapped on February 23, 2002 while traveling to the demilitarized zone in Caguán after the breakdown of the peace talks with the FARC; 12 representatives from the Assembly of the Valle del Cauca, kidnapped on April 11, 2012.

The political cost of these actions became too high for the guerrilla, not only because they did not result in any "humanitarian exchanges," as the guerrilla wanted, but because their legitimacy eroded to the point that Colombian society turned against them. More than 2 million people marched against abduction on February 4, 2008, in Colombia and around the world.

Kidnapping became widespread and indiscriminate during the most critical period of the escalation of the war (1996-2002). At that point, in addition to widespread kidnappings in large cities and on commercial airplanes, there were also the widespread and indiscriminate kidnappings of Colombians on highways in the modality known as "miraculous catch", whereby the guerrilla mounted illegal roadblocks, detained people and kidnapped them, once they had determined their economic situation or identified their names on previously drawn-up lists. Cifras & Conceptos documented a total of 5,354 kidnappings using this method for the GMH, which amounts to 19.8% of the total number of kidnappings associated with the armed conflict in the 1970-2010 period. This method of kidnapping not only caused panic, but it was also rejected by ordinary people and Colombian society as a whole, which up to that point had been open to political negotiations, and then became polarized and leaned towards a military solution to the armed conflict.

The media coverage of these kidnappings, which featured filmed proofs that the victims were still alive and that were used by the guerrilla to publicly pressure for the exchange of prisoners, revealed the harsh conditions of their captivity and the arbitrariness of the captors, who chained their victims or penned them within wire fences, images that evoked the concentration camps of the Second World War.[86] The chains became a symbol of the guerrilla terror associated with abduction. One of the victims remembers the experience in the following way:

> It's already an extreme trauma to lose your liberty, but in kidnapping there are additional factors: there is not the least respect for the dignity of a human being. We lived like animals, chained, with a poor diet not just in terms of nutrition but also the amount of food. We often went to bed hungry, we slept on the ground for years, without being able to clean ourselves, when we were sick and didn´t know when they might kill us or what was happening with our families. You ask yourself what you have done to deserve such suffering and torment, what crime you have committed so that everything that makes you a person is taken away from you.[87]

86. On October 6, 2000, excerpts from an article by the journalist Jorge Enrique Botero, entitled "*En el mar del olvido*" ("In the sea of oblivion") were disseminated on the news programs of the Caracol Channel. It reported on the conditions of the prison camp, completely enclosed by barbed wire, where the FARC kept the policemen and soldiers it had captured.

87. Luis Eladio Pérez and Darío Armizmendi, *7 años secuestrado por las FARC* (7 years kidnapped by the FARC). Testimony given to Darío Arizmendi (Caracas: Editorial Aguilar, 2008), 28-29.



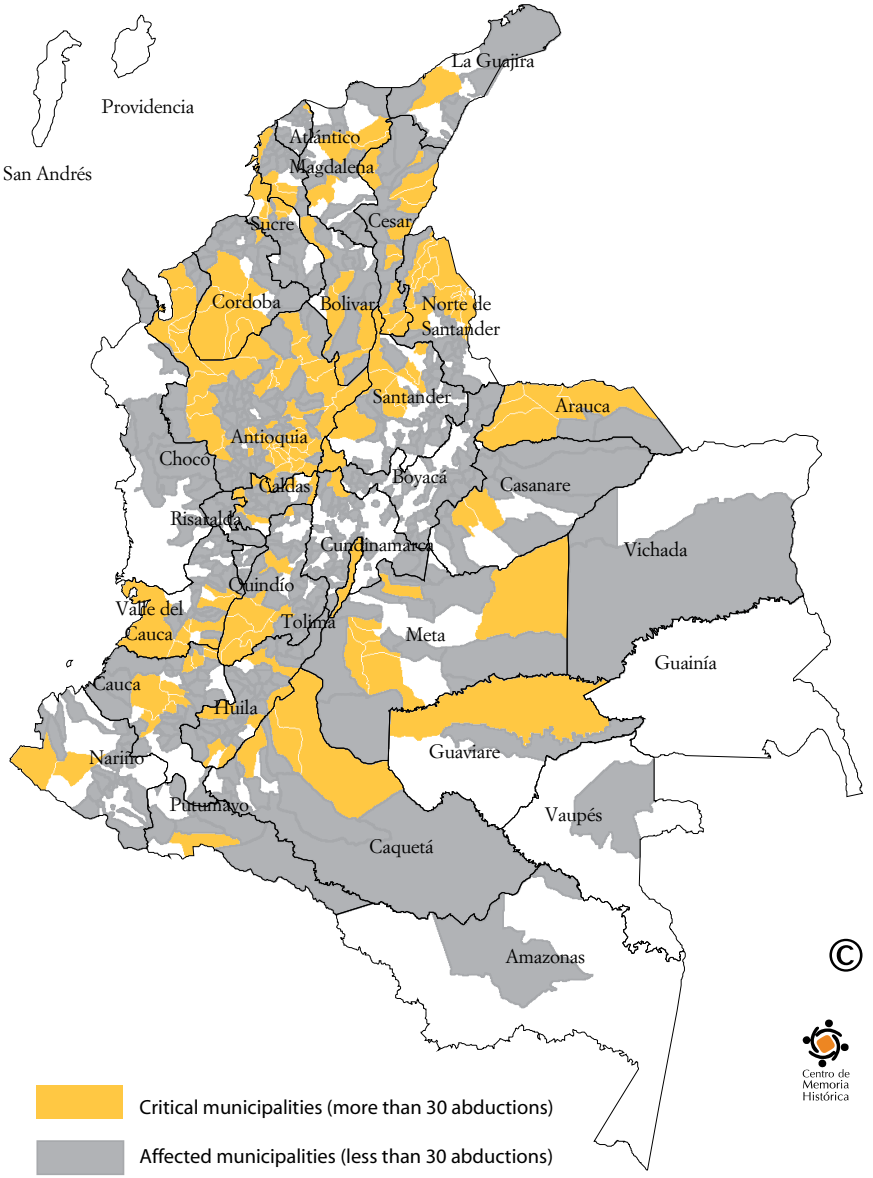
Road to the release of one of the hostages of the Avianca airplane, Santo Domingo River in the Serranía San Lucas. Photograph: Jesús Abad Colorado © July 2000.

Abduction opened the door to social rejection and condemnation for several reasons. In the first place because, unlike other forms of violence, the victims tended to have more resources for making their tragedy known to society, not only economic ones but political and symbolic ones as well. Similarly, political kidnappings tend to result in a high media exposure, as seen in the "proof-of-life" videos and the letters of the so-called "cashables" (*canjeables*). Secondly, the FARC´s unshakeable refusal to unilaterally free all the kidnap victims, but limit their liberation to "humanitarian exchanges", along with the threat to kill them if military action was used to free them,[88] strengthened the country´s rejection of kidnapping and the guerrilla.

In this dynamic, 80.2% of Colombian territory (919 municipalities) was affected by abduction. Half of the total number of kidnappings in that period happened in 68 municipalities, while 21.2% of the total amount of kidnappings in that period took place in 18 departmental capitals (13,109). Bogotá, Cali and Medellín recorded a total of 2,510 kidnappings.

1.4.6. Forced displacement: uprooting, nostalgia and humiliation

In Colombia, forced displacement – a crime against humanity – is a massive, systematic, long-lasting phenomenon linked, to a great degree, to controlling strategic territories. This last characteristic shows that, beyond the confrontation between armed agents, there are economic and political interests, which pressure civilians to flee their land and territories. This happens with drug-trafficking and its financial structures: they have been a decisive factor in sustaining and heightening the socio-political violence in different regions of the country. Of course, we cannot ignore the interests of the business sectors that have also fomented the displacement of persons and the appropriation of important territories.



Abductions in the armed conflict in Colombia (1970-2010).
Source: GMH

88. That was the case of the "Operación Monasterio" (Monastery Operation), undertaken in 2006 by the Colombian Army to rescue the governor of Antioquia, Guillermo Gaviria, the former Defense Minister Gilberto Echeverry and 10 non-commissioned army officers. The response of the FARC was to shoot the prisoners (three of them survived).

Quantifying the dimensions of forced displacement is a task that presents a number of difficulties, due in part to the delayed official recognition of the phenomenon. Even though the Colombian Episcopal Conference called attention to the enormous magnitude of displacement in 1985, it wasn't until 1997 that the national government issued Law 387 and an official record of data began. The Single Registry of Victims (RUV) is now one of the instruments that provide an approximation of the figures, but its coverage barely starts in 1996. Some non-governmental organizations have also kept records of the displaced population, such as the Consultancy on Human Rights and Displacement (CODHES), with information that comes from statistical projections and not reports presented by citizens.

In spite of the differences, both sources of information agree that forced displacement is a method of violence which continuously grew since 1996, when there was an upsurge, until 2002, followed by an unstable and constantly changing trend from 2003 until now. According to the CODHES, during the ten years between 1985 and 1995, 819,510 persons were violently displaced. According to the RUV, in just six years, between 1996 and 2002, that figure rose to 2,014,893 victims. According to the RUV, between 2000 and 2003 the annual number of persons in a state of forced displacement surpassed 300,000.

The worsening of the expulsion of the civilian population was owed to factors like the paramilitary groups' strategy of territorial expansion; the deficient process of their demobilization (Law 975 of 2005); the regrouping and rearming of some of the demobilized men; the military's offensive to restore the State´s territorial control, in compliance with the Democratic Security Policy; and the FARC's indiscriminate and massive use of anti-personnel mines. The combination of these factors made it impossible to lower the levels of forced displacement after 2003, when the use of the main forms of violence began to fall. That above explains why, a total of 2,729,153 people were displaced between 2003 and 2012.

The magnitude of forced displacement brought about ideal conditions for the shift from the abandonment to the illegal seizure of the affected lands, since clearing people from an area (the exodus of all its inhabitants) facilitates its seizure in several ways: some appropriated lands by violent means, while others resorted to legal mechanisms to formalize the take-over of lands or took advantage of a depressed market to buy lands at a low price.

> […] they destroyed everything, there was a large hamlet, Verdún, but they destroyed everything […] In the small town of Chinulito, for example, there in Toluviejo, near San Onofre [department of Sucre], that small town wound up completely deserted.[89]

The scorched-earth strategy used by paramilitary groups caused a huge exodus of people, and in many cases it meant abandoning towns where the inhabitants had forged a common history based on the social construction of their territory and their identity.

The profound effect that forced displacement has on its victims is evident in their testimonies. The effects of this uprooting are clear in the words of the displaced persons. Their words clearly reveal how uprooting has a symbolic connotation that goes beyond the loss of material possessions:

> Displaced persons don't care about the material things they lose, but what matters is the loss of their social foundation, their roots, their environment. That is, to tell this story, you have to be a displaced person. A person who has never been displaced cannot understand this feeling. The uprooting of communities, the fact that… I would even say that I was poorer there than here, but richer in every other way there. In every way, because there I was with my people, with my community… people would seek me out: "Let's do this, let's do that." That was my life: my dance group, my cultural center, the elderly. I mean,

89. Testimony of an adult, an indigenous leader, from the indigenous reserve of San Andrés de Sotavento, 2009. GMH, *La tierra en disputa*, (The fight over land), 274.



Circa 4,150 people were registered in the village of Pavarandó, Mutatá, following their displacement due to combats between the FARC and the Colombian Army in the Genesis operation. Photograph: Jesús Abad Colorado © May 1997.

> it was my lifestyle, and that does not have a price… That does not have a price: you can live here in a house of gold, but when you're uprooted you don't have that […] and for me, the most painful thing in this sense of being uprooted: being away from your environment, your landscape, from what you see every day.[90]

In the municipality of San Carlos in eastern Antioquia, the GMH recorded the total or partial abandonment of 54 of its 74 rural districts. In the most critical period of the exodus, this municipality went from having 25,000 inhabitants to just 5,000. That exodus was the result of a combination of all the forms of violence that are described in this report.

> I remember that I prayed oh, about 500 Our Fathers and a thousand Rosaries because if the paramilitaries came, perhaps they would kill me; if the guerrilla, the same, and if the army came, also. So then I came back, I arrived at my house, I didn't have anything to eat because the guerrilla didn´t allow it, the paramilitaries put a blockade on food supplies. I went to my farm, and I stayed there. When I got up I didn't know where to eat because I was only about fourteen or fifteen years old then. So I got up, and then I saw they were coming and I was alone. I was in a jungle, alone in a jungle, right? Because all the people had already left, there were practically only two or three of us left there.[91]

With regard to abandoned towns, the case of the massacre in El Salado, Bolívar,[92] became one of the most striking emblems of forced displacement. This town of 4,500 inhabitants was abandoned for two years, enough time for the vegetation to invade and cover the buildings. In November 2001, the people of El Salado returned, in spite of the persistent armed conflict and the precariousness of institutional accompaniment.

> When I arrived, I said, "Oh, Lord, this is not my town, I am in the middle of the jungle". You couldn´t see the church or the soccer field either, and we were there for four days, and I cried, but I said, "We have to fight, we have to recover our town […] we can´t allow it to be lost."[93]

El Salado was an example of the way that the scorched-earth strategy of the paramilitary groups forced many Colombian villages to be abandoned, among them: Chengue, Las Palmas, Mampuján and Macayepo in the Montes de María; Bahía Portete in the Alta Guajira; Veracruz, San Luis and El Paraíso in the south of Bolívar; and El Aro, in the area of influence of the Nudo del Paramillo, which was burned down by the paramilitaries after they massacred 15 people on October 25, 1997. Stories like these, of small towns and villages that were abandoned or wiped out, were repeated in the Sierra Nevada de Santa Marta, the center of the Valle del Cauca, Santander and Norte de Santander, among other territories in Colombia.

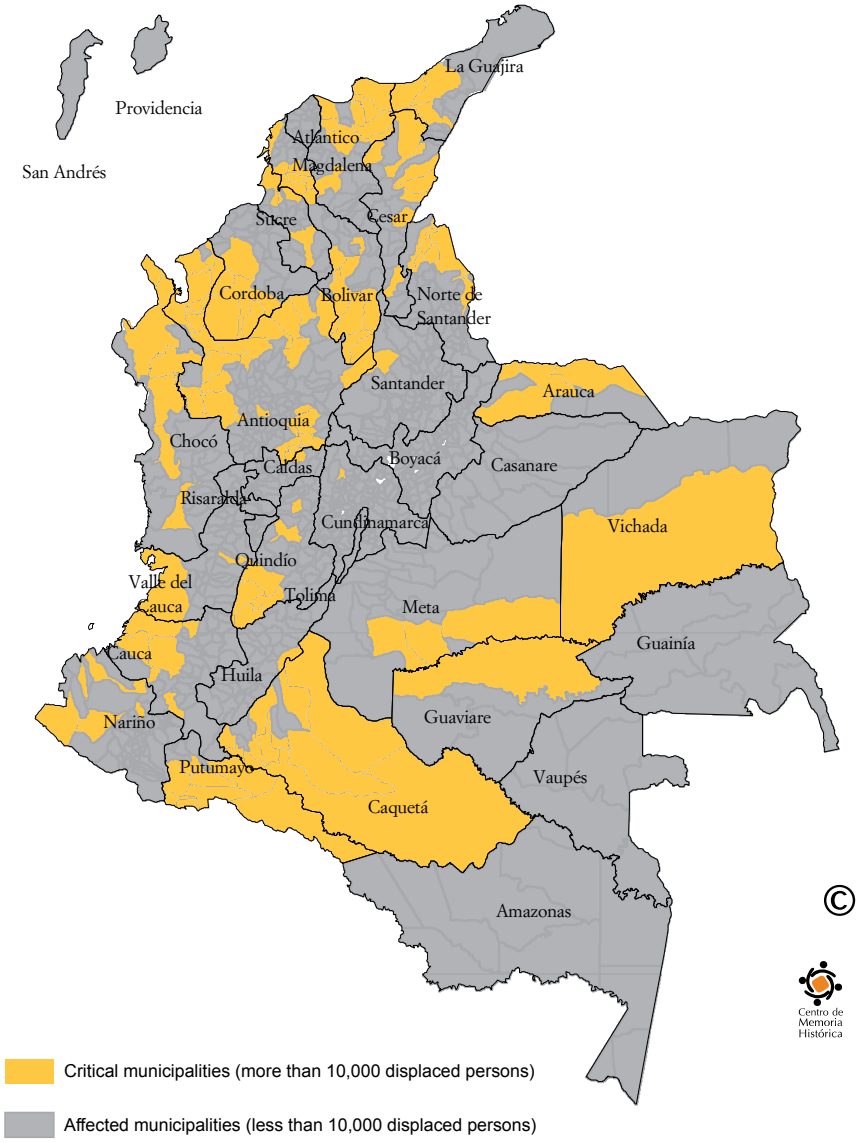
The great wave of forced displacement tends to go unnoticed, because the cases of individual displacement overshadow those of collective displacement. In fact, according to the RUV, during the most critical period of the armed conflict (1996-2002), individual forced displacements accounted for 73% of the total while massive displacements made up the remaining 27%. In general, it can be asserted that seven of every ten persons were displaced individually, while three were displaced collectively.

90. GMH, *Segovia y Remedios*, 219.

91. Testimony of a young man. Workshop on historical memory, San Carlos, 2010. GMH, San Carlos, 259-260.

92. The massacre at El Salado resulted in the death of 60 victims and was a public scenario of horror, the victimization of children, boys, girls, adolescents and adults, sexual violence, extreme cruelty, and a mass forced displacement, which included the playing of music while the civilians were massacred and the choice of victims by lot, among other inhuman features.

93. Testimony of a woman, El Carmen de Bolívar, 2009. GMH, *El Salado*, 193.



Forced displacement in the armed conflict in Colombia (1996-2012).
Source: GMH

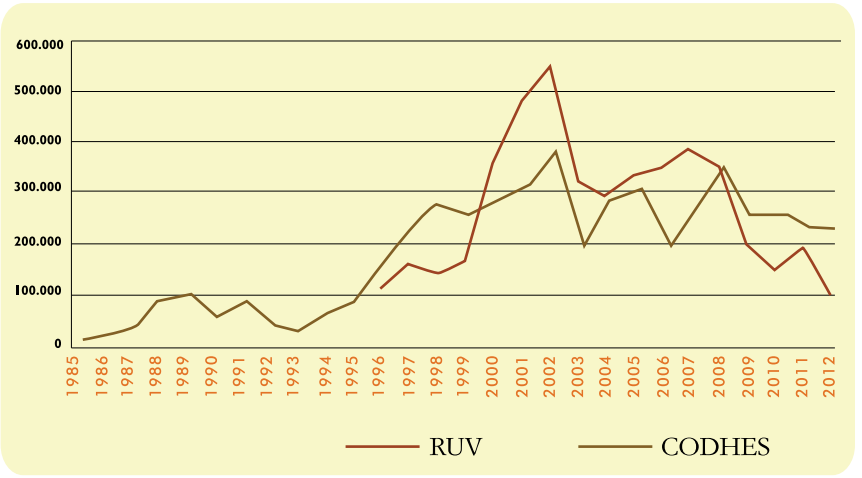


Figure 11: Evolution of the number of forcibly displaced persons in Colombia, 1980-2012.
Source: GMH.

In spite of the impressive figures on forced displacement (making Colombia the second country with the greatest number of internally displaced persons in the world), there are dimensions of this forced displacement that are scarcely noted in the official records, like the case of intra-urban displacement. According to the report by the GMH,[94] 3,503 persons[95] were displaced from the Comuna 13 in Medellín between 1980 and 2009. Many of them had already gone through the difficulties of displacement and were in that neighborhood trying to rebuild their lives. For these families, intra-urban displacement constituted a double infringement of their rights that forced them to abandon once again their property and ties to become wanderers in the city. Their condition as displaced persons was recognized in 2003 through Sentence T-268 of the Constitutional Court, which ruled: "For the family groups that, due to urban violence, are forced to seek refuge within the same city, the

94. GMH, *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13* (The invisible footprint of the war. Forced displacement in the comuna 13). (Bogotá: Taurus/*Semana*, 2011).
95. GMH, *Comuna 13*, 47.

humanitarian crisis may be greater, which implies that the State is obliged to take action to protect the fundamental rights of displaced persons."[96]

The dynamics of the armed conflict in cities, along with the many effects of common delinquency and organized crime, meant that displacement was no longer a strictly rural phenomenon and became one that infringed the rights of thousands of people in cities around the country.

The arrival of thousands of displaced persons at small, medium and large cities became a grave humanitarian crisis that led thousands of families to undertake legal acts of enforcement [known as *tutelas*] claiming their right to humanitarian aid and comprehensive care. In that respect, the Constitutional Court ruled, in Sentence T-025 of 2004,[97] that this situation was an unconstitutional violation of the rights of displaced persons and failed to comply with Law 387 of 1997.

Due to this sentence, the Commission to Monitor Public Policies on Forced Displacement was formed, and it used monitoring decrees to attend to specific situations in sectors of the displaced population, in respect of gender, ethnic group, age, disability or sexual orientation.[98] However, and in spite of advances made by the government, the majority of displaced persons survive in traumatic situations, the resolution of which is beyond the capacity of the State.

Forced displacement affected a large part of the territory when the armed conflict intensified, since 1,116 municipalities, or 97% of Colombian territory, reported the expulsion of populations resulting from the armed conflict. However, the phenomenon did not affect all territories in the same way. In the most critical cases, 139 municipalities recorded more than 10,000 displaced persons each between 1996 and 2012, amounting to 74% of the total displaced population. Among these, 57 recorded over 20,000, 26 over 30,000, 12 over 40,000 and 9 over 50,000 displaced persons.

1.4.7. Plundering and extortion

Plundering, understood as the expropriation of material goods, is a violent practice that has been used by paramilitary groups and, to a lesser degree, guerrilla groups. Armed agents have used different types of coercion and violence to force small farmers to abandon their lands, such as looting, extortion, massacres, selective assassinations, forced disappearances, threats and sexual violence. Once these country areas become uninhabited, the armed agents then occupy them and seize the best lands. The scorched-earth strategy used by paramilitary groups and attacks on property perpetrated by guerrilla groups have been the most widely used means for the *de facto* occupation of territories and possessions.

Recently, official sources have recognized that there are more than 8.3 million hectares of lands (358,937 farms) which have been seized or abandoned due to force.[99] This figure, published by the Ministry of

96. Ruling T-268/00, Constitutional Court of Colombia, downloaded, July 9, 2013, http://www.corteconstitucional.gov.co/relatoria/2000/t-268-00.htm

97. Ruling T025/04, Constitutional Court of Colombia, downloaded June 9,2013, http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm

98. Judgment 092 of 2008 orders the implementation of a program of access to land for displaced women. Judgment 004 of 2009 orders the protection of the fundamental rights of displaced indigenous peoples. Judgment 005 of 2009 orders the protection of the fundamental rights of the Afro-Colombian population and the implementation of a route of protection for ethnic territories. Judgment 008 of 2009 orders the reformulation of the policy on lands and on Truth, Justice and Reparation for the displaced population.

99. The Ministry of Agriculture, National Planning Department and the Project for the Protection of Lands and Patrimony, in conjunction with the Panel on Lands "undertook a detailed estimate of the cost of implementing [the measures in] the Chapter on the restitution of lands of the law on victims, which was discussed and agreed to by the Ministry of Finance. The total cost was calculated to be within a range of 2 to 3 trillion pesos for the whole period, depending on compliance with the assumptions which were used". Departamento Nacional de Planeación (National Planning Department). *Informe del Gobierno nacional a la Corte Constitucional sobre el avance en la superación*

Agriculture, the National Planning Department and the Land and Patrimony Protection Project,[100] corresponds to a cross-comparison of the figures from official sources (4.3 million hectares)[101] and the estimates based on the statements of the displaced populations for the 1995-2004 period (4 million hectares). Other forms of plundering have included usurping "abandoned" homes, stealing cattle, robbing banks, and stealing objects of value and vehicles.

Pillaging economic resources in the most dynamic sectors of the economy (commerce, agroindustry, ranching, and mining) by means of extortion and similar coercions or threats (*boleteo*) became more common in areas where the armed agents exercised a territorial control. In fact, an inseparable feature of such territorial control and the protection which it supposedly guaranteed was that the inhabitants were forced to pay a kind of tax to the dominant agent.[102] It was first imposed by the guerrilla, then followed the paramilitaries: the practice continues to this day and has become worse and worse due to the rearming of the paramilitary groups and the recovery of the guerrilla groups.[103]

In this way, extortion became a generalized, coercive and violent practice, which has been highly underreported, due to its paralyzing effect on victims faced with the threats of kidnapping, selective assassination or a direct attack on their properties.

1.4.8. Sexual violence in the armed conflict: bodies marked by war

The task of clarifying the dimensions and systematic use of sexual violence in the Colombian armed conflict is riddled with major difficulties.[104] This is due to the persistence of social and cultural aspects that have made violence against women and the LGBTI populations, especially sexual violence, seem unremarkable. Stigmatization and constant victimization in both social and institutional spheres have checked the denouncement of and concealed the dimensions of such acts.

Conceptions of gender[105] in the victims' social environment distorts their perception of such victimization as an act of violence. The victim is often blamed for what has happened and therefore the victimizer is freed from responsibility. Additionally, sexual violence became a mark of segregation for the victim and a source of shame for the community,

del estado de cosas inconstitucional declarado mediante la Sentencia T-025 del 2004 (Report by the national Government to the Constitutional Court on the progress in overcoming the unconstitutional state of affairs declared under Ruling T-025 of 2004). 132 (Bogotá: SNAIPD, 2011), downloaded June 9, 2013, https://www.dnp.gov.co/linkclick.aspx?fileticket=iyva4a77stc%3d&tabid=1552, 132.

100. The Project for the Protection of Lands and Patrimony of the Displaced Population of the defunct Presidential Agency for Social Action and International Cooperation was established in 2003, with the aim of promoting the application of Decree 2007 of 2001 and the international standards in the field of the protection of the patrimonial rights of the rural population which is displaced or faces the risk of displacement.

101. Among them, the Information System on the Displaced Population – SIPOD; the Sole Register of the Displaced Population – RUPD; and the Sole Register of Abandoned Properties and Territories – RUPTA.

102. GMH, *Segovia y Remedios*, 180-184.

103. See chapter 2 of this report for information on the rearming of the paramilitaries.

104. Generally speaking, the commissions on truth and other international bodies interested in undertaking follow-ups of the violence perpetrated against women in the framework of armed conflicts or authoritarian regimes have established a set of practices which define sexual violence and which are used in the Rome Statute to guide the work of the International Criminal Court. The list of such crimes is increased as and when more is learned about the violent acts of a sexual nature committed by the armed agents or dictatorships. For that reason, the following list is not definitive and covers the bare minimum of the practices of sexual violence at the current time: rape; sexual harassment; sexual humiliation; forced marriage or cohabitation; the forced marriage of minors; forced prostitution and the commercialization of women; sexual slavery; forced nakedness; forced abortion; forced pregnancy; forced sterilization; the denial of the right to use contraceptives or, oppositely, the imposition of contraceptive methods; threats of sexual violence; sexual blackmail; acts of violence which affect the sexual integrity of women, such as female genital mutilation and examinations to prove virginity. http://www.demus.org.pe/Menus/Articulos/aportes_inclusion.htm

105. Gender arrangements refer to the formal and informal rules of the game that regulate gender differences.

which is why this type of violence has been denied or hidden. Furthermore, stigmatization, the cultural framework and the way many women think of their bodies prevent them from airing matters that they consider to be intimate and private in public. The victims do not speak about the emotional effects and marks left on their body by sexual violence, for fear of being singled out.

Conceptions of gender which legitimize sexual violence have also permeated the country´s institutions. That context is characterized by the application of legal procedures which are inadequate for determining the facts and providing support for the victims and wind up destabilizing them emotionally or abusing them again. In their testimonies, the victims report the reactions of officials who subtly accused them of having incited these crimes or, swayed by stereotyped notions of sexual violence, did not believe in the truthfulness of their testimony, that is, they did not apply the principle of good faith: "The other day a woman came to tell me she had been raped. But that was hard to believe, because she was ugly and old."[106]

Others, ignoring the coercive context in which sexual violence occurred, attributed it to the supposedly "free" expression of the victims' sexual desire. The testimonies show that some public officials hold prejudiced views, such as the belief that "young women like the military uniform. They are the ones who seek out soldiers and feel proud when they are with one."[107] With these generalizations, they downplay those cases where, in a coercive and authoritarian setting, the daily flaunting of weapons and the domination that rests on violence cast doubt on the supposedly "free" acquiescence of the victims.

In spite of these obstacles, the fieldwork done by the GMH gathered a body of testimonial memory that records the ferocity and brutality with which those crimes were and continue to be committed. Added to the heartrending testimonials that are recorded in Chapter 4 of this report are the following statistics:

As can be seen in Figure 12, the official quantitative record is alarming and refutes the false imaginary that depicts the sexual violence of the armed conflict as an isolated, accidental or marginal phenomenon. The 1,754 victims included in the RUV (733 between 1985 and 2012, and 821 more whose cases are undated) contrast with the 96 cases confessed by members of paramilitary groups in the voluntary testimonies they gave in the context of Law 975 of 2005 and the 142 documented by various human rights organizations for the Reserved Appendix of the Constitutional´s Court Decree 092 on Sexual Violence (2008).[108]

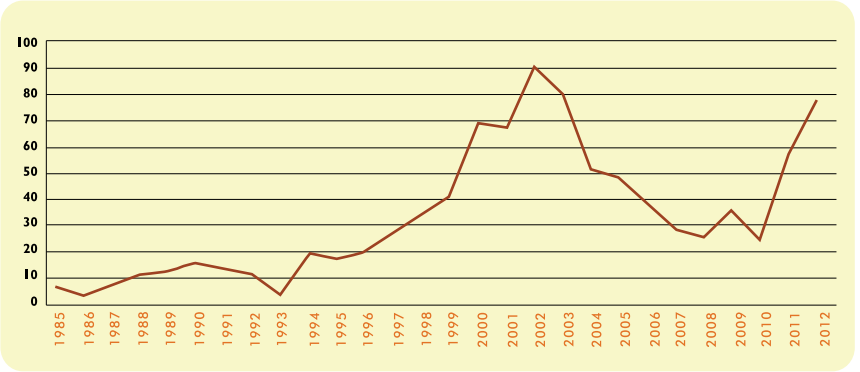


Figure 12: Evolution of the number of victims of sexual violence in the armed conflict in Colombia, 1985-2012. Source: RUV, March 31, 2012.

The cases documented by the GMH confirm that in patriarchal societies like Colombia, sexual violence has a differentiated symbolic impact. The social and cultural connotations of this type of act, which degrades and punishes women, are also humiliating for the *men* who are regarded as enemies – the male partners or relatives of the woman and their

106. Interview of man who works in the Justice and Peace Prosecutor´s Office (Fiscalía de Justicia y Paz), Santa Marta, 2009.
107. Interview of man who works in the Justice and Peace Prosecutor´s Office (Fiscalía de Justicia y Paz), Santa Marta, 2009.
108. Judgment 092/08, Corte Constitutional Court of Colombia, downloaded, June 9, 2013, http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm

community in general – and thus this type of violence heightens the traumas or harms caused by the physical elimination or non-sexual torture of persons.

For the armed agents, sexual violence is a calculated strategy, a weapon of war specifically aimed against women.[109] It is also a systematic and widespread practice, as the Constitutional Court noted in Decree 092 of 2008:

> […] sexual violence against women is a habitual practice that is widespread, systematic and invisible in the Colombian armed conflict, as is the sexual exploitation and abuse practiced by all the contending illegal armed groups, and in some cases, individual agents of the Security Forces.[110]

In addition to recognizing the magnitude of sexually violent acts, it is crucial to report on the manner in which the use and methods of sexual violence vary from one armed group to another. While the available statistics do not allow for a rigorous quantitative comparison of the responsibilities of each armed group, the testimonies that have been gathered in the fieldwork of the GMH indicate that the involvement of paramilitary groups is highly prevalent, followed by the guerrilla and members of the Security Forces. In terms of motivations and methods, very different patterns are seen in each case.

Of the 63 cases of sexual violence documented by the GMH for the department of Magdalena between 1990 and 2005, 40 were committed by paramilitary groups (63.5%), 4 by guerrilla groups (6.3%), 4 by members of the Security Forces (6.3%), 1 by the joint action of paramilitary groups and members of the Security Forces (1.6%) and in the other 14, the responsible parties are unidentified (22.2%).[111] For its part, the Reserved Appendix of the Constitutional Court´s Decree 092 on sexual violence in the armed conflict,[112] after being revised, corrected and updated by the GMH, records 142 cases between 1990 and 2010. Of these, 129 were perpetrated by paramilitary groups (90.9%), while guerrilla groups were responsible for 13 (9.1%). In contrast with the above, the RUV indicates alleged responsibility for 748 of its 1,1754 recorded cases, as follows: 370 were perpetrated by guerrilla groups (49.5%), 344 by paramilitary groups (46%), 8 by members of the Security Forces (1.1%), 7 by more than one group and 19 by others. The proportions in the latter report suggest that the sexual violence perpetrated by the guerrilla groups may have been less visible than that of other armed agents.

In the case of the paramilitary groups, sexual violence was used in different contexts with different objectives: 1) *to attack women who are leaders*; 2) *to destroy bonds of affection among those who are considered enemies*; 3) *to "punish" what the armed agents regard as transgressive or shameful conduct*; 4) *a sexual violence which is linked to cultural practices*; and 5) *a sexual violence aimed at securing the cohesion among members of paramilitary groups and strengthen their violent identities*.

1) To attack women who are leaders. In this case, indigenous women who occupy a place of authority in their communities have been victims of sexual violence, as well as women who are leaders that represent a specific social group or political force or play a central role in the community (teachers, midwives or health workers). They are victimized because

109. On this subject, consult: Sisma Mujer, "*El Estado y la violencia sexual contra las mujeres en el marco de la violencia sociopolítica en Colombia*" ("The State and sexual violence against women in the framework of the socio-political violence in Colombia"), downloaded June 9, 2013 http://www.sismamujer.org/sites/default/files/publicaciones/Informe.presentado.representante.especial.sobre_.violencias.sexual.nu_.pdf; Corporación Humanas, *La violencia sexual. Una estrategia paramilitar en Colombia* (Sexual Violence. A paramilitary strategy in Colombia). Bogotá: Corporación Humanas, Ediciones Antropos, 2013), downloaded June 9, 2013, http://www.humanas.org.co/archivos/libro_La_violencia_sexualcompleto.pdf; Informe de la mesa Mujer y Conflicto.

110. Judgment 092/08, Constitutional Court of Colombia, consulted June 9, 2013, http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm

111. GMH, *Mujeres y guerra* (Women and war). 298.

112. The forms of sexual violence listed in the reserved annex are: rape, forced nakedness, forced prostitution, sexual slavery, attempted rape and the imposition of a code of conduct.



Members of the" Bloque Metro" paramilitary group, a part of the national right-wing United Self-Defense Forces of Colombia (AUC), line up on a hilltop overlooking Medellín's Manquiri neighborhood. Photograph: Stephen Ferry Medellín, Colombia, 2002.

they are spokeswomen for collective protests or play a central role in the social and cultural life in the community.[113] For instance, in the massacre in Bahía Portete perpetrated on April 19, 2004, the Northern Bloc of the Self-Defense Groups used sexual violence in a premeditated and strategic way against selected women who were leaders in order to physically and morally devastate the communities and thus provoke their exile. The GMH report mentions that in this case "the victimizers used sexual torture and such methods as removing limbs and organs associated with sexuality, or burning dead bodies. In this way, by violently attacking and murdering women, their bodies became a symbol of the territory that was also defiled and desacralized."[114]

2) To destroy circles of affection among persons who are considered enemies. In the cases of stigmatized women, such as the girlfriends or relatives of alleged enemies, the paramilitaries used torture, violence and sexual humiliation. In the massacre in El Salado, Montes de María, that is what happened to a young woman accused of having sentimental ties to a guerrilla commander; and in the Trujillo massacre, to the niece of the priest Tiberio Fernández Mafla, who was subjected to several types of sexual abuse in the presence of her uncle.[115] In these cases, the identity of the adversary is transferred to female victims who are considered to have bonds of affection with that enemy. With the use of such practices, the paramilitaries sought to humiliate, demoralize and hurt the other party and prolong the suffering of the "enemy" through the supplications of their loved ones.[116]

3) To "punish" conducts which the armed agents regard as transgressive or shameful. In addition to doing violence to women stigmatized for being emotionally involved with the supposed enemy, the paramilitaries used sexual violence to punish women whose behavior was judged by their commanders to be inappropriate or inacceptable to the "good order" which they wanted to impose.[117] This latter type of sexual violence, aimed at building a new "social order", was documented in Putumayo, Magdalena and Montes de María. In the latter region, women from Rincón del Mar and Libertad, small towns near San Onofre, Sucre, were labeled as "gossipy," "frisky," "unfaithful," "bickerers," and "witches," terms that the paramilitary commanders employed to justify the sexual violence used against them. Their bodies, the way they dressed and their lifestyles were regulated by the paramilitaries. Such women became victims of a particular code of conduct that was imposed on them. In order to control and punish the women they considered to have transgressed the "desired order", the paramilitaries also inflicted gender-focused punishments, which ranged from public stigmatization, slave labor and forced domestic work to sexual violence and sexual slavery. The case in Rincón del Mar is an example of that:

> He [alias *El Flaco*] often insulted me; he said: "Bitch, you are only here to take care of the children, not going to parties". He shaved another girl that day, he shaved her on the street, in public, at 10 a.m. Here in the town, he did it to three of us on that day alone, October 31, 2004. When they did it to me, I was two months pregnant […] I had to use a handkerchief because I was embarrassed that they would see me that way, bald. I felt ashamed before the people in my town. They didn't bother me. I always went out with a handkerchief or a piece of cloth, I didn't go out on the street bald, shaven. I now suffer because my head is numbed, my head hurts, it left me with headaches. I didn't sleep, I was scared, anguished, desperate. In the hospital I told them that it had been my husband, I didn't say it was the paramilitaries, but the woman doctor didn't believe me, she said she knew who it was.[118]

113. GMH, *Mujeres y guerra* (Women and war), 221.
114. GMH, *La masacre de Bahía Portete. Mujeres Wayuu en la mira* (The massacre of Bahía Portete. Fixing the sights on Wayuu women). Bogotá: Taurus/*Semana*, 2010), 85.
115. GMH, *El Salado*, 40; CNRR-GMH, *Trujillo. Una tragedia que no cesa* (Trujillo. A tragedy that does not end). Bogotá: Planeta, 2008).
116. GMH, *El Placer.*
117. GMH, *Mujeres y guerra* (Women and war).
118. Interview (#13) of adult woman, Sucre, 2010.

In addition to the public ridicule and stigmatization, paramilitary commanders imposed monetary fines and fines in the form of sexual violence, as was documented by the GMH in Rincón del Mar:

> The women weren´t allowed to quarrel, a fine was charged, if not, they were taken to the farm. He [Marco Tulio Pérez, alias The Bear (*El Oso)*] didn't look [at them]; they called him 'Goalie' (Golero) because he caught everything that came his way: sick, gap-toothed, whatever passed in front of him. Any woman who quarreled was fined, or taken away.[119]

In the police district of El Placer, Putumayo, the paramilitaries also used sexual violence and rape against women accused of belonging to the guerrilla, but many were also sexually enslaved and forced to do domestic work in ignominious conditions. This is how one woman tells her story:

> He [alias *El Indio*] took me to a house in El Placer. When I got there I came across four women of different ages: some very young and others already adults. The house was cream-colored; it was big, there were four rooms, a yard, a kitchen, two toilets (one reserved for them) and a hole. When they were raping us, they said, "if you don´t want us to throw you into the hole, shut up!" That hole, which was so visible and threatening, never left my mind during the whole year I was locked up in that house. They´d arrive drunk, drugged, they´d take us into the yard, they´d point pistols and rifles at us, and they´d grab us and lock us in the room they wanted… they chose. Once I had to do it with three men at the same time. But most times, they arrived, slammed open the doors and went into the room of the woman they wanted and they did it there. They went after they had sex. It was very tough, we couldn´t go out anywhere. We´d spend the day washing their uniforms, cleaning the house and cooking for them… like a "woman". I remember that there was a girl of fifteen who killed herself. She couldn´t take it. There was an older woman who kept our courage up, she was the only one who was allowed to leave the house.[120]

In the scenario of paramilitary dominance there were also cases of *opportunistic* sexual violence. In these, the use of sexual violence was not linked to military or strategic objectives. Stated in another way, the act is not premeditated, but has to do with the opportunities that arise in a scenario of violence. Once their domination was established, members of paramilitary units abused the power that their weapons gave them and took advantage of their organization´s lack of sanction regarding the abuse of women. The following case is an example of how the absolute domination of the paramilitary organization provided an opportunity for a group of men to take advantage of the power of their weapons and rape a fifteen year-old who was going home from the school where she was in the eighth grade:

> One of the men took hold of her by the hands and the other took all her clothes off, one of the men also got naked, the other one who was holding and outside there were more. That man came out of the house with the two who were at the door, then they went in and came out and they said: "*Mamita* (girl): you´re really juicy". After that, they all entered and said to each other, now you go, as if they were taking turns to rape her.[121]

4) A sexual violence that is linked to cultural practices. In the domination established by Hernán Giraldo in the Sierra Nevada de Santa Marta, it was found that, backed by the power of arms, this commander established a number of relations of political, social and economic loyalty with the inhabitants of the Sierra which followed a clientelistic pattern and rested on the cultural practices there. In return for security

119. Interview (#5) of community leaders, Sucre, 2010.

120. GMH, *El Placer*, 208.

121. Register # 40 (place not mentioned for reasons of security), 2002; paramilitaries as the presumed perpetrators and related by Office 9 of the Justice and Peace Unit of the Public Prosecutor`s Office.

and favors, *The Boss (El Patrón)* had access to the young virgins of the place, with the silent acquiescence of the villagers.

> I cannot erase from my memory that twelve-year-old girl, who was pushed along, crying the whole way, as she walked up the Sierra to the farm where her father was doing a business deal with "The Boss" (*El Patrón*), her victimizer, for 5 million pesos. When she arrived, they locked her up for 15 days, surrounded by armed men. It was a cruel torture. She screamed and shrieked when he came close to kiss her, when he touched her body with his murderous hands. She told us in horror that he was a disgusting man in his 60s. Today that woman says that in spite of the time that has gone by, she still feels sickened by her body and has not been able to forget the marks left by the war.[122]

5) Asexual violence used to secure the cohesion among members of paramilitary groups and strengthen their violent identities. The following case, although it occurred during the massacre in El Salado, resulted from the internal dynamics of the combatant groups:

> They´d left me almost right next to the bathroom, when all of a sudden the paramilitary nurse named Maria arrived and said, bingo! She pointed a pistol at me and took me to a hill where there were some 10 paramilitaries. She twisted my right arm behind my back and told me that they were going to burn the town and asked how much the guerrilla paid me to work with them… that bitch smacked me and called me a slut, bitch, and said that now I was going to know what good feels like; she asked me if I´d never gone to the end of the world before, how many times had I made love. They called her on the radio to report that "Blondie" [*El Mono*] was hurt, that they´d cut his hand and she should come down with the medical kit and leave me there with those paramilitaries… The nurse Maria arrived, I asked for water and she said that she wasn't going to give me any, that if I wanted I could eat a thistle or cactus, she began to touch me, she told me to take off my clothes, but to do it slowly, she said we were going to see a show or something like that, that I should move as they told me to […] they rubbed thistles against my body, and that bitch Maria began to massage my breasts, after that I saw Carlos, he pulled my hair back, he kissed me all over the body, he touched me, and that Maria, she laughed, and while she laughed, Carlos touched me […] after that, he raped me in front of them […] After that Maria hit me in the rear with a little machete she carried and kept on mistreating me.[123]

On the basis of the testimonies and cases documented by the GMH, it has been established that, in contrast with the paramilitaries, the sexual violence committed by the guerrilla does not seem to be a mechanism related to their strategy of social and territorial control. However, some individual cases where that occurred have been found. For example, to avoid the unlawful recruitment of her brothers, a teenage girl had to accept the sexual harassment of a FARC commander:

> My father refused [to let them recruit us] and sent my brother and me to Minca [department of Magdalena]. The commander searched for him again and threatened him. That he had to bring us back, and if not, he couldn't answer for what would happen to my little brothers, and my father would only get out of there in a coffin. The problem was that he was interested in me. The commander told him I had to be his woman. They called him "Blackie" [*El Negro*]. My father had to send for us. One day, the commander returned, accompanied by two guerrilla women who were meant to persuade me. That day he carried me away and took me by force. He told me that my

122. Words of a school mistress at the launch of *Mujeres y guerra en el Caribe colombiano* (Women and war in the Colombian Caribbean). Bogotá, 2011.

123. Testimony delivered by the victim in Barranquilla, March 4, 2000. Penal File No. 721, 2000.

> virginity was only for him. He looked blue, that horrible black man. He looked like a devil.[124]

The reports presented by the "Women and Armed Conflict" panel include the testimony of a woman who was kidnapped by the FARC, Rina Bolaños, who stated:

> He was always very respectful to me, but in the final three days of the kidnapping, taking advantage of the absence of the other two *guerrilleros,* who went out on a mission, he began to harass me, to tell me obscene things, and to abuse me sexually.[125]

Although, as seen in the above testimonies, sexual violence was practiced against young civilians, it was also done within the ranks of the guerrilla, about 40% of whom are women. Through the reports of women's organizations[126] and the *Revista Semana* magazine, it is known that birth control and forced abortion are prevalent in the ranks of the guerrilla, particularly those of the FARC. That organization forces the youngsters of both sexes who join their ranks to use contraceptive methods, and in the case of pregnancy, forced abortions are common.[127] There are also reports of members of the Security Forces who have used sexual violence. The GMH discovered that members of the Colombian Army were allegedly responsible for four cases of sexual violation in the Magdalena, in addition to one that, the victims said, was jointly done with a paramilitary group. In two of the cases, it had to do with the punishment of *stigmatized* populations, such as women from the guerrilla, and the sexual abuse was combined with a humiliating and degrading treatment. In another two, the soldiers, abusing the advantage which their weapons gave them, raped two girls: one at a Christmas party and another along a country road.

The "Women and Armed Conflict" panel reported cases that involved soldiers and policemen. One of the most emblematic cases occurred on October 2, 2010 in the municipality of Tame, Arauca, when a Colombian Army officer sexually abused two minors and assassinated one of his victims with a machete as well as her two brothers, who were six and nine years old. In the documentation of this case, the Corporación Humanidad Vigente stated that:

> Lieutenant MUÑOZ LINARES grabbed her by the neck and forced her to walk out of her house, taking her towards a thicket. After about twenty steps, he proceeded to blindfold her with a green handkerchief, violently removed her blouse and when she refused, he hit her, threw away the rifle he was carrying and forced her to denude herself. When she refused, he hit her again, and after this, the minor wept and took off her clothes and Lieutenant MUÑOZ LINARES proceeded to carnally and violently take her.[128]

The variations among the conduct of the members of the paramilitary and guerrilla groups and Security Forces which are recorded in the testimonies and statistics confirm the theory that in the case of the men who commit these crimes, it is less a response to uncontrollable instincts

124. Database on sexual violence. GMH, *Mujeres y guerra* (Women and war).
125. Mesa de trabajo Mujer y Conflicto (Women and the Conflict working panel): "*Cuarto informe, enero del 2003- junio del 2004*" (Bogotá, 2004, "Fourth report, January 2003 – June 2004")
126. See: Mesa de trabajo Mujer y Conflicto (Women and the Conflict working panel): "*Cuarto informe, enero del 2003- junio del 2004*" (Bogotá, 2004, "Fourth report, January 2003 – June 2004") (Bogotá, 2004) and "*Informe sobre violencia sociopolítica contra mujeres y niñas en Colombia. Segundo avance 2001*" ("Report on the socio-political violence against women and girls in Colombia. Second installment 2001"), Bogotá, 2001; Amnesty International, Colombia: *Cuerpos marcados, crímenes silenciados: la violencia sexual contra las mujeres en el marco del conflicto armado* (Marked bodies, silenced crimes: sexual violence against women in the framework of the armed conflict) Madrid: EDAI, 2004; Érika Páez, *Diagnóstico sobre las niñas en los grupos armados colombianos* (Diagnosis of the girls in the Colombian armed groups). Bogotá: Terre Des Hommes, 2001.
127. "*Infamia*" ("Infamy"), *Revista Semana* magazine, July 1, 2006, downloaded June 9, 2013, http://www.semana.com/nacion/articulo/infamia/79755-3
128. Sisma Mujer, "*El Estado y la violencia sexual contra las mujeres en el marco de la violencia sociopolítica en Colombia*" ("The State and sexual violence against women in the framework of the socio-political violence in Colombia"), downloaded June 22, 2013 at: http://www.sismamujer.org/sites/default/files/publicaciones/

unleashed in the midst of the armed conflict than a reaction to incentives or sanctions which the commanders and leaders of the respective armed organization have established. The representations of femininity and masculinity which the organizations inculcate in their members during military training; the military strategies which are used to defeat their enemies and establish their domination; the repertoires of social regulation which are applied to maintain their domination; and the behavior of their commanders towards women, among other circumstances, promote or inhibit the occurrence of sexual violence.

1.4.9. Unlawful recruitment: the war is not a children´s game

Unlawful recruitment is a crime, occasioned by the armed conflict, where the armed agents recruit civilians under the age of eighteen to advance their aims and force them to participate, directly or indirectly, in the hostilities or armed actions. Although this form of violence is one of the most often reported by official entities, along with forced displacement and unexploded munitions, it is also among the least that are publicly recognized.

The Colombian Family Welfare Institute´s (ICBF) specialized program for the care of children and adolescents who disengage themselves from illegal armed groups reports that it dealt with 5,156 children and adolescents in that condition between November 10, 1999 and March 31, 2013. 17% of those minors were rescued by the armed forced and 83% surrendered voluntarily. Of that total, 72% are boys and male adolescents and 28% girls and female adolescents. On the basis of the testimonies gathered by the Program, the main recruiters were the FARC, with 3,060 cases (60%), then the AUC, with 1,054 cases (20%) and lastly the ELN, with 766 cases (15%).[129]

There are general estimates of the number of children and adolescents currently linked to the illegal armed groups. The most recent, made by the analyst Natalia Springer, mentions 18,000,[130] a figure that contrasts with the 6,000 estimated by the Office of Colombia's People's Ombudsman (Defensoría del Pueblo)[131] and the 11,000 estimated by the Human Rights Watch organization.[132] In its annual report for 2012, the International Tribunal on Children Affected by War and Poverty estimates that between 8,000 and 14,000 children and adolescents are associated to illegal armed groups in Colombia.[133]

To clarify how many demobilized persons had joined the armed groups while they were children and adolescents, Springer compared their age at the time of they left the group with the time they spent with it. Of the 10,372 demobilized members of the FARC, ELN and paramilitary groups who make

129. See: Specialized Information Program, Colombian Family Welfare Institute - ICBF, "*Niños, niñas y adolescentes desvinculados*" (Boys, girls and adolescents detached [from the illegal armed groups]"), downloaded June 9, 2013, http://www.icbf.gov.co/portal/page/portal/RecursosWebPortal/Prensa/ABRIL%2016%20INFOGRAFIA%20RECLUTAMIENTO%20WEB.pdf

130. Natalia Springer, *Como corderos entre lobos. Del uso y reclutamiento de niños, niñas y adolescentes en el marco del conflicto armado y la criminalidad en Colombia* (Like lambs among wolves. On the use and recruitment of boys, girls and adolescents in the framework of the armed conflict and criminality in Colombia). Bogotá: Springer Consulting Services, 2012, 34-35.

131. Defensoría del Pueblo (Office of Colombia's People's Ombudsman) *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001* (Report on the human rights of children in Colombia during the year 2001). Bogotá: Defensoría del Pueblo, 2002.

132. Human Rights Watch*, Aprenderás a no llorar: niños combatientes en Colombia* (You will learn not to cry: children soldiers in Colombia). Bogotá: Editorial Gente Nueva, 2004.

133. International Tribunal on Children affected by War and Poverty of the Committee on Human Rights, Annual International Report (2012) on children affected by war. *Los dos Congos de la guerra. Colombia y la región de los grandes lagos en África. Dos regiones de muerte para la infancia* (The two Congos of war. Colombia and the great lakes region of Africa. Two regions of death for children). Bogotá-Madrid: International Tribunal on Children affected by War and Poverty of the Committee on Human Rights. (2012). See: "*En Colombia hay entre ocho mil y 14 mil niños combatientes*" (In Colombia there are between 8,000 and 14,000 children soldiers). Caracol Radio, February 12, 2012, downloaded, June 9, 2013, http://www.caracol.com.co/noticias/internacional/en-colombia-hay-entre-ocho-mil-y-14-mil-ninos-combatientes/20120212/nota/1623200.aspx Also see: Coalition against the involvement of boys, girls and youngsters in the armed conflict in Colombia (COALICO) and the Colombian Commission of Jurists. *El delito invisible. Criterios para la investigación del delito de reclutamiento ilícito de niños y niñas en Colombia* (The invisible crime. Criteria for the investigation of the crime of the illegal recruitment of boys and girls in Colombia), Bogotá: COALICO/ Comisión Colombiana de Juristas, 2009.



Unlawful recruitment by illegal armed groups has been constant across the country. San Lucas highlands, southern Bolívar. Photograph: Jesús Abad Colorado © 2000.

up the total number of cases, she found that five out of ten who left the guerrilla had entered when they were still children or adolescents, while in the case of the paramilitary groups the percentage was four out of ten.

By consulting the records and analyzing the cases of these demobilized minors, it is possible to find some reasons for unlawful recruitment. In the first place, the proximity of the armed conflict to the territory where the children live.[134] This situation turns them into cheap manpower for the economic activities of the armed groups, like illegal mining and drug-trafficking.[135]

Next, we find, first, situations of intra-family abuse and violence, and abandonment and orphanage; and second, the lack of opportunities regarding education and work in contexts of poverty, a situation where joining these groups may be seen as an "opportunity"; and lastly, the identification with warrior models.[136] Similarly, taking into account their stage of life, these children and adolescents are more easily influenced by the processes of military socialization and indoctrination and the armed agents regard them as persons with nothing to lose (spouses or children). On an international level, when minors are involved in internal armed conflicts, they are used for their agility and because they are easy to train.

The concealment of this crime has do with a deliberate strategy of the armed agents as well as the fear their daily harassment causes in the

134. Ruling C-203/05, Constitutional Court of Colombia, downloaded, June 9, 2013, http://corte-constitucional.vlex.com.co/vid/-43622801

135. See: Rafael Orduz, "*Niños y niñas: materia prima del conflicto*" ("Boys and girls: raw material of the conflict"). *El Espectador* newspaper (June 6, 2011), downloaded June 9, 2013, http://www.elespectador.com/impreso/opinion/columna-275507-ninos-y-ninas-materia-prima-del-conflicto

136. UNICEF and the Defensoría del Pueblo (Office of Colombia's People's Ombudsman). *Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales: inserción social y productiva desde un enfoque de derechos humanos* (Characterization of the girls, boys and adolescents detached from the illegal armed groups: social and productive insertion from the standpoint of human rights). Bogotá: UNICEF and Defensoría del Pueblo, 2006).

affected communities, which prevents them from reporting it. Another crucial factor in the misunderstanding of this crime is the widespread idea that such minors voluntarily join the illegal armed agents, and thus their testimonies are concealed, as are the studies that show how it is forced on them. In Colombia, youngsters who have left the armed groups are not only shunned because of their past, but their stories are regarded as false.

As for whether their participation is voluntary or not, in Decree 251 of 2008 the Constitutional Court ruled that, in all cases, there is a legal certainty about the forced and criminal nature of the recruitment of minors, regardless of the cases where it appears to have been voluntary.[137] This voluntary nature of such recruitment is merely superficial, since it results from the perverse and deceitful manipulation of the armed agents, who take advantage of their vulnerability, poverty, defenselessness, abandonment, psychological frailty, and the lack of access minors have to services of health, education and recreation.

In that regard, the GMH confirmed that "the violent context in which unlawful recruitment takes place rules out any possibility that it is a voluntary and consensual act. These children are recruited, retained and forced to become victimizers. They have no right to abandon the ranks or to express their opinions."[138]

Unlawful recruitment forms part of the conspiracy of violence that the actors in the armed conflict engage in. It includes the participation of minors in combat or other military activities, their tactical support of the combatants and their role in providing the combatants with basic necessities like food, first aid and cleaning. Faced with the risk or threat of their children joining or being recruited by the armed groups, parents choose to abandon their lands and become displaced in order to protect their families. In an analysis of the harsh impact of the armed conflict on children and adolescents in situations of forced displacement found in Decree 251 of 2008,[139] the Constitutional Court singles out unlawful recruitment as a direct cause and one of the main reasons for forced displacement.

Furthermore, the illegal inclusion of female children and adolescents has meant that their subjection to sexually violent acts becomes a "bargaining chip" to avoid joining the ranks of the armed agents. In turn, those who are already in the ranks are subjected to prostitution and forced abortion, or, as was documented by the GMH in El Placer, Putumayo, to sexual slavery.

While the communities faced with illegal recruitment often flee the area and become displaced, there are occasions when they directly confront the armed agents. That happened in Valle Encantado, Córdoba, where the women of the community went as a group to the paramilitaries and demanded the return of their recruited sons.[140] It was similar to the case found in the testimonies of the women of Trujillo who confronted the ELN guerrilla:

> When the guerrilla group arrived, everything got complicated. They arrived with some older people who seduced the youngsters. They put a secretary there, a woman, to win over the boys, making them see things [in a certain way], showing them things [like that]. She summoned the youngsters, to convince them to join that group. A woman friend of mine told me: "Keep an eye on your boys," and I asked her why, and she told me: "Because there is someone out there who is winning over the young ones". When I went to La Sonora I saw my son there and I asked: "What are you doing here?" "Nothing, just talking with

137. Judgment 025/08, Constitutional Court of Colombia, downloaded June 9, 2013, http://www.corteconstitucional.gov.co/T-025-04/AUTOS%202008/101.%20Auto%20del%2006-10-2008.%20Auto%20251.%20Protecci%C3%B3n%20ni%C3%B1os,%20ni%C3%B1as%20y%20adolescentes.pdf

138. Springer, *Como corderos entre lobos* (Like lambs among wolves), 31.

139. Follow-up of Ruling T.-025/04 of the Constitutional Court.

140. GMH, *Mujeres que hacen historia. Tierra, cuerpo y política en el Caribe colombiano* (Women who make history. Land, body and politics in the Colombian Caribbean) Bogotá: Taurus/ *Semana*, 2011), 42 - 44.

her." "And what are you talking about?" "Oh, personal things." "There is no reason for you to talk, because you´re a minor." "If you´re going to get my son involved in something strange, I am going to report you." "If you go and report us, we´ll order your whole family killed". That was the threat. I got angry, and I said I didn't care if she was with the guerrilla, she couldn't take my sons. My son wasn't fifteen yet. "I won´t accept this, I am going to speak with the chief." "Go ahead and talk with him," they told me. "Go ahead and talk to him", they said. "The boys are still studying, how is this possible?" That lady there had those two and some others. Then we all left, the heads of the families, and you know what they did? They threatened our children: "If you don't come with us, your parents will die." My son told me: "Mom, what can I do? I don't want to go with them." And I said, "Why did you get involved with those people? Well, you are not going there." "No, I have to go, because if we don't go they will kill you." Those men then arrived and they said: "Hello, hello". "Come in". "We need to talk with you, it looks like you´re defying us." "No, it's that I got angry. Imagine that, such young boys and they are going to force them, that's not fair. I stand up for my children. I don't want to lose them. You people are dangerous." "No, it's just that we are forming a school." "Well, that's a shame, because it hurts me to let my children go there." "Well, lady, the group is already formed and it's big." One lady cried to see how all those boys were being forced to go there.[141]

A less visible but no less devastating impact of illegal recruitment is the cycle of stigmatization and criminalization which spreads through whole families and communities, added to the breakdown of the mutual trust which upholds social and community networks when the civilian population is forced to become involved in an armed conflict.

141. CNRR-GMH, *Trujillo*, 166-167.

1.4.10. Acts of war

The intensified armed activity and the prevalence of military imperatives above any humanitarian principles degraded the armed conflict even further and increased the indiscriminate damages inflicted on civilians (non-combatants).

Between 1988 and 2012, 1,344 civilians died in at least 716 acts of war conducted by different armed agents.[142] The most lethal acts of war for civilians during that period were, in order: combat, 512 victims; attacks on or capture of towns, 391 victims; attacks on military objectives, 243 victims; ambushes, 121 victims; bombings, 64 victims; and harassment, 13 victims. Acts of war that produced civilian victims left 1,636 dead combatants, which shows, along with the 1,344 civilians already mentioned, how highly exposed civilians were to these acts of war.

The high mortality rate of civilians in acts of war is related to the armed agents' aim of annihilating the enemy with those military initiatives, which increases the risk of massive damage in the communities.

Between 1988 until 2012, as a result of acts of war, the guerrilla groups caused the death of 717 civilians, the paramilitaries, 10 and the Security Forces, 71. In the same manner, as the result of battles between the guerrilla and paramilitary groups, 226 civilians died; between the guerrilla and Security Forces, 302, and between the paramilitaries and Security Forces, 4. A total of 14 deaths by acts of war were due to unidentified groups. A total of 1,344 fatalities were recorded.[143]

142. El GMH defines a warlike act as one that is carried out within the legitimate tasks of war, taking into account that it has a specific military objective and the fighting makes use of legal means and arms. Source: CINEP, Conceptual framework, Database on Human Rights and political violence (Bogotá: CINEP, 2008).
143. Database on civilians killed in warlike actions (1998-2012), processed by the GMH on the basis of records of the armed conflict like those compiled by the magazine *Revista Noche y Niebla* (1996-2012) and the *Boletín Informativo Justicia y Paz* (1998-1996).

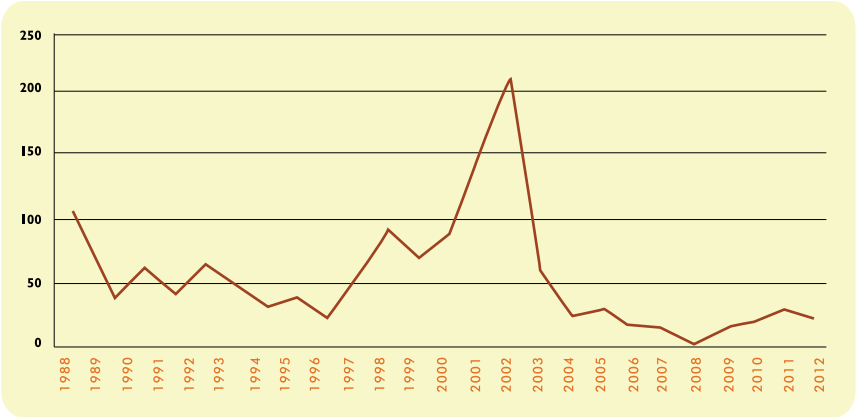


Figure 13: Evolution of the number of civilians killed in acts of war in Colombia, 1988-2012.
Source: GMH, Database of civilians dead in acts of war (1988-2012).

Due to changes in firepower and military maneuvering (a greater destructive capacity and more effective strikes at big, permanent enemy bases), the lethal nature of acts of war perpetrated by guerrilla groups, in particular the FARC, increased from 1997-2003. In the guerrilla repertoire, attacks on large and permanent military objectives[144] became more frequent as they attacked the military forces as well as towns[145] in an effort to drive out their civilian and police authorities. This changed with the introduction

144. Attack on Las Delicias military base in the Putumayo on August 30, 1996, which led to the death of 54 soldiers, the wounding of 17 and the capture of 60. Attack on the Patascoy military base in Nariño on December 21, 1997, with ten soldiers killed and 18 kidnapped. Attack on Bridge no. 3 in el Caguán on March 3, 1998, where 58 soldiers were killed and 26 were captured. Attack on Mitú, capital of the Department of el Vaupés, where 35 soldiers and civilians were killed.

145. An attack on towns or populations (*poblaciones*) is understood to be any kind of transitory military operation that consists of the temporary invasion of the place and seeks to devastate the adversaries and their material and symbolic environment, heightening the terror of the military action with the use of unconventional weapons and an attack on civilian objectives. The temporary nature of the invasion of the territory does not mean it is ephemeral, but implies the deployment of an important armed contingent with the capacity to sustain the action for a certain length of time, which is why it should not be confused with a skirmish or an attack on a military objective.



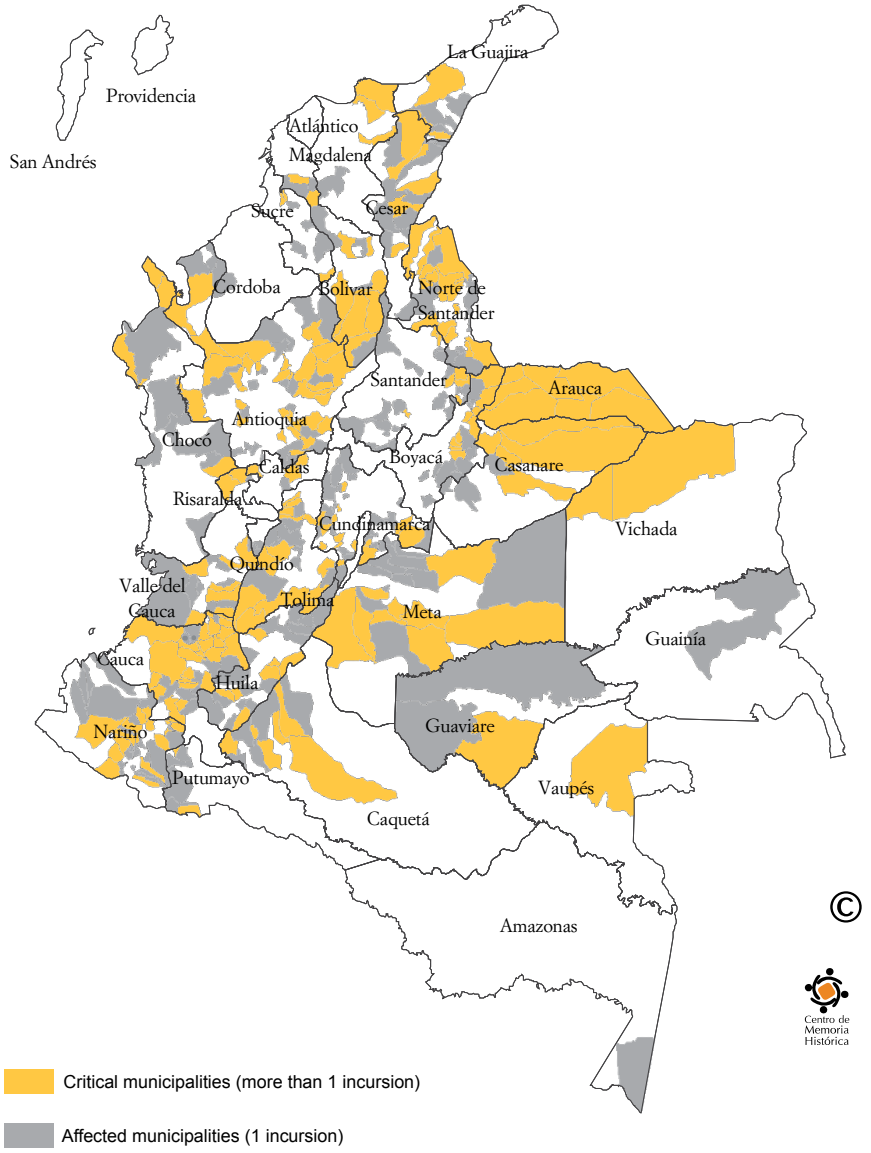
The FARC threw a cylinder bomb (prohibited by IHL) over a church causing the death of 79 persons, in particular women and children, as they had taken refuge in the building. Photograph: Jesús Abad Colorado © May 2002.

of non-conventional arms by the FARC, such as gas cylinder bombs, which heightened the destructive potential of those military acts as well as the exposure of the civilian population. In fact, during this period 728 fatalities, 55% of the total, occurred in acts connected with the guerrilla.

The GMH documented the massacre on May 2, 2002 in Bojayá, Chocó, as one of the emblematic cases of war crimes related to military operations. During the fighting between paramilitary groups (the Élmer Cárdenas Bloc) and the FARC over territorial control, the paramilitary groups used civilians as a human shield by moving to the same side of the church where they were sheltering themselves. The FARC, for their part, indiscriminately used cylinder bombs. One of these artifacts landed on the town's church, and when it exploded, caused the death of 79 people, among them 48 children.[146] This is how survivors of those tragic events in Bojayá remember it:

> We were going along the middle of the river, we were paddling with our hands and some pieces of wood, and I remember that we could just see the bullets flying over our heads, and we shouted at them: "Oh, for the sake of God! We are civilians, show mercy…!" And I remember that on the other side, one of them shouted: "What civilians? *Paracos* [paramilitaries] is what you are!" Imagine that, doubting who we are in the middle of all that shooting and all that suffering…! And there we were going when they threw the pipe [gas cylinder] and Oh! And I don't know if it fell on the church or near it, but that is where the smoke came from! And I said: "They destroyed my town…! Oh mother, they destroyed our town…!"[147]

The GMH documented that the guerrilla groups, in particular the FARC, perpetrated at least 854 attacks on towns between 1988 and 2012 that left 391 civilians dead, in addition to destroying official installations and community buildings and instilling fear in people. This has affected 417



Attacks on towns in the armed conflict in Colombia (1988-2012).
Source: GMH

146. GMH, *Bojayá: la guerra sin límites* (Bojayá: the war without limits). Bogotá: Taurus/*Semana*, 2010.
147. GMH, Bojayá, 344.

municipalities, 208 of which have been attacked more than once. On February 27, 2012, the VI Front of the FARC captured Caldono, Cauca, for the fifth time. The testimonies of witnesses, now used to the continuous harassment and attacks (they mention 67 assaults), reveal the practices they incorporated into their daily life in order to survive. One inhabitant, who had to rebuild her house three times after it had been destroyed by the guerrilla, told a reporter about her strategies and those of her neighbors. The journalist narrated it this way:

> At 3:20 the blast of explosives woke the inhabitants up, the majority of them *Nasa* indigenous people […] In this place, situated at 1,770 meters above sea level in the Central Cordillera, they agree that the assault was not like the other ones, bursts of gunfire and a few explosions. They began terrible bombings that lasted for seven hours. […] Lesbia and her neighbors have learned what to do when that happens: get away from the police station. She and her husband […] left their house and crawled towards the house of the Laurentian nuns, four doors down from theirs and the only one on the block with a concrete floor, which serves as a refuge for the neighbors during the attacks. […] Also, they always have an emergency kit with candles, matches, a flashlight, toilet paper, blankets, water, and medicine […] Rosmira Urbano explained that having a suitcase ready is part of the routine in Bello. […] The mayor, Darío de Jesús Sandoval Fernández, says these acts amount to psychological warfare: "They let us know with a car bomb, a motorcycle bomb, what´s going to happen at dawn." […] This situation forces everyone go home early, lock their doors and turn their lights off in case of an attack.[148]

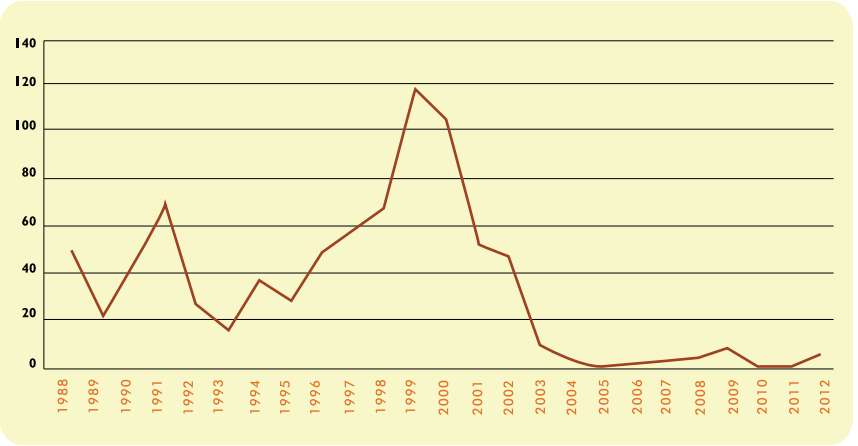


Figure 14: Evolution of attacks to towns in Colombia, 1988-2012. Source: GMH, Database of attacks to towns in Colombia (1988-2012).

An example of failing to apply the "principle of proportionality" in the use of force during acts of war is seen in a representative case of fighting between the guerrilla and the military forces in the town of Santo Domingo in Tame, Arauca, on December 13, 1998, which left 17 civilians dead.

> On December 12, 1998, while a bazaar was being held in the village of Santo Domingo along with a number of sports events, fighting broke out between the military forces of Colombia and the guerrilla after a Cessna light plane landed on the road that leads from Santo Domingo to Panamá de Arauca, or Pueblo Nuevo, with money or weapons used in drug-trafficking. Due to this, the military forces planned an operation, involving the aerial transport of troops, which went on for several days and in which the XVIII Brigade of the Colombian Army and the Counter-Guerrilla Battalion No. 36 also participated. On December 13, 1998 several airplanes flew over the surroundings of Santo Domingo in the morning and at 10:02 am, the crew of the UH1H 4407 helicopter of the

148. Iván Noguera, "*Tras 67 ataques guerrilleros, Caldono aún está en medio de la guerra*", ("After 67 attacks by the guerrilla, Caldono is still in the middle of the war") *El Tiempo* newspaper (March 13, 2012), downloaded June 9, 2013, http://m.eltiempo.com/colombia/occidente/caldono-cauca-sigue-en-medio-de-la-guerra/11336242



ELN guerrilla fighters attacked with dynamite the village of San Francisco to force the police to vacate the school, which had become their base due to the destruction of the police station by the FARC four months earlier. Photograph: Jesús Abad Colorado © 1999.

> Colombian Air Force launched an AN-M1A2 cluster bomb, made up of six grenades or AN-M41A fragmentation bombs, on the main street of Santo Domingo, killing 17 people, including six children, and wounding 27 others, including ten children. […] The Court [Inter-American Court of Human Rights] determined that, given the lethal capacity and the limited precision of the device that was used, launching it within the urban area of Santo Domingo, or near it, was contrary to the precautionary principle recognized by International Humanitarian Law, and the Court ruled that the State was responsible for the violation of the right to life in detriment to the victims killed in the village of Santo Domingo, as well as the right to personal integrity in the case of those who were injured.[149]

Due to the acts which occurred during the Santo Domingo massacre, on November 30, 2012 the Inter-American Court of Human Rights declared that the Republic of Colombia was internationally responsible for the human rights violations committed by the Colombian Air Force on December 13, 1998, when the explosive device was launched over Santo Domingo, Arauca.[150]

1.4.11. Anti-personnel mines, unexploded munitions and improvised explosive artifacts: "At home, you don´t know what you´re stepping on"

The military strategies used by the armed agents to adapt to changes in the dynamics of the armed confrontation also affected civilians. One of the most critical manifestations has been the massive and indiscriminate use of anti-personnel mines by the guerrilla.

Anti-personnel mines began to be widely used in the armed conflict in the 1990s, when victimizing acts were at a low but constant level. The ELN guerrilla group used them the most, as a way to compensate for their military weakness and to gain territorial control. According to the Presidential Program for Integral Action against Anti-Personnel Landmines – PAICMA - this stable trend lasted until 1999, dramatically increased from 2000 to 2006, and then decreased again from 2007 until now. The number of victims rose from 861 between 1990 and 1999, to 5,113 between 2000-2006 and 4,152 between 2007-2012. These changes reveal the massive use of anti-personnel mines, on the one hand, and, on the other, that nine out of every ten victims have been affected since 2000, precisely the period when most of the indicators of violence have fallen.

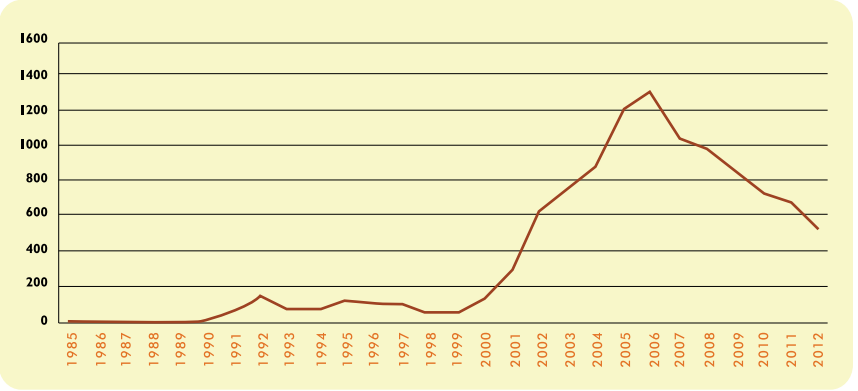


Figure 15: Evolution of the number of victims of anti-personnel mines and unexploded ordnance in Colombia, 1982-2012. Source: Presidential Program of Comprehensive Action against the Mines - PAICMA, February 2013.

The FARC began to use anti-personnel mines in 2000 to compensate for their loss of the military initiative in the armed conflict and also to effectively contain the paramilitary advance. It is clear that as the State recovered the military initiative and the violence of the guerilla declined, the victimization caused by the indiscriminate use of landmines increased.

149. Inter-American Court of Human Rights. "*Caso masacre de Santo Domingo vs. Colombia. Resumen oficial emitido por la Corte Interamericana. Sentencia de 30 de noviembre de 2012*" ("Case of the Santo Domingo massacre vs. Colombia. Official summary issued by the Inter-American Court. Ruling of November 30, 2012), downloaded June 9, 2013, http://corteidh.or.cr/docs/casos/articulos/resumen_259_esp.pdf

150. Oswaldo Ruiz-Chiriboga, "*Sentencia en caso Masacre de Santo Domingo vs. Colombia*" (Ruling on the case, Santo Domingo massacre vs. Colombia). Inter-American Court of Human Rights. January 23, 2013, downloaded June 9, 2013, http://corteidhblog.blogspot.com/2013/01/sentencia-encaso-masacre-de-santo.html

The FARC guerrilla sought to compensate on land for the aerial advantage that the military forces had gained since the implementation of the Plan Colombia in 1999. The FARC did not want to let the territory devastated by the paramilitaries provide a clear field for the State military offensive, and permit the military forces to advance towards their strategic rearguard. However, the military advantage the guerrilla gained by using anti-personnel mines implied a high cost in civilian casualties. In fact, of a total of 10,189 victims recorded between 1982 and 2012 by the PAICMA,[151] 3,885 were civilians (38%) and 6,304 were members of the Security Forces (62%), which reveals the indiscriminate impact this type of weapon has. So, for every two combatants who are victims of anti-personnel mines, one civilian also is.

For the communities, anti-personnel mines represent a profound distortion of daily life, since they present serious risks and impose limitations on their movements and activities. This situation results in their confinement or forced displacement, and makes it difficult for them to return to their homes. Similarly, the massive and indiscriminate use of landmines has brought about changes in the use and appropriation of territory.

The lethal effects of anti-personnel mines, at least in Colombia, are comparatively less than those of other means of violence: 8,070 have been wounded and 2,119 killed.[152] However, due to the physical harms (amputations and damaged hearing and sight) and psychological scars it inflicts, this method has a profound impact on the victims´ lives, regarding their family, social and working environment, as is shown in the following testimony gathered by Human Rights Watch:

> "I live dying," a fifty year-old farmer told us, who lost a leg and almost all of his sight when he stepped on a landmine four years before. "Now I live off what I beg and what my children give me. I live with the three younger ones…I have been like this for three years and I don't die."[153]

In fact, children and adolescents are the main victims of this method, since 995 of the 3,885 civilian victims belong to this group. This means that one out of every four victims is a child or adolescent, a proportion that is not seen in any other form of violence, in spite of the fact that selective assassinations and massacres are more lethal.[154]

Ethnic groups are not free from this kind of victimization either, with all of the socio-cultural implications that it has for their worldview of the territory. In fact, 307 of the 3,885 civilian victims were indigenous, so that one out of every ten belongs to this group.[155] This reveals how affected the indigenous and Afro-Colombian territories have been by the massive use of anti-personnel mines.

Two reasons why land-mines are widely used by armed agents, to the detriment of the civilian population, is that they are highly effective in the military struggle against the State, and they are also cost-effective:

> The thing is that a landmine is designed to last 15 and 20 years, its destructive power lasts a long time, and it can be camouflaged, it fits in anywhere: it becomes like moss with coffee, it adapts to the land, it can get wet, anything can fall on it and it doesn't get damaged. There was a lady in the rural district of Caldas who told me something so funny when I was there. She told me that for her, the landmines were the perfect soldier; you see: it doesn't need a salary, it doesn't sleep, it doesn't rest,

151. Programa Presidencial de Acción Integral contra las Minas Antipersonal (Presidential Program for Comprehensive Action against Anti-personnel Mines). Downloaded June 8, 2013, www.accioncontraminas.gov.co
152. Programa Presidencial de Acción Integral contra las Minas Antipersonal. (Presidential Program for Comprehensive Action against Anti-personnel Mines)
153. "*Colombia: civiles sufren gravísimos daños por minas de las guerrillas*" ("Colombia; civilians are suffering very grave harms from the mines of the guerrilla groups"). Human Rights Watch, July 25, 2007, downloaded June 9, 2013, http://www.hrw.org/es/news/2007/07/24/colombia-civiles-sufren-grav-simos-da-os-por-minas-de-las-guerrillas
154. Programa Presidencial de Acción Integral contra las Minas Antipersonal (Presidential Program for Comprehensive Action against Anti-personnel Mines)
155. Programa Presidencial de Acción Integral contra las Minas Antipersonal. (Presidential Program for Comprehensive Action against Anti-personnel Mines)



Inhabitant of San Carlos showing an anti-personnel mine found in a school in the village of La Mirandita. Photograph: Jesús Abad Colorado, CMNH 2010.

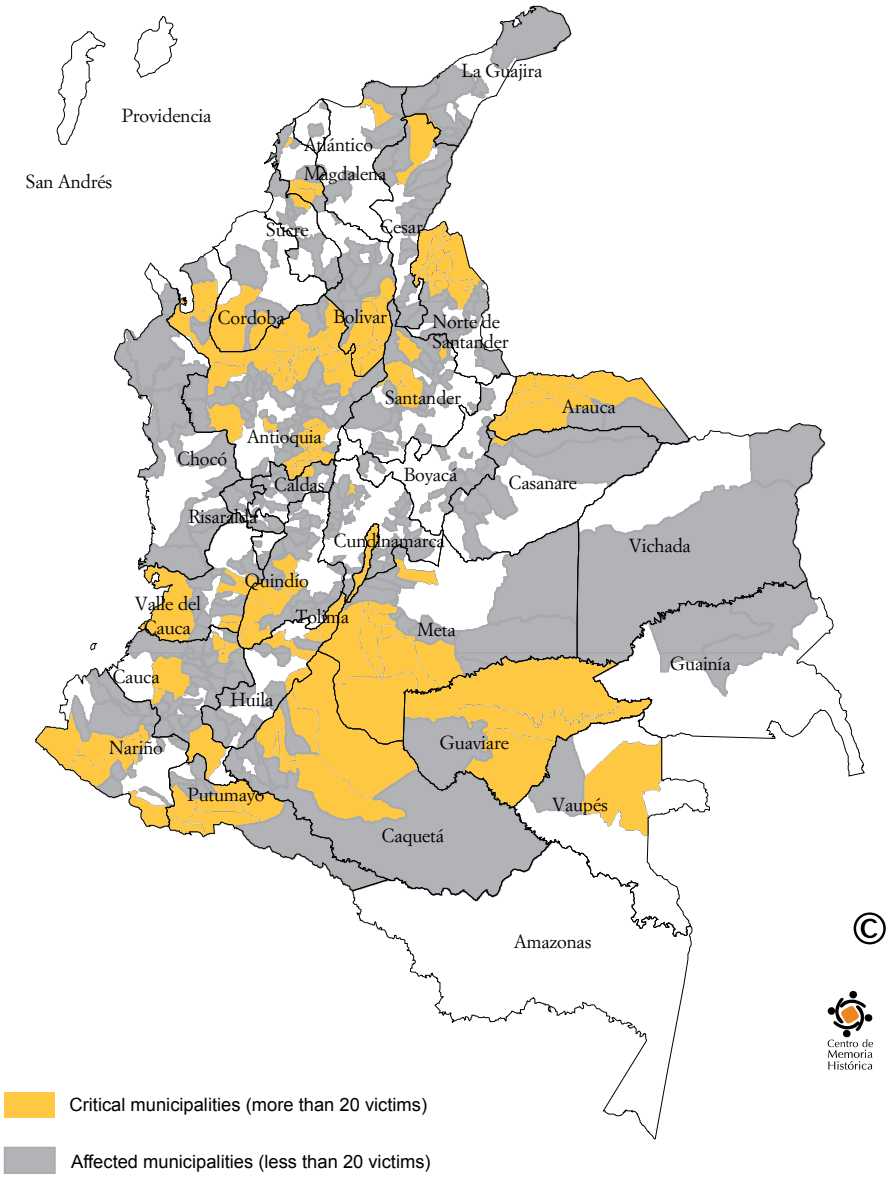
> it works 7 days a week, 24 hours a day, 31 days a month, 365 days a year… it's there all the time, ready for when you step on it… but unfortunately, a landmine doesn't distinguish between a farmer, a child, a soldier, a combatant: it doesn't see who steps on it when it sets off…[156]

The massive use of landmines has victimized people in 477 municipalities, representing 45% of Colombian territory. Of these, 24 have reported more than 100 victims of anti-personnel mines (military and civilian ones), which represent 37.5% of the cases.

In their eagerness to gain a military advantage over their adversaries or to check their advance, as anti-personnel mines do, the armed agents have increased the risks to civilians by abandoning unexploded munitions and improvising explosive artifacts. In the first case, the intensification of the combats meant that they abandoned unexploded munitions in territories where this fighting took place, including firearms, all types of grenades, and even unexploded cylinder bombs. These artifacts could be accidentally activated by civilians passing through the territory or when they were handled inadequately. This happens especially with children and adolescents, who play with them without realizing how deadly they are, as seen in this account of a survivor:

> My family and I live at a considerable distance from La Cumbre, in El Valle. Six months ago, when I was 17, I went to run an errand for my mother and when I reached the town, I found a bomb. I didn't think it was an explosive; if I had known that, I never would have picked it up. I put it in my pocket to take it home so that my father could see it and tell me if it was useful for something. Then I started playing with it and the worst happened: it exploded in my hands. A 16-month-old cousin of mine was also affected, since one of my fingers became imbedded

156. GMH, *San Carlos*, 161.



Anti-personnel mines (APM) and unexploded ordnance (UXO) in the armed conflict in Colombia (1982-2012).

> in his forearm. He also had superficial wounds on the rest of his body […].[157]

In the second case, the armed actors, in particular the guerrilla, placed explosive devices in dead bodies, homes, animals and cars, to attack or check the Security Forces. They rigged explosives in rural houses that were activated when a person approached or entered the place. As the guerrilla expected, the affected persons were not always military patrols. On November 23, 2003, in the district of Santa Ana of the municipality of Granada, Antioquia, a farmer and his 7-year-old daughter died from a house bomb. This also occurred with bombs placed on corpses that were activated when the authorities arrived at the scene to make the coroner´s examination. Installing car bombs on country roads also became common, in order to check military offensives or when they lured the adversaries into attacking them. On August 9, 2001 in the municipality of Gramalote, Norte de Santander, two civilians died and four more were wounded when the guerrilla left a car bomb on the road to Santiago, which was activated when civilians tried to move it. Hiding explosives on animals was another method used to attack military objectives, as happened with the donkey bomb used against the police station in Chalán on March 13, 1996 (11 policemen died and several buildings were destroyed), as well as the one against an army checkpoint in San Andrés de Cuerquia on August 8, 2012 (two soldiers and three civilians were wounded).

1.4.12. Attacks on civilian property and sabotage

The armed conflict affected the civilian population in terms of the total or partial destruction of their property and environment. At times, attacks on property were planned as a single act and in other cases they were used in conjunction with other types of violence. This type of attack damaged material property, but on occasion it also provoked injuries and death.

The GMH has documented 5,138 cases of damage to civilian property between 1988 and 2012[158] in which 2,700 acts – equivalent to half the total number of cases– occurred between 1996 and 2004. Thus, the increase in this type of act was directly associated with the intensification of the armed conflict.

The main group responsible for acts against civilian property was the guerrilla, who committed 4,323 of the 5,138 acts documented by the GMH (84.1%). The remaining 15.1% corresponded to: the paramilitary groups, 270 acts (5.27%); unidentified armed groups, 308 acts (6%), members of the Security Forces, 182 acts (3.58%) and other armed groups, 6 (0.1%). Fighting between the different armed groups produced 49 cases (1%).

The attacks on civilian property followed different rationales, in accordance with each armed agent. In the case of paramilitary groups, they were linked to such practices as economic blockades, confining communities and scorched earth massacres. With regard to this last method, paramilitaries are responsible for damaging property in sixty percent of the 163 cases documented by the GMH.

Guerrilla attacks on civilian property were limited to local and regional elites and were a form of constant harassment with political and economic objectives, although they have progressively extended them to communities in general by means of captures of towns.

157. "*Las voces del silencio*" ("The voices of silence"). *Revista Semana* magazine, February 28, 2005. En: http://www.semana.com/on-line/articulo/las-voces-del-silencio/71083-3

158. International Humanitarian Law, through Protocol II of 1977, which elaborates on and completes Article 3 of the Geneva Conventions of August 12, 1949, stipulates the norms for the protection of victims of the armed conflicts that are not of an international nature (internal ones). These include the protection of the goods indispensable for the survival of the civilian population, cultural goods and places of worship, civil works and installations that contain dangerous elements (like dams, dykes, nuclear power stations). Under the Constitutional Court´s Ruling 225 (1995), Colombia adhered to the 2nd Additional Protocol of the Geneva Conventions.



A pregnant woman that was travelling in an ambulance towards Medellín died alongside the nurse that was accompanying her when the ambulance fell into a reservoir, since the FARC had destroyed just minutes before the bridge that connects San Rafael and San Carlos. Photograph: Javier Agudelo, El Tiempo © 2002.

The FARC have sabotaged infrastructure by destroying electricity towers and roads to isolate towns and damage their economic activity. The objective of this particular type of attack, along with those on official installations (mayor's offices, municipal councils, the Caja Agraria (Agrarian Bank) and the State telecommunications service, Telecom, for example), was to establish a violent reputation that stressed their capacity to destabilize the State they were competing with.

The ELN, for their part, have justified their attacks on the oil infrastructure as an expression of their opposition to the foreign exploitation of Colombian resources. Guerrilla groups, therefore, have been responsible for nine out of every ten acts of sabotage, burning of vehicles, attacks on institutions and terrorist attacks; eight out of every ten attacks on private property; and five out of every ten attacks on organizations, of the total amount of such acts documented by the GMH for the 1988-2012 period.

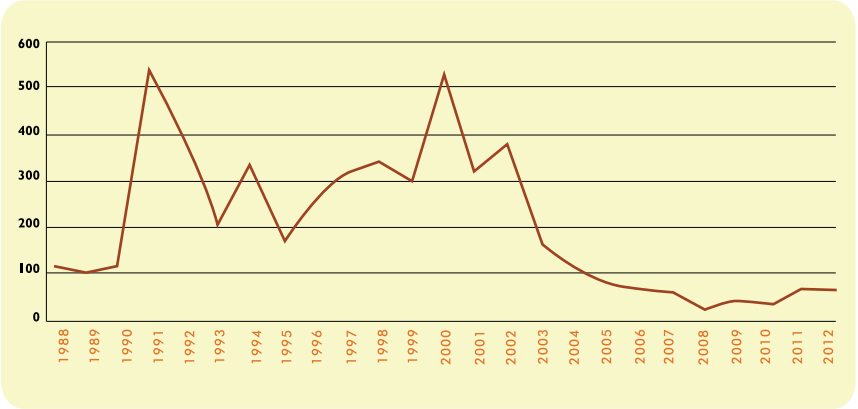


Figure 16: Evolution of the acts of damage against civilian property in the armed conflict in Colombia 1988-2012. Source: GMH, Database of damages against civilian property in the armed conflict in Colombia (1988-2012)..

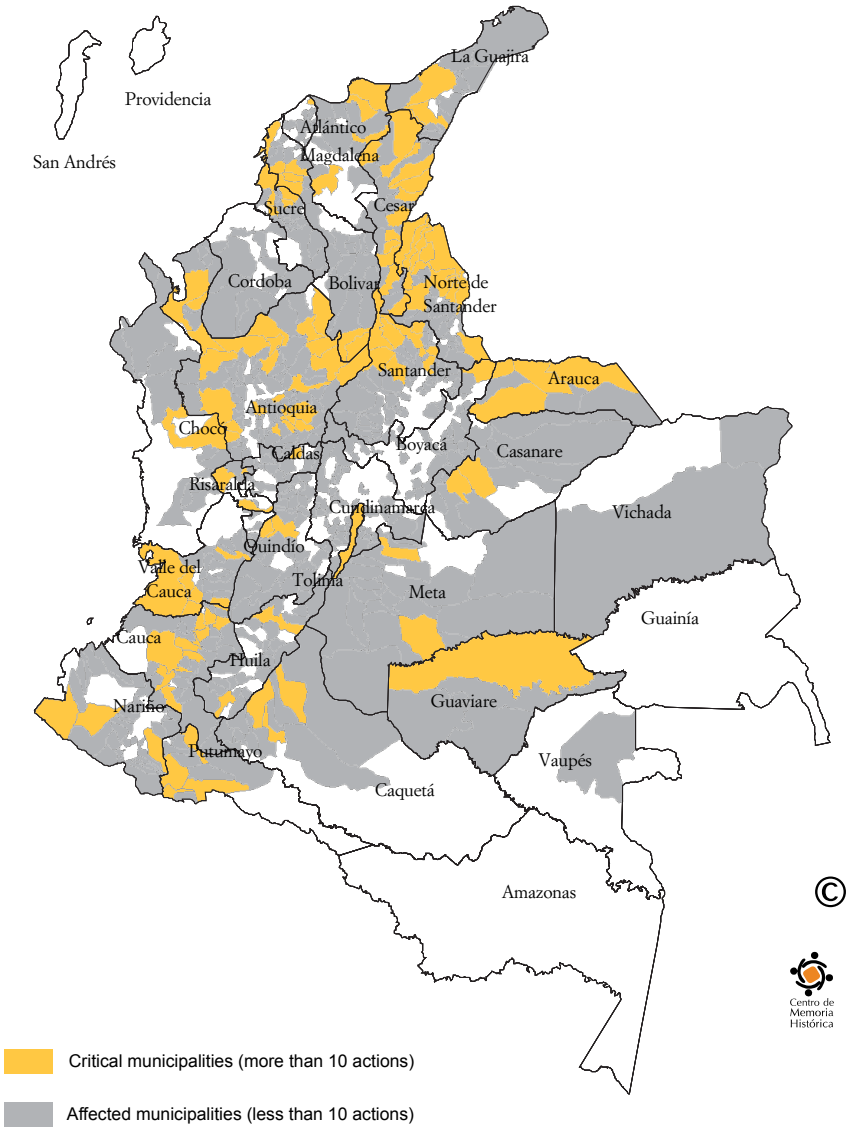


14 militaries from the Pedro Nel Ospina Battalion were killed in an ambush of the FARC between Carolina del Príncipe and Santa Rosa de Osos, Antioquia. Photograph: Jesús Abad Colorado © 1994.

Close to 80% of the documented damages to civilian property are caused in three ways: the sabotage of the infrastructure of petroleum (oil pipelines), electrical energy (electricity towers) and transport (roads, bridges and toll booths), with 1,762 acts (34.3%); the burning of vehicles, 1,401 acts (27.3%), and attacks on property (farms, businesses, industries, banks or commercial establishments), 703 acts (13.7%). For their part, attacks against public institutions (town halls, town councils, offices of the Agrarian Bank, civil registries, public service companies, among others) amounted to 366 acts (7.1%), and attacks against organizations (headquarters of political parties, human rights organizations, trade associations, unions, and civil society organizations) amounted to 69 acts (1.3%). In the 297 acts of selective assassination and 162 massacres, civilian property was affected which may or may not have been concurrent with simultaneous events such as acts of war, attacks on property, sabotage and the burning of vehicles. Civilian property was affected in 475 acts of war, 208 of which coincided with the partial or total destruction of State institutions in attacks or captures of towns.

The potential deadliness of attacks against civilian property and damages to civilians were evident in October 1998 when the ELN dynamited part of the Colombia Pipeline (*Oleoducto Colombia*), which caused a fire in the Fraguas district in the municipality of Segovia, Antioquia, that resulted in the death of 73 civilians, 35 of whom were children. These kinds of attacks left 208 people dead and 347 wounded between 1988 and 2012. One of the victims of the tragedy recalls her experience of the tragedy:

> The explosion of the Machuca pipeline changed the lives of many people. Mainly, of the few of us who survived. On October 18, 1998 I was in my house when I heard the explosion. Then I ran to rescue my sons, who were near there. That was when I got burned. My husband and three children (16, 12 and 8 years-old) died. I was left alone and burnt. My life from that moment has been very unsettled. After that, you feel all nervous, you are not the same. I used to be a housewife. Now I do the same thing, but mainly because I cannot work, I can't do anything. The little



Attacks on civilian property and sabotage in the armed conflict in Colombia (1988-2012).



ELN roadblock on the motorway Bogotá - Medellín. Photograph: Jesús Abad Colorado © 2000.

money I raise is what my family gives me. That's why I stay close to them. Up to now no justice has been done.[159]

Attacks against civilian property affect civilians in diverse ways. This type of violence causes economic and environmental damages that affect the population's food security, puts their lives in danger and causes physical damage and death. A number of these acts resulted in lasting damage of a great magnitude that jeopardized the quality of life in the communities and affected the victims in their sociocultural environments.

Attacks against civilian property occurred at least once in 693 municipalities, which correspond to 60.5% of Colombian territory. However, seven out of every ten acts happened in 143 municipalities.

1.4.13. Terrorist attacks

International Humanitarian Law prohibits terrorist attacks or terrorism in situations of non-international armed conflicts.[160] For the purposes of this report, a terrorist attack is understood to be any indiscriminate attack on civilian targets in public places which uses explosives with the aim of causing widespread death and destruction among civilians. This refers to attacks meant to give a high public visibility to the violence that is employed in order to cause panic among the population and spread a perception of destabilization.

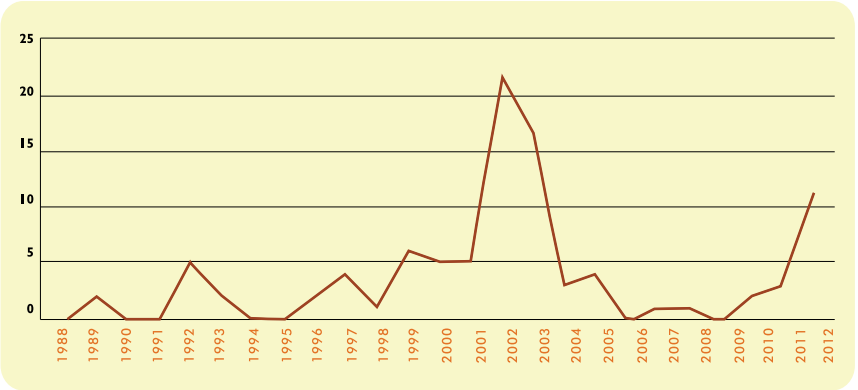


Figure 17: Evolution of the terrorist attacks in the armed conflict in Colombia, 1988-2012.
Source: GMH, Database of terrorist attacks in the armed conflict in Colombia (1988-2012).

The GMH has been able to document 95 terrorist attacks in the armed conflict between 1988 and 2012, with a total of 223 fatalities and 1,343 wounded. Of these 95 cases, 77 were perpetrated by guerrilla groups (mainly, the FARC, with 55 and the ELN, with 12), 16 by unidentified armed groups and 2 by paramilitary groups.

Terrorist acts have been especially used by the guerrilla, although in comparison with other methods employed by the same agent, the frequency of attacks is neither high nor constant. From 10 cases before 1995, the number rose to 63 between 1996 and 2004, a period of escalation in the armed conflict. Since 2005 there have been 22 terrorist attacks, 11 in 2012.[161]

The low frequency of these types of acts between 1988 and 1995 was strongly influenced by the armed agents´ interest in distancing themselves from the wave of terrorism unleashed by the drug-trafficker Pablo Escobar Gaviria in his war against the State from 1989 to 1993. In that context, the drug-related terrorist attacks against the media,

159. "*Las voces del silencio*" ("The voices of silence"), *Revista Semana* magazine (February 28, 2005), downloaded June 9, 2013, http://www.semana.com/on-line/articulo/las-voces-del-silencio/71083-3. These testimonies were gathered on the occasion of the Second International Congress on the Victims of Terrorism, organized by the School of Social Communication and Journalism, of the Sergio Arboleda University (Bogotá).
160. Hans-Peter Gasser, *Acts of terror, "terrorism" and international humanitarian law*, International Review of the Red Cross (2002), downloaded June 8, 2013, http://www.icrc.org/spa/resources/documents/misc/5ted8g.htm

161. Database on terrorist attacks in the armed conflict (1988-2012), assembled by the GMH on the basis of registers of the armed conflict like the *Revista Noche y Niebla* and the *Boletín Informativo Justicia y Paz* (The Informative Bulletin on Justice and Peace).

private companies and security agencies included, among others: the bomb which blew up the Avianca airplane on November 27, 1989, the bomb which exploded in the Administrative Department of Security (DAS) on December 6, 1989, the car-bomb attack on the *El Espectador* newspaper (September 2, 1989)[162] and the four bombs which shocked the inhabitants of Bogotá between January and February 1993.

After Pablo Escobar was killed in a police operation in December 1993, drug-trafficking went through a reconfiguration. The big drug cartels were dismantled and the drug-traffickers regrouped into other criminal organizations.[163] They moved away from terrorist attacks, aiming to keep a low profile. The armed agents used this violent practice because they understood that terrorist attacks have a high capacity to destabilize society and would strengthen the effects of the other violent methods they used.

Terrorist attacks thus became a weapon mainly used by the guerrilla. This escalation was related to more or less identifiable circumstances: to start with, it was part of the national destabilization strategy they used to strengthen their military position. Their terrorist attacks between 1996 and 1998 were employed to consolidate their military successes against the State at a time when the paramilitary groups were beginning to rise. A second period, in 2001 and 2002, was marked by the accelerated growth of such tactics that provided a demonstration of their power, first, to strengthen their position at the political negotiating table and second, to show the State that it would be costly to win the conflict if the peace negotiations broke down. But it also became a way to contain the paramilitary offensive and recover the military initiative from the State.

That trend began to decline in 2003. During that time, such actions were a response to the State´s recovery of the military initiative in the armed conflict as it implemented the Democratic Security Policy during the first administration of president Álvaro Uribe Vélez (2002-2006). That initiative to strengthen the State, added to the breakdown of the peace negotiations between the national government and the FARC (February 2002), motivated the guerrilla´s car bomb attack on the El Nogal Club[164] in Bogotá on February 7, 2003 (36 victims). In a special feature, dated February 2, 2013, to commemorate the tenth anniversary of the El Nogal bombing, the news magazine *Semana* published the accounts of some of the victims:

> Carlos Carrillo was the last member of the Club whom the rescue team got out of the building alive. His name had already been included on a list of fatalities that had been sent to the news media, and thus his daughter Diana didn't believe it when they told her he was still alive. But her 9 year-old younger brother, Juan Sebastián, nicknamed Juancho, died of asphyxiation. Seconds after the bomb went off, Carrillo was in the bar on the fifth floor with Juancho and his other daughter, Paola. The explosion left Carrillo unconscious and broke both his legs. When he came to, he saw that his daughter was hurt and he told her to get out, while he dragged himself to a wall to get away from the fire. Just when he felt he was about to die, they rescued him.

1.4.14. Threats: you cannot live in peace

Threats are a constantly used practice of violence in the Colombian armed conflict which tends to be underestimated when it does no result in a lethal outcome, or minimized when a violent act is not carried

162. See: "*20 años después de la bomba a El Espectador ¡seguimos adelante*!" ("20 years after the bombing of *El Espectador,* we are going forward!"), special interactive feature, *El Espectador* newspaper, downloaded June 9, 2013, http://static.elespectador.com/especiales/2009/09/8e8b0ba3fba6b4e8d26c5a5a27413929/a3.html

163. The Cartel of Medellín, led by Pablo Escobar Gaviria; and the Cartel de Cali, led by Benjamín Herrera Zuleta, Gilberto Rodríguez Orejuela, Miguel Rodríguez Orejuela and José Santacruz Londoño.

164. The Nogal Club (Corporación Club El Nogal) was founded in 1989 by a group of Colombian businessmen. It is a social club and business center located in the business district of Bogotá.



The bomb that the FARC detonated at the Nogal Club in Bogotá caused 36 fatalities and 200 wounded on February 7, 2003. Photograph: Carlos Julio Martínez, El Tiempo Archive ©

out. However, it is important to keep in mind that the reputations for violence make such threats highly credible and gives this type of violence a high potential for social and emotional destabilization. For this reason, it breeds a permanent fear and distrust, erodes the solidarity of a community and paralyzes the daily lives and interactions of the victims.

The armed agents use many different kinds of *modus operandi* to threaten their victims. They have acted in private with the use of anonymous letters or condolence cards, intimidating phone calls, or face-to-face threats as well. Likewise, the threats were also public, openly circulating in the form of pamphlets, flyers, lists and graffiti with intimidating messages.

To carry on their threats, the armed agents used communication devices and strategies to heighten the fear felt by their victims and the affected communities who lived in the midst of a daily violence. The figures of the hooded man and the defector[165] presented the accuser/perpetrator as a familiar person but anonymous. As a consequence, the community was eaten away from within and it cultivated a bewildering level of uncertainty about the relationship one might have had with the person on whom one's life depended in that moment. The logic behind all of these artifices was to morally destroy the victim and deplete his inner resources and capacity to react, even when the outcome was not necessarily lethal.

The "lists" were a written memorandum of the names of alleged enemies or potential victims that the armed agents consulted when they carried out a massacre or mounted a roadblock, or were used to spread rumors that would increase fear among the victims. A victim of such lists from the town of San Carlos describes his experience in the following words:



The population and human rights organizations denounced the constant presence of hooded men among the members of the Colombian Army that carried out operations in the Comuna 13 of Medellín in the year 2002.
Photograph: Jesús Abad Colorado © 2002.

165. In some areas, when the armed agents took over a place they were accompanied by a hooded "deserter", who, forcibly led or not, might have been an inhabitant of the place or operated there before (when he belonged to the opposing armed group). This hooded person helped them to identify the alleged enemies they were seeking.

> "Here is a little list [said the paramilitary leader], I'm going to hand it around, everyone will look at it and if you find your name on it, I'll give you the opportunity to erase it from the list, to save your life. Look, here is the paper and here is the pencil. But do me a favor, don't look above or below, just look to see if you are on it or not. 'I'll look for the name of my friend?´, you may wonder. No! Only your name"… and then we began, and I thought, oh, good, right, we got through it…I was relieved, but I was scared because my pal alongside me was on the list. Imagine what it was like when he took it and saw his name there: he went pale, and then that man, who had this look on his face…said to him, "What's happened to you?" and the other said, "What´s happened is that my name is on the list and I'm not sure if I'm that one," and the old man, all ironic, said to him, "Ah, and you don't know if it's you? Tell me: one day perhaps you did a favor for someone, brought him some groceries, passed him a little message. Try to remember, it´ll be good if you use your memory", and the kid said, "No, it's that I…," and he said "Some little thing you must have done," and in front of each name they had put: carried groceries for the guerrilla, ran errands, passed messages, gave them receipts, in other words, they wrote why. And he said, "Hey, you know what? If you guys had run into a checkpoint when you were going from San Carlos to El Jordán, you´d be at the bottom of a ditch, with your mouth full of flies right now, but I'm going to give you another chance, see, here's this pencil, erase you."

In addition to lists, the armed agents used graffiti and pamphlets as a display of power and to create an environment of fear and paralysis by announcing a violent retaliation.[166] While threats have been used by both the paramilitaries and guerrilla, the most intimidating types have come from the paramilitary groups. An example of their use of this method was the public bulletin they issued in San Carlos (Antioquia) on December 22, 1999, which announced that "for each electricity tower which the guerrilla knocks down, 10 peasant farmers from eastern Antioquia will be killed,"[167] a retaliatory measure in which they clearly made the civilian population responsible for the acts of the guerrilla, whether they were those of the FARC or the ELN.

When the regions were dominated by the guerrilla, the threats there were recurrent to pressure people to pay extortion, to warn them against collaborating with the Colombian Army, or in the case of women, to intimidate those involved with soldiers. It was a pattern also followed by the ELN in areas like Sarare and eastern Antioquia. Additionally, the guerrilla used pamphlets and communiqués to publicly order the candidates in popular elections and civil authorities to withdraw or resign at the risk of being declared military objectives. Between 2000 and 2003, 160 mayors were forced to govern from outside their municipalities due to pressure from the armed agents.[168]

Graffiti were used to instill or intensify fear in communities. These announced the imminent arrival of the armed agent ("we´ve arrived, terror has arrived, the *paracos* are here"), or were a prelude to an episode of violence, or marked out a violated territory of the enemy.[169] The case of Bahía Portete, La Guajira, is an example of this latter use, where by means of drawings on the walls sexual abuse and denigrating treatment, which paramilitaries had inflicted on the leaders of the Wayuu indigenous group, were depicted and publicized.[170]

Such threats strengthened the impact of other types of violence. The following testimony, backed by an established reputation for violence,

166. GMH, *Silenciar la democracia* (To silence democracy); GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare, ATCC)*. (Order disarmed. The resistance of the Association of Peasant-Farmer Workers of the Carare, ATCC). (Bogotá: Taurus/ *Semana*, 2011).

167. GMH, *San Carlos*, 75.

168. GMH, *Bojayá*, 18.

169. GMH, *Segovia y Remedios*; GMH, *El orden desarmado* (Order disarmed).

170. GMH, *Bahía Portete*.

reveals the effectiveness of the threats to hasten forced displacement in San Carlos, Antioquia:

> And then there was this very horrible situation there and because of this, these pamphlets began to be passed around in some rural districts: "We need the district to be completely emptied in such-and-such lapse of time," and then everyone says: Of course, with that mindset they´ll come and do to us what they did there in the town, or what they did to the people in La Holanda. They were heartless, using that high-strung psychology on all of us, so it only took a mention of the paramilitaries and everyone ran away, even worse than if the devil had arrived, it was worse, I think the devil just goes for what he needs.[171]

The weight of threats in the repertoires of paramilitary violence is seen in their widespread use during the time of their partial demobilization and subsequent rearmament (between 2005 and 2011). It was clear that the decrease in the use of certain types of violence was compensated for by new groups with violent reputations. By means of threats, selective assassinations and brutality, the paramilitaries maintained their image of terror in order to stabilize their control during the new phase of the war.



Urban Graffiti painted by an illegal armed group in La Gaitania, Tolima. Photograph: Álvaro Cardona. 2014.

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Colombia has lived through more than half a century of continuous violence, although its intensity has varied. The agents involved in the war have changed in the long course of the conflict, and they have accordingly changed their strategies and methods, factors that, taken as a whole, have directly influenced the degrees and methods of victimization.

The war in Colombia is not a war of combatants. Its methods and dynamics have been bringing about what might be called an externalization of their impacts, in the sense that the conflict increasingly affects civilians. Nor is it a clean war, or at least, a regulated one. The prolongation and degradation of the violence used by the armed agents surpass the ethical and normative limits of warfare, and reveal one of the characteristic aspects of the Colombian conflict: the tendency for

171. GMH, *San Carlos*, 121.



Photograph: Jesús Abad Colorado © 2002.

its methods and targets to be indiscriminate. In this regard, one only has to think of the use of anti-personnel mines and the consequences of terrorist attacks.

Similarly, violence in Colombia has affected sectors of the population who are not traditionally involved in armed conflicts, such as children, women and the elderly, who in Colombia are recruited, raped or abducted.

Another factor at stake is the degradation of the war, which has to do with the need to build warlike reputations in the midst of a prolonged conflict. Displays of terror and brutality are strategically used to neutralize the support for adversaries, paralyze social movements and silence witnesses. Above all, acts of collective violence, like massacres, as well as cruel practices like abuse and forced disappearance, point to a calculated prolongation of suffering which affects not just individuals but the whole community as well.

This is the war that many Colombians have not seen but that is experienced daily in the marginal settings of rural areas. The country has seen an accelerated trend of urbanization, but its inhabitants could not, or perhaps chose to see only the closest and the more striking. In this sense, the violence in Colombia has had an enormous local and regional impact, but very little impact on a national level. Surely, this explains the generalized feeling that people have become accustomed to the conflict and is the reason why there have been limited civilian efforts to end the war.

These multiple faces of the violence highlight the enormous challenges faced by the memory initiatives of the victims and the continuous work of human rights organizations. To better understand this web of methods of violence and the overwhelming scales it has reached, it is necessary to trace its origins, its contexts and its transformations.



Circa 80 persons died when the ELN detonated an explosive charge in the Central Pipeline of Colombia (Oleoducto Central de Colombia) in the vicinity of the village of Machuca. The blast of the explosion not only ended the life of the villagers but also the life of the place. Photograph: Jesús Abad Colorado © Segovia, October 18, 1998.



The people of Peque, Antioquia, have suffered the impacts of a war that has gone through constant changes. Photograph: Jesús Abad Colorado © 2001.

CHAPTER II

The origins, dynamics and growth of the armed conflict

The conflict in Colombia has been heterogeneous both over time and in the extent of the affected territory. The agents, their victims, and their violent repertoires have also been diverse. To overcome this process, we must inquire into the contexts in which the conflict arose, and the reasons why it has changed over time and lasted so long. These factors make Colombia the country with the longest unresolved conflict in the world.[1]

This chapter presents a synthesis of the evolution of the armed conflict. Its continuities and changes are related to an endless number of factors. Among them we find a persistent agrarian problem; the irruption and spread of drug-trafficking; the limitations on and possibilities for political participation; international influences and pressures; and the institutional and territorial fragmentation of the State. Finally, the partial and ambiguous results of peace negotiations and democratic reforms have also affected the changes and transformations in the conflict.

Acknowledging the changing nature of the armed conflict and its protagonists and contexts, the GMH has identified four main periods in its evolution. The first period (1958-1982) marked a transition from bipartisan violence to subversive violence, when a proliferation of guerrilla groups emerged that contrasted with a rise in social mobilization and the marginal situation of the armed conflict. The second period (1982-1996) was characterized by the political impact, territorial expansion and military growth of the guerrilla groups, the emergence of the paramilitary groups, the crisis and partial collapse of the State, the irruption and spread of drug-trafficking, the rise and fall of the Cold War along with the placing of drug-trafficking on the global agenda, the new Colombian Constitution of 1991, and peace negotiations and democratic reforms with partial and ambiguous results. The third period (1996-2005) marked the threshold of the armed conflict's intensification. It was characterized by the simultaneous expansion of the guerrilla and paramilitary groups, the crisis and recovery of the State in the midst of the armed conflict, and the political radicalization of public opinion, which tended towards a military solution to the armed conflict. The war against drug-trafficking and its interweaving with the war against terrorism renewed international pressures which in turn fed the armed conflict. Additionally, drug-trafficking expanded and reorganized itself. The fourth period (2005-2012) was a time of readjustment in the armed conflict. The State´s military offensive reached its maximum degree of effectiveness in counterinsurgency operations, which weakened but did not defeat the guerrilla groups, who even readjusted to it in military terms. At the same time, negotiations with the paramilitary groups failed and led to their rearmament and provoked violent internal rearrangements among highly fragmented organizations which are volatile and ever-changing, permeated by drug-trafficking, increasingly pragmatic about their criminal activities and more and more defiant of the State.

1. See: Vicenç Fisas and Escola de Cultura de Pau, *Anuario de procesos de paz 2012* (Yearbook of peace processes, 2012). Barcelona: Icaria, 2012. Downloaded June 22, 2013, http://escolapau.uab.cat/img/programas/procesos/12anuarie.pdf

2.1. Bipartisan violence becomes subversive violence (1958-1982)

Although the origin of the contemporary armed conflict in Colombia is interwoven with what is known as bipartisan violence and the National Front, it is also related to inequalities arising from the latter. The failed attempts to reform land tenure, on the one hand, and the limited influence of the dissident agents who questioned the bipartisan agreement are, perhaps, the most notable political phenomena of that period.

2.1.1. The legacy of the old violence: brutality, exclusion and internal enemies

During the nineteenth century and a good part of the twentieth century, the traditional political parties used violence to resolve disputes over power, and in particular to secure the dominion of the State, to the point where it can be considered a historical constant for several decades. In fact, political aggressiveness and violent acts between the traditional parties, the Liberals and Conservatives, reached its most critical level in the period known as The Violence (*La Violencia*) which lasted from 1946 to 1958. Although that Liberal vs. Conservative violence was promoted by the leadership of both parties, political confrontation was especially stirred up by the sectarianism of the Conservative leader Laureano Gómez, president of Colombia from 1950 to 1953. From then on, political conflict became an open, armed confrontation.

The fact that members of the State´s bureaucratic apparatus, justice system, and armed forces were affiliated with one or another of the two traditional parties – even though the Constitution ordered the military to remain apolitical – was one of the causes of the high levels of violence. Added to that was the Catholic Church's intervention on behalf of the Conservative party, a circumstance which provided the anti-Liberal and anti-communist stance with a moral and religious justification.[2]

The Violence expressed itself in, among other ways, the wave of repression against agrarian, workers and popular urban movements which were grouped around their support for the ideals of the Liberal party leader Jorge Eliécer Gaitán and reached their maximum level of political radicalization after his assassination on April 9, 1948, an event known as *El Bogotazo* that sparked popular protests. A distinctive characteristic of the 1950s was the violence that was unleashed on members of both political groupings in the form of attacks on militants of the opposing party or their areas of influence. Armed groups with different levels of organization were formed within the two political parties themselves: on the one side, the paramilitary force known as the "*Chulavita* police" and *Los Pájaros* (gangs of hired assassins) were at the service of the Conservative government; on the other, there were the Liberal guerrillas and communist self-defense groups.

The bipartisan political confrontation intensified and degraded to the point that the armed groups committed massacres, brutal violent acts and sexual crimes; plundered property and committed other violent deeds to "punish" the adversary. Macabre rituals[3] such as quartering men alive, displaying severed heads and scattering body parts along rural roads are still in the memory of Colombians and left their distinctive seal on that period that, as was already mentioned, is often referred to by the generic term of "The Violence," which would seem to show how such phenomena were seen as an habitual part of the political history of the nation.[4]

2. See: Daniel Pécaut, *Violencia y política en Colombia. Elementos de reflexión* (Violence and politics in Colombia. Elements of Reflection). Medellín: Hombre Nuevo/Universidad del Valle, 2003; and Chistopher Abel, *Política, iglesia y partidos en Colombia* (Politics, the church and parties in Colombia). Bogotá: FAES/Universidad Nacional de Colombia, 1987.

3. See: María Victoria Uribe, *Antropología de la inhumanidad: un ensayo interpretativo sobre el terror en Colombia* (The anthropology of inhumanity: an interpretative essay on terror in Colombia). Bogotá: Norma, 2004.

4. See: Paul Oquist, *Violencia, conflicto y política en Colombia* (Violence, conflict and politics in Colombia). Bogotá: Instituto de Estudios Colombianos, 1978; and Fernando Gaitán, "*Una indagación sobre las causas de la violencia en Colombia*" (An inquiry into the causes of violence in Colombia), in: *Dos ensayos especulativos sobre la violencia en Colombia* (Two speculative essays about the violence in Colombia) Malcolm Deas and Fernando Gaitán, 89-415. Bogotá: FONADE, Departamento Nacional de Planeación, 1995.



The bodies of fifteen men and women from the countryside who supported the Liberals were placed in a line as trophies of war and photographed by the well-known photographer Luis Gaitán, as a testimony to the cruelties of State violence. Photograph: Luis Gaitán.

One of the documents that best illustrates the strategies of bipartisan violence is the report from the Secretariat of Agriculture of Tolima, in 1959.[5] This report was the first to quantify the victims and material losses and describe the ways that land was violently seized between 1949 and 1957. The similarities to the recent violence show the persistence of violent practices whose aims have not only been political but economic as well.

Based on a survey of a statistical sample of 400 affected persons, the authors of that report estimated the costs "in human capital" of The Violence. Firstly, they estimated "16,219 deaths between 1949 and 1957, without including deaths from [the actions of] the regular forces of the Army or collective massacres, the bodies of whose victims were generally abandoned to the predation of animals, or thrown into rivers and over cliffs, nor the casualties suffered by the armed forces". Secondly, they calculated that 321,621 people (that is, 42.6% of the population of Tolima) suffered "exile[6] of a permanent or transitory nature." Thirdly, they found that "40,176 properties, 42.82% of the total amount, belonging to 32,400 owners […] had been temporarily or permanently abandoned." Between 1955 and 1956, 46% of these lands were abandoned. The researchers further noted that the strategy used in the violent acts was the same whether they had political or economic aims:

> Acts of terror against persons and their property inexorably lead to their collective exodus. Having achieved this result, the next step is to maintain low levels of terror in order to dissuade the victims who have a presumed or real intention to return to their abandoned property […]. There is no other way to explain the sustained and apparently illogical insistence on destroying houses and facilities.

The authors of the report calculated that during this period 34,304 houses were burned down, and they observed that "houses and installations were destroyed not only by civilians, but also by the regular forces in the repressive campaigns and operations called *scorched-earth* that were carried out in various areas."[7]

The report also noted that the estimate of material losses did not include what is referred to as "the loss of earning […] which the exiled small farmers suffered, represented by current revenues from land […] plus the value of harvests from permanent crops like coffee." Researchers from the Secretariat of Agriculture of Tolima established that the most economically affected were rural landowners (33.8%), day laborers (28.17%) and those devoted to domestic activities (15.49%);

5. Secretaría de Agricultura de la Gobernación del Tolima, *La Violencia en el Tolima* (The Violence in Tolima). Ibagué: Gobernación del Tolima, 1959.

6. This term was the equivalent in that period of what is called "forced displacement" today.

7. Secretaría de Agricultura de la Gobernación del Tolima, *La Violencia en el Tolima* (The Violence in Tolima), 7-10.



The Peasant-farmer Christ, an emblematic photo of the violence between the liberals and conservatives in the period between 1946 and 1953. Unknown photographer. Guzmán collection.

the remaining percentage corresponded to owners of urban property, retailers and livestock owners.[8]

There are different estimates of the scale of homicides and losses of land which resulted from the bipartisan violence, among them those of the analyst Paul Oquist. According to Oquist, between 1948 and 1966, 193,017 persons were killed due to partisan violence in Colombia. This mostly occurred between 1948 and 1953, the time when the violence was most intense, according to experts on the subject. The departments most affected by homicides were Antiguo Caldas[9] (24.6%), Tolima (17.2%), Antioquia (14.5%), Norte de Santander (11.6%), Santander (10.7%) and Valle del Cauca (7.3%).[10] With regard to the abandonment or violent appropriation of properties, Oquist calculated that landowners lost 393,648 plots of land, and the most affected departments were Valle del Cauca, Tolima, Cundinamarca, Norte de Santander and Antiguo Caldas.[11]

When the degraded violence and sectarianism of the Conservative administration of Laureano Gómez reached a point of chaos, the more moderate sectors of the elites of both parties opted for a political transition that would put an end to the violence and led in 1953 to the "coup of opinion" which enabled General Gustavo Rojas Pinilla to assume the presidency (1953-1957). Given a mandate to bring peace to the country and end the bipartisan violence, the military government of Rojas Pinillas offered an amnesty to the Liberal guerrillas and peasant farmer self-defense groups; the first group accepted while the second group rejected it, with the exception of the peasant farmer self-defense groups in the Sumapaz and eastern Tolima regions, who were then aligned with the Communist Party. Fueled by its anti-communist stance, the response of the military regime was to carry out military operations against the nuclei of the peasant farmer self-defense groups, which precipitated their transformation into a revolutionary guerrilla forces.[12] It is clear that general Gustavo Rojas Pinilla's military offensive against the communist self-defense groups of the Sumapaz and the east of Tolima in 1955 gave the radicalized *guerrilleros* in the south of that department a strong argument to refuse to surrender their weapons and continue with the armed struggle.

This military offensive did not wane under the National Front agreement (1958-1974).[13] While it is true that the bipartisan agreement was a political strategy to calm sectarian animosities and ease the competition between the Liberal and Conservative parties under a scheme whereby they took turns in office and had an equal share in appointing their respective followers to bureaucratic posts, it is worth stressing that the military component of this governmental scheme was very important. Backed by the government agencies of the United States, this political coalition (which lasted eighteen years) implemented strategic practices to contain communism that combined the military repression of insurgent groups with social reform.[14] The anti-communist rationale – the idea of containing the external enemy which had arisen in the ambit of the Cold War – governed the concept of security[15] that served as the foundation for the strategy of the Security Forces and it was strengthened by the exclusion of any political force apart from the traditional parties, the same principle on which the National Front had been built.

8. Secretaría de Agricultura de la Gobernación del Tolima, *La Violencia en el Tolima* (The Violence in Tolima), 10-15.
9. The region known as "Ancient" or "Old" Caldas (Antiguo or Viejo Caldas) was made up of the current Colombian Departments of Caldas, Risaralda and Quindío on the central cordillera of the Andes.
10. Paul Oquist, *Violencia, conflicto y política en Colombia* (Violence, conflict and politics in Colombia), chart VI-1, 322.
11. Paul Oquist, Violencia, conflicto y política en Colombia (Violence, conflict and politics in Colombia), chart VI-4, 323.
12. See, among other studies: Eduardo Pizarro Leongómez, *Las FARC (1949-1966). De la autodefensa a la combinación de todas las formas de lucha* (The FARC (1949-1966): From self-defense to the combination of all the forms of struggle). Bogotá: Tercer Mundo, 1991; Carlos Medina Gallego, *Ejército de Liberación Nacional, "Notas para una historia de las ideas políticas en Colombia"*, (The National Liberation Army, "Notes for a history of political ideas in Colombia", in *Para reconstruir los sueños* (To reconstruct dreams, a history of the EPL), Álvaro Villarraga and Nelson Plazas (Bogotá: Fundación Cultura Democrática, 1994); and Daniel Pécaut, *Violencia y política en Colombia* (Violence and politics in Colombia).
13. A political agreement between the traditional parties, signed by Alberto Lleras Camargo and Laureano Gómez.
14. The Treaty of Reciprocal Assistance, which set the framework for the programs of bilateral military aid, between 1952 and 1958, and the Alliance for Progress (a U.S. program of economic, political and social aid for Latin America) between 1961-1970.
15. Under the Treaty of Reciprocal Assistance.



The Fonseca guerrilla during the 1953 amnesty. Unknown photographer. Guzmán collection.

2.1.2. From peasant-farmer self-defense groups to revolutionary guerrillas

At the start of the National Front, the remnants of the conflict were regarded as a prolongation of the problems of the bipartisan struggle. The reemergence of violence and peasant farmer organizations led by communists were seen, on the other hand, as part of an international communist conspiracy, which was assumed to have been inspired by the victorious revolutions in China and Cuba. In turn, the left regarded the military efforts to recover territory and eradicate the criminal practices that all of the subversive groups were using to finance themselves as a national and international right-wing conspiracy against the communist forces. Those two conspiratorial views of the situation were a classical feature of the context of the international Cold War, which in those years was marked by the successful revolutions in China and Cuba, the resulting response in the form of the Alliance for Progress[16] and the Sino-Soviet split in international communism, which set the stage for the emergence of new armed groups. This national context also gave rise to two interpretations of the political situation: those who considered The Violence to be the result of common delinquency and the pathology of our popular classes, and those who interpreted it as the social consequence of an unresolved agrarian problem and the unequal political and economic linkage of the regions to the nation.

In this national context the transformation of the former communist self-defense groups into the Revolutionary Armed Forces of Colombia – FARC – were associated with the fighting between communist and liberal guerrilla groups, the elimination of the conservative and liberal irregulars and bipartisan regime´s efforts to enthrone itself with the local and regional powers – some of whom were clearly linked with their respective guerrilla wings. According to the FARC´s official version, their rise had to do with the Colombian Army´s attacks on what were known as the "independent republics" (1964 and 1966). According to another version, the communist groups´ return to the armed struggle started with the murder of one of its main leaders, Jacobo Prías Alape, alias *Charro Negro*, by the Liberal guerrillas. In yet another, the start was a reaction of these groups to the recovery of the territory by the Colombian Army, a military offensive which also struck hard at the Liberal guerrilla groups and the conservative bands.[17]

The situation in this period, when the armed groups were mutating and the guerrilla groups entered into an open war against the bipartisan regime, arose from a combination of many factors: aftershocks of the violence of the 1950s; the Colombian Army´s military attempts to recover the territory; the National Front´s limited capacity to include organized groups at the margin of the bi-party agreement; and the difficulty of disrupting the relations that the local party bosses and powers still maintained with the armed groups close to their parties. In this context, the organized groups at the margin of the parties and some of the dissident factions tended to perceive the National Front as a discriminatory political regime. For many, that regime´s apparent closing off legal opportunities to participate in politics became a sufficient justification to choose the armed struggle.

The growing fragmentation of the political parties into relatively autonomous factions, which was aggravated by the bipartisan violence and further strengthened by the National Front´s focus on competition within the parties, were evident signs that Colombia was a conglomerate of regional and local federations.[18] It is worth noting that some of these powers had encouraged and supported the guerrilla wings of their respective parties. All of this made it difficult for the earliest governments of the National Front to secure peace. The local character of the bipartisan violence had created a certain distance between the national leaders

16. In the context of the Cold War, the Alliance for Progress was a foreign aid program of the administration of John F. Kennedy, which sought to promote development and reforms in Latin America. It thus redefined the relations between the United States and the region in response to the impact of the Cuban Revolution.

17. See: Álvaro Delgado, *Todo tiempo pasado fue peor* (All past times were worse). Bogotá: La Carreta, 2007.

18. See: Fernán González, *Para leer la política. Ensayos de historia política de Colombia* (Interpreting politics. Essays on the political history of Colombia). Bogotá: CINEP, 1997.



Period of the Violence. Private archive.

and directorates of the parties, on the one hand, and, on the other, the regional and local party bosses and the chiefs of the bands and guerrilla groups.[19] The bi-party pact between the upper echelons of the parties was not able to overcome the rivalries between regions, towns and rural districts, nor the local party bosses´ relations with the guerrilla groups of their respective parties.

Addressing congress in July 1959, President Alberto Lleras Camargo insisted on the need to prepare for an intense peace-keeping campaign, because The Violence was not going to suddenly disappear. He recognized, from the start, that while a large part of the Colombian population had been involved in The Violence, it had stemmed from more profound causes. Therefore, "a repression without a reasonable discrimination, or the opportunity to restore civic responsibility, will only deepen the evil and extend it," he said. But he also warned that "a total, unconditional and blind amnesty" was not viable. The emphasis on a repressive solution by some governors and trade body leaders, like those of the Coffee Growers Federation (*Federación de Cafeteros*) and the Farmers´ Society of Colombia (*Sociedad de Agricultores de Colombia*), was strengthened when the legal deadline for the amnesty was reached on July 26, 1959.

The National Front's peacemaking strategy fruitlessly tried to complement its repressive component with programs for the social and economic rehabilitation of areas affected by the bipartisan violence. This attempt failed for various reasons, among them the lack of consensus on assessing and characterizing the acts of violence (which were criminal for some and a response to socio-political problems for others); the difficulties a weak State faced in responding to the expectations of the victims; the criticisms which arose from the implementation of rehabilitation plans in regions still affected by the violence – seen by some as an explicit support for the armed groups –, and finally, the interest which local and regional authorities had in responding to the demand to maintain public order. In the midst of these difficulties, new outbreaks of violence undermined the rehabilitation plans and forced the State to return to repressive policies, as happened in Tolima and Huila.

2.1.2.1. The State fights to recover the monopoly of power in the regions

Faced with the proliferation of armed groups of different political orientations, the president at that time, Alberto Lleras Camargo, requested the advice of the United States government in 1959. The administration of President Dwight D. Eisenhower sent a special investigative group from the Central Intelligence Agency, CIA. This group, which arrived in Colombia in October 1959, presented a preliminary report on January 27, 1960 in which it offered an analysis of the violence at the time, its agents, and even the solutions, and it had a notable impact on the way the conflict was dealt with on both a military and social level.

With regard to the nature of the violence in Colombia, the report described it as having predominantly criminal characteristics, but with

19. See: Gonzalo Sánchez and Donny Meertens, *Bandoleros, gamonales y campesinos. El caso de La Violencia en Colombia* (Bandits, local party bosses and peasant-farmers. The case of the Violence in Colombia). Bogotá: El Áncora, 1983.

an important potential to turn into a subversive violence. The report specified that the communist forces were not a threat in the short term, but warned that they had the potential to exploit the already existing tensions through the self-defense groups. As for the role of the armed forces, the report pointed out their inability to handle the situation, which, it said, showed the people´s lack of confidence in them, since they were perceived as a politicized institution, especially the Police. The report also stressed the distrust and hatred that communities felt for the governmental apparatus and its judicial institutions, due to their failure to protect them during the period of The Violence.[20]

On the basis of that diagnostic, the report suggested a dual strategy. In the first place, reducing banditry violence (*violencia bandolera*) by means of a mobile counter-insurgency force. That goal could be achieved in one year, since such criminal groups lacked ideologies and the capacity for strategic planning. In second place, implementing social, political and economic reforms to deal with the risks of a subversive violence. Internal stability would only be achieved by combining military actions and enforcement of the law with efforts to eradicate social, political and economic injustice. To achieve that goal, the cardinal principal was "the development of a truly democratic government" that would deal with the country´s grave social problems. Following the same line of thought, the anti-subversive policy of the United States, which was spread through the continent during the administration of John F. Kennedy (1961-1963), focused on the encouragement of internal development and democratic reforms to do away with the structural causes of violence. Kennedy's reformist strategy materialized in Latin America with the Alliance for Progress in 1961, and competed, in the context of the Cold War, with the stance on supporting wars of liberation in underdeveloped countries that had been set forth by the Soviet leader Nikita Khrushchev in January 1961.

President Lleras Camargo accepted many of the recommendations made by the mission of the United States government, which insisted on the need to propel national development and rehabilitation programs, especially in rural areas. Starting in April 1960, Lleras Camargo proposed an agrarian reform project, civic action programs, such as the construction of roads, provision of health services and building of schools in rural areas. But these governmental programs turned out to be severely limited in some regions, precisely the ones that were most affected by the last stages of The Violence, where the local and regional networks of the Conservative and Liberal Parties faced numerous difficulties when they tried to extend them to areas whose social and political arrangements were beyond the reach of such structures.

Then, as now, the agrarian crisis was evident in the extreme inequality of land distribution and the acute poverty in rural areas. In that context, the National Rehabilitation Plan and the Agrarian Reform Law, formulated by the administration of Lleras Camargo and especially championed by that of Carlos Lleras Restrepo (1966-1970), were conceived as strategies to drive industrial development, modernize the rural sector, improve living conditions for the rural population and strengthen democracy. In addition to those aims, these policies also sought to "stop revolutions from breaking out in Latin American countries."

It is clear that the fighting in some areas of the country during The Violence was connected to a "landowners´reprisal," a type of revenge for the peasant farmer struggles of the 1920s and 1930s.[21] The attacks of the large landowners had, among other effects, the forced seizure of lands that the analyst Paul Oquist estimates at 2 million hectares, equivalent to

20. See: Dennis Rempe, *United States National Security and Low Intensity Conflict in Colombia, 1947-1965* (Alberta: Universidad de Calgary, 1994); and Dennis Rempe, *The Past as Prologue? A History of U.S. Counterinsurgency Policy in Colombia, 1958-66* (Carlisle: Strategic Studies Institute, 2002).

21. The protests of leaders and organizations like the Partido Socialista Revolucionario (Socialist Revolutionary Party), Erasmo Valencia´s Partido Agrario Nacional (National Agrarian Party) and Jorge Eliécer Gaitán´s, Unión Nacional de Izquierda Revolucionaria (National Union of the Revolutionary Left - UNIR), along with the agrarian conflicts in Viotá (Cundinamarca), Chaparral (Tolima) and Sumapaz (Cundinamarca), among others, led to the "revenge of the big landowners". See: Medófilo Medina, "*La resistencia campesina en el sur de Tolima*" ("Peasant-farmer resistance in southern Tolima"), in: *Pasado y presente de la violencia en Colombia* (Past and present of the violence in Colombia), compiled by Gonzalo Sánchez and Ricardo Peñaranda (Bogotá: Cerec, 1986), 233-267.

11% of the agrarian frontier at that time.[22] In turn, the agrarian battles associated with the continuing conflict about land were directly linked to the birth of the Liberal Gaitanista-type guerrilla groups, along with communist self-defense groups and especially, the political platform that originated the FARC's agrarian program.[23] In that social and political scenario, the priority became the destruction of bandit and guerrilla groups, while the goals related to social and economic reform – including the restructuring of land ownership and modernization of the agricultural sector – were postponed. The limited reach of social and economic reforms, and a scenario where the National Front focused on military repression and a restricted participation in politics, all served as a hotbed for the resort to arms and the radicalization of some political sectors of the left.



EL ESPECTADOR
DIARIO DE LA MAÑANA

El Ejército Ocupó a Marquetalia

Cayó Ayer el Centro de "Tirofijo"

Los Bandoleros Están Cercados por las FF. AA.

Fuerza Aérea y Tropas Dieron Golpe Conjunto

La Acción Conjunta de Ayer en Marquetalia.

La Zona Ocupada

Cargos al Gobierno por Compra de Colombiana de Electricidad

Llevas Restrepo Regresaría Pasado Mañana a Colombia

Acuerdo en Ginebra

Habrá Cooperación entre Paises Pobres y Ricos

Tragedia en la Vuelta a Colombia

Pereció un Alimentador

En Plena Carrera Murió Trágicamente Herrera Buitrago

Un Muerto en Bucaramanga en Atentados Terroristas

En Páginas Interiores:

16 Heridos en un Accidente en Santander

Santiago Rengifo S. Sería Coordinador Mundial de Salud

El Líder Entra a su Tierra

Invasión de las Aguas en Cali

Resultados del "5 y 6" y Totogol

Article in the newspaper *El Espectador*, June 15, 1965.

22. United Nations Development Programme, Colombia, "*Colombia rural: razones para la esperanza*", ("Rural Colombia: reasons for hope"), in National Report on Human Development, INDH-PNUD, 271 (Bogotá: PNUD, 2011).

23. The FARC´s Agrarian Program of July 20, 1962 stated that "We want to counter the false agrarian reform of the bourgeoisie with an effective revolutionary agrarian reform which goes to the roots of the socio-economic structure of the Colombian countryside, transferring the land to the peasant-farmers who work or want to work it in an entirely free way, based on the confiscation of the property of big landowners to benefit all of the nation of workers […]. The colonizers, occupiers, lessees, share-croppers, tenant farmers, estate administrators, etc. of the lands of the large landowners, or the nation, shall receive the title deeds to the property of the lands they exploit… The indigenous communities shall be protected, transferring lands to them that are sufficient for their development, restoring those that the large landowners have usurped and modernizing their systems of agriculture. The indigenous communities shall enjoy all the benefits of the revolutionary agrarian movement. At the same time, the autonomous organization of the communities shall be strengthened, respecting their governing councils, internal ways of life, culture, own languages and their forms of organization". Jacobo Arenas, *Cese al fuego. Una historia política de las FARC* (Ceasefire. A political history of the FARC). Bogotá: La Oveja Negra, 1985, 86-88.

2.1.2.2. The war against the independent republics and the transition to the FARC

Political pressure and a wave of guerrilla attacks in 1962 and 1963 led President Guillermo León Valencia (1962-1966) to attack communist enclaves.[24] In fact, military repression was preceded by a campaign, led by Senator Álvaro Gómez Hurtado, which condemned the *independent republics*, and echoed the concept of "internal security" associated with the Cold War.[25] Gómez used "*independent republics*" as a generic name for the rural areas where the peasant farmer population who had taken up arms were beyond the control of the State. The senator criticized the attempts, by some politicians, to justify the independent republics as a "typically political" occurrence linked to the fight of the Liberal *guerrilleros* against "the acts of force of the conservative administrations," in the name of "freedom and the principles of liberalism."

Similarly, military repression was seen in the National Front's political and military efforts to fight against the armed bands, both conservative and liberal, and in the design and implementation of the Lazo Plan in 1964, which granted autonomy to the armed forces in the handling of public order. This autonomy was conceded by the national elites to defuse the politicization of the military along party lines and emphasize their role as guarantors of the bipartisan regimen. This military plan, in line with the anti-subversive policy of the United States (LASO, Latin American Security Operation), had, as one of its objectives, the elimination of the so-called *independent republics*, "created by leftist insurgents and some bandit elements."[26] This strategy was designed to employ civic-military actions and structural reforms to counter the impact of violence and its transformations in the context of the Cold War. In that respect, military action formed part of an integral intervention, oriented towards deploying the capacity of the State to provide services which would meet the needs of the regions affected by the violence and the strategy was thus based on a social logic as well the logic behind the fight against communism.

For Alberto Ruiz Novoa, the then Minister of War and one of the creators of the Lazo Plan, the violence which persisted in the face of its implementation was due to the influence of social and political factors which might be exploited by the *bandoleros* "to organize and foment a revolutionary war."[27] Along the same lines, General Ruiz Novoa, in an interview by Yáder Giraldo published in the *El Espectador* newspaper on May 10, 1964, insisted on the urgent need to reform the socio-economic structures and encourage the Army to assume a new attitude towards the peasant farmers: they shouldn't be considered as accomplices of the bandits, he said, but should help them to solve the problems of underdevelopment through the use of civic-military actions.

The attack on Marquetalia[28] took place in this context (May 1964), which the FARC interpreted as State aggression against the peasant farmers and precipitated their shift towards defining themselves as a guerrilla organization.[29] By contrast, however, some of the generals who participated in the operation stated that the attack on Marquetalia happened after this group went on the offensive and reactivated their guerrilla fighting, which had already started in 1963. From this perspective, the attack on a bus traveling between Ataco and Coyaima in Tolima, and the ambush of the Army between Planadas and Gaitania, among other actions, might have led the military high command to conclude that these were not isolated acts but a coordinated offensive which would require an immediate counteroffensive.[30]

24. See: Eduardo Pizarro Leongómez, *Una democracia asediada. Balance y perspectivas del conflicto armado en Colombia* (A democracy under siege. Balance sheet and prospects for the armed conflict in Colombia). Bogotá: Norma, 2004.
25. See: *El Siglo* newspaper, March 2, 1962.
26. Rempe, *The Past as Prologue?*
27. Gilhodés, "*El Ejército colombiano analiza la Violencia*" ("The Colombian Army analyzes the Violence"), 312-318.
28. Referring to the military operations to attack the territory where the rebellious peasant-farmers were clustered.
29. Pizarro Leongómez, *Una democracia asediada* (A democracy under siege).
30. Álvaro Valencia Tovar, *Mis adversarios guerrilleros* (My adversaries of the guerrilla), Bogotá: Planeta, 2009.



The priest Camilo Torres at a demonstration against the National Front government. Photograph: *El Espectador*, 1965.

Nor is there agreement about the significance of that attack: for some, the decision to attack Marquetalia was a "historic mistake" founded on the continental consensus on the need to "crush from the very start" the insurgent threats that began to proliferate after the Cuban Revolution,[31] an error which transformed the self-defense movement into a guerrilla movement. Along another interpretive line, far from having been a defeat for the Colombian State, the Marquetalia operation signified the resurgence of the group of Pedro Antonio Marín, alias *Manuel Marulanda* or *Sureshot* (*Tirofijo)*, in the classic style of a war of mobile guerrillas. Others claim that the problem was rooted in the fact that the Army acted alone, without the promised support it would have needed to completely recover the area. Therefore, the main consequence of the Marquetalia operation was, as General Bonnet stated, to change "a very localized movement without political weight into a phenomenon of great national and even international importance."[32] Thus, the guerrilla expanded itself by taking advantage of the State´s weak political action.

The following military counter-offensives in Riochiquito, Cauca, in 1964, and El Pato, Caquetá, in 1965, resulted in the forced displacement of many inhabitants of Neiva and its neighboring towns towards the regions of Caquetá and Meta and even towards Cali and Bogotá. The guerrilla responded to the military takeover of El Pato with attacks on towns, villages and rural districts near Neiva and Baraya, at the same time causing the displacement of part of their population towards San Vicente del Caguán,[33] Guacamayas and Algeciras.[34]

31. See: Pizarro Leongómez, *Las FARC (1949-1966)*, 188-189; and Pizarro Leongómez, *Una democracia asediada* (A democracy under siege), 168.
32. Manuel Bonnet Locarno, "*Operación Marquetalia. Surgen las FARC*" ("Operation Marquetalia. The Rise of the FARC"), in *Hablan los generales. Las grandes batallas del conflicto colombiano contadas por sus protagonistas* (The Generals Speak. The major battles of the Colombian conflict narrated by their protagonists), compiled by Glenda Martínez (Bogotá: Norma, 2006).
33. José Jairo González, "*La Violencia en el Huila, 1946-1966*", ("The Violence in Huila, 1946-1966"), in *Historia general del Huila* (General History of Huila), vol. 2, ed. Bernardo Tovar Zambrano (Neiva: Academia Huilense de Historia, 1996).
34. José Jairo González, "*El Pato: una resistencia en la historia y el espacio*" ("El Pato: a struggle in history and space". *Revista Esfera* magazine, 2011): 111-140.

After the offensive against Marquetalia, the First Conference of the Southern Bloc (*Conferencia del Bloque Sur*) of the FARC, in Riochiquito, Cauca, in 1965, unified the detachments in Riochiquito, Natagaima, El Pato, Guayabero and Marquetalia, bringing together about 100 combatants. Two years later, the Second Guerrilla Conference adopted the name FARC, which indicated that it was already more oriented towards an offensive strategy: there were 300 men divided into six fronts. However, according to the researcher Eduardo Pizarro, at that time the Communist Party considered the FARC to be a "simple strategic reserve" in case of a military coup which would close off any possibility of legal political activities.[35] Therefore, during those years, this guerrilla group grew very slowly, with little geographic expansion, few financial resources, and precarious armament. By around 1978, it barely counted on a thousand men. According to José Jairo González, the counterpart of the group's military consolidation was an abandonment of their agrarian tradition and the construction of a true regional social movement.[36]

2.1.2.3. Old and new conflicts in a changing world: the rise of the ELN and the EPL

At almost the same time that the FARC was founded in 1965, the National Liberation Army (*Ejército de Liberación Nacional* – ELN) and the Popular Liberation Army (*Ejército Popular de Liberación* – *EPL*) were also founded, in 1962 and 1967, respectively. These groups originated with encounters between young people in Colombian cities who had been influenced and radicalized by the ideas of the Cuban and Chinese revolutions and the heirs of the old Gaitanista guerrillas from the Magdalena Medio, Alto Sinú and the San Jorge River valley (mostly peasant farmers), some of whom were opposed to the National Front's restrictions on political participation. This radicalized urban youth had felt the influence of the revolutionary fervor that the Cuban Revolution

35. See: Pizarro Leongómez, *Una democracia asediada* (A democracy under siege).
36. José Jairo González. "*La Violencia en el Huila, 1946-1966* " (The Violence in Huila, 1946-1966).

had aroused, and the active political role which people of their age had assumed on an international level. It was the period when the "new [socialist] man" was being exalted as a paradigm of social change, exemplified by emblematic figures like Ernesto "Che" Guevara in Latin America and later, the priest Camilo Torres on a national level. This new context had among other milestones the May 1968 revolution in France and the anti-war movements in the United States.

In Colombia, a notable leading role was played by "*el cura*" (the priest) Camilo Torres in the urban social movements grouped around the "People´s United Front" (Frente Unido del Pueblo) during the earliest National Front governments. Support for his ideas not only brought together radical students and trade union members but marginal sectors of the urban population as well. In addition, during the papacies of Pope John XXIII and Pope Paul VI, there was an international change in the pastoral work of the Catholic Church and a shift towards a social doctrine which focused on the plight of the poor. This was the germ of the liberation theology which had a strong impact throughout Latin America in the second half of the 1960s and the beginning of the 1970s, and it would have a direct impact on the ELN, with the growing influence of *guerrillero* priests like Domingo Laín and Manuel Pérez. In view of the former conflicts and heritage of bipartisan violence, the ELN also made use of the fervor of the union struggles in Barrancabermeja and the colonization of the agrarian frontier along the courses of the rivers Lebrija, Ermitaño and Catatumbo by peasant farmers who had been displaced by The Violence or attracted by the economic possibilities of an area where petroleum was being extracted and new transportation routes opened, like the Bucaramanga-Puerto Wilches railroad and the one on the Atlantic Coast.

A Gaitanista guerrilla group had been formed in these regions by Rafael Rangel Gómez, whose ideology was closer to a libertarian liberalism, free of communist influences and unconnected with union struggles, but it roused certain suspicions among the official leadership of the Liberal Party. After the amnesty granted by General Gustavo Rojas Pinilla, Rangel demobilized his men in 1953, but the failure of the official colonization policies led to a renewed violence in Cimitarra, Santander. Some former *guerrilleros* took up arms again and others became bandits, especially those who came from conservative counter-guerrilla movements and the "*chulavita* police". Now working with the National Front, Rangel was elected as a congressman representing the Liberal Revolutionary Movement (*Movimiento Revolucionario Liberal* – MRL), even though the cattle ranchers and the supporters of the official Liberal Party in the region opposed him.[37]

The Magdalena Medio felt marginalized by the national bi-party leaders and expressed its discontent, which gave it a reputation for being a rebellious and troublesome region. This was a factor which led radical student groups from the Industrial University of Santander to join the ELN movement, their embrace of the ideology of Camilo Torres' United Front (*Frente Unido de Camilo Torres*), and the support the ELN won from some leaders of the Communist Youth organization (*Juventud Comunista* – JUCO), the MRL Youth organization (*Juventudes del MRL*), the United Front for Revolutionary Action (*Frente Unido de Acción Revolucionaria* – FUAR) and the Worker-Student-Peasant Farmer Movement (*Movimiento Obrero Estudiantil Campesino* – MOEC).

Now, the whole *foquismo* concept of the armed struggle —which based its political-military strategy on focusing efforts on certain social and regional sectors – made the initial popularity of the ELN short-lived, since it isolated the insurgent nuclei of what was a weak social movement at the time.[38] Additionally, the idea that the revolution would expand from the countryside to the city in order to gain power through a "prolonged war" meant that the urban militants would be subordinate to the rural guerrilla. The urban activists were reduced to a logistical extension of the armed movement who would mostly be limited to recruiting members for the rural guerrilla. For those reasons, the ELN did not capitalize on the advantages of the region they were in.

37. Alejo Vargas Velásquez, *Colonización y conflicto armado. Magdalena Medio santandereano* (Colonization and armed conflict. The Mid-Magdalena River Basin region of Santander). Bogotá: CINEP, 1992.

38. See: Mario Aguilera, "*El ELN: entre las armas y la política* ", ("The ELN: between arms and politics"), in *Nuestra guerra sin nombre. Transformaciones del conflicto en Colombia* (Our nameless war. Transformations of the conflict in Colombia). coords. Francisco Gutiérrez et al, (Bogotá: Norma, 2006), 209-266.

Furthermore, the authoritarianism of Fabio Vásquez Castaño, leader of the ELN, was shown in his harsh treatment of ideological conflicts, which led him to order the execution of dissidents – to give just one example – and caused desertions and splits. Thus, the growth of the group was of a slow, vegetative nature, with a smaller capacity to expand than had been expected by its founders, and the number of combatants gradually fell. Also, its location in poor, marginal colonization areas prevented it from obtaining sufficient resources to become an effective armed force.[39]

The rise of the EPL during that same period was linked, in political terms, to the Sino-Soviet split within communism and a rejection of what that group thought of as the reformist and conciliatory tendencies of the official line of the Communist Party.[40] Outbreaks of dissatisfaction with the Communist Party at the beginning of the National Front – caused by the ideas it had of "a peaceful transition towards socialism" and "a peaceful accumulation of power", with the corresponding tactics of forming electoral alliances with official Liberalism and the MRL – had led to the expulsion of leaders such as Pedro León Arboleda in 1958 and Pedro Vásquez Rendón in 1963. These dissident leaders were joined by others from the Communist Party and the JUCO, who decided to form, in July 1965, the Marxist-Leninist Communist Party of Colombia (*Partido Comunista de Colombia Marxista-Leninista* – PCC ML). They chose three regions as war zones: Santander and the south of Bolívar, known today as the Magdalena Medio; the Valle del Cauca, along with Chocó and Risaralda; and the northeast, including the Alto Sinú and the San Jorge River in Córdoba. After some failures in the Valle del Cauca and Magdalena Medio, partially due to quarrels with the FARC and the ELN, and also the military response of the government, the PCC ML decided to concentrate on the jungle and mountains of the Alto Sinú and the San Jorge River, called El Noro, which provided access to the Caribbean, the border with Panama and the Pacific. The armed forces that would become the EPL guerrilla gathered there.

The region was going through changes in the concentration of property due to the dramatic expansion of large cattle and farming estates that had expelled the smallholders and sharecroppers from those lands, in general members of the Liberal Party. These tensions had been a decisive factor in the rise of the Liberal guerrilla movements led by Julio Guerra in the Alto San Jorge and Mariano Sandón in the Alto Sinú in the 1950s. Alliances between the new insurgent movement and the remnants of these old guerrilla groups allowed the EPL to consolidate its domination of the area and supplant the leaders of the official Communist Party.[41]

At this stage, the insurgent phenomenon had a certain amount of social backing, since it was not seen as a threat but rather, a promise. It received the support of the inhabitants of areas which had traditionally leant towards the communist movements, like the Tequendama, Sumapaz and southern Tolima; and it also received the support of smallholders who could not bear the repression and harassment of the large landowners in settled areas and had migrated to the edges of the agricultural frontier, like the Ariari, Caquetá and Magdalena Medio. At this stage, in spite of the radical stance which was closely linked to these colonization processes, guerrillas like the EPL acted as smallholders typically do: they asked for the presence or support of the State and demanded the provision of basic government services. Even when they expressed their demands in maximalist terms, as in the case of the ELN in their initial phase, the objective conditions of this insurgency were very limited.

Meanwhile, the almost permanent ideological controversies which erupted in the emerging guerrilla groups of the EPL and the ELN reached a level of sectarianism which became counterproductive for the expectations of growth these armed groups had. Similarly, the conviction that it would be easy to build a bridge between the Liberal guerrilla groups of the 1940s and the emerging insurrectional guerrilla groups – some inspired by the Cuban Revolution, and others by the Chinese Revolution, as in the case of the EPL – proved to be wrong.

39. See: Aguilera, "*El ELN: entre las armas y la política*", ("The ELN: between arms and politics").
40. See: Villarraga y Plazas, *Para reconstruir los sueños (Una historia del EPL).* (To reconstruct dreams (A history of the EPL)).
41. See: Villarraga and Plazas, *Para reconstruir los sueños (Una historia del EPL).* (To reconstruct dreams (A history of the EPL)).

For example, some of the founding leaders of the EPL, such as Pedro Vásquez Rendón, Pedro León Arboleda, Libardo Mora Toro, Julio Guerra and Francisco Garnica, tended to overestimate the military potential of the combatants who were veterans of the battles of The Violence and might join their ranks. In reality, as French historian Pierre Gilhodés and other researchers have explained, the peasant farmers had had enough of violence, especially in areas like the coffee region, which had been hit so hard and for so long by the fighting in the 1950s and early 1960s. The wave of peasant farmer land invasions which occupied 984 properties between 1971 and 1974, occurred, not in the regions of The Violence, but in what could be called the new zones of conflict or regions where the agrarian battles were barely visible, like the Caribbean Coast.

In fact, the guerrilla group which most drew on the support of the peasant farmers, the EPL, had its sanctuaries in the Alto Sinú and the Alto San Jorge, in Córdoba, and was socially anchored to a new type of agrarian movement through the Popular Patriotic Councils (*Juntas Patrióticas Populares*), thought of by their creators as the germs of an alternative power structure. The guerrilla groups often confused geographical isolation with territorial control, and thus offensives by the Army were more or less unexpected and brought them to the point of liquidation. Additionally, their analyses of the political realities of the time were rather distorted, like their idea that electoral abstention was a clear sign of an intention to rebel against the existing social order.

When choosing their initial bastions, the guerrilla groups took at least three main factors into account. First, the political traditions and precedents for an armed struggle in the area. Second, the possibilities of influencing the population: they preferred sectors that were unionized or organized, or peripheral areas of poor peasant farmers. And third, they sought areas whose topographical conditions made access to them difficult but were of strategic importance and where it would be easy to move from one territory to another.

The consolidation plans of these guerrilla groups met with early military setbacks. The ELN, which in the early 1970s had just 200 militants, was almost dismantled after the Anorí operation in 1973.[42] Several of its leaders died in combat, among them the emblematic figure of priest Camilo Torres, who had just joined the armed fight (February 15, 1966), and others were executed on the orders of the leadership of their army, who, intransigent about the need for a centralized command, used such pretexts as treason, disobedience of the party line or simple negligence in the management of their fighting. The group was reduced to some 70 or 80 men. A short time later, president López Michelsen offered them a peace agreement which they rejected. Something similar happened with the EPL between 1968 and 1969, when it was just beginning to act in an open manner. One of the founders, Pedro Vásquez Rendón, lost his life in a battle with the Army.

A decisive factor in the internal division of these guerrilla groups in their early years was the strict control that their leaders exercised over the communities and private lives of their members. In this interventionism, the members of the guerrilla forces were treated as the faceless cogs of a military machine rather than activists committed to a political cause and the breakdown of loyalties had catastrophic effects: expulsions, executions and demotions in military rank. Initially, this sect-like environment brought them together, but afterwards it became a factor of disintegration. In the 1970s, the guerrilla groups were not only internally divided, they were also hostile towards each other. The divisions in the rural groups were echoed in the urban movements of university students, teachers, workers and union members. The guerrilla groups were not exactly a paradigm of democratic practices or ideals.

In any case, weak roots in the local society, an excessive focus on the control of a small territory (seen in self-satisfied references to "liberated zones") and, above all, the gap between rhetoric and everyday realities meant that these guerrilla groups barely survived the first strikes of the government, which combined civic initiatives and a disproportionate military pressure directed not only at the guerrilla groups but also at their social bases.

42. The Colombian Army´s military operation against the ELN in the rural area of the municipality of Anorí, Department of Antioquia.

During the first years of the Lleras Restrepo administration, a number of guerrilla leaders were captured or killed in combat. The fighting between groups with different orientations also became more frequent, such as the combat between the FARC, with an pro-Soviet communist tendency, and the EPL, which followed a pro-Chinese Communist line, especially in the Sinú and Urabá. The internal conflicts in the ELN, which followed a pro-Castro line, led several of their leaders to surrender to the Colombian Army to escape death sentences ordered by their own leaders.[43]

A large number of the armed groups in the 1960s and 1970s — the FARC, EPL, ELN — drafted platforms that were more characteristic of unions and agrarian leagues than guerrilla groups, in spite of calling the sporadic operations of their small, rural nuclei a "peasant war". Their stance was often more radical and sectarian in the urban setting of trade union movements than in their rural bases and that only made them permanently vulnerable to State security forces but also limited their opportunities to forge solid links with cadres of workers, students or middle-class professionals, who were sympathetic to revolutionary proposals, but did not want to take too many risks.

These armed apparatuses made use of social grievances and organizational structures of an essentially claiming nature, like trades unions, in order to expand. This meant they had to pay very high and recurring costs and not only those who undertook strictly military activities but also the people responsible for ideological training and propaganda at the heart of the social movements they worked with. In addition to other reasons, this zeal to implant their ideology explains their failure to establish guerrilla groups in the indigenous communities of Cauca, whose main historical vindication is autonomy, in relation to both the armed groups and the State.

During the decades of the 1960s and 1970s, the armed struggle was not particularly visible on a national level, because the guerrilla groups were confined to outlying areas and those organizations were in an incipient



The coast peasants conquered their lands in the 70s and lost them again in the 90s. Rural march of the ANUC in 1972, Bogotá. Photograph: Edelmira Pérez.

stage of political and military development. Similarly, the marginal nature of the war during this period is explained in good measure by the reformist policies of the National Front. In fact, despite the restrictions on democratic expression it was based on, the bipartisan alliance did open institutional channels for social movements and the expansion of political competition on a local and regional level, and that served as an escape valve for radical grievances.

Political opposition to the National Front was expressed, although in a limited way, through dissent at the heart of bipartisanism and the institutional channels designed for it. This even put at risk the formula of alternating power in the hard-fought electoral competition for the presidency between the candidate of the governing party and the candidate for the National Popular Alliance (*Alianza Nacional Popular* – ANAPO) in 1970. The political left, which was highly fragmented as well, responded to the democratic expansion within the National Front by intensifying its

43. See: Daniel Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics). Bogotá: Siglo XXI, 1988.

legal participation in social and political affairs, in contrast with the marginal nature of the guerrilla struggle. Through the peasant farmer movement and electoral competition under the banner of the National Opposition Union (*Unión Nacional de Oposición* – UNO), the Communist Party attained an important local and regional political representation: 120 city councilors and 9 congressmen in the elections in 1972, as well as 179 city councilors and 12 congressmen in the 1976 elections.[44]

These social and political dynamics marginalized the armed movement, a situation reinforced by the continuous offensives of the armed forces under the State of Siege (Article 121 of the Political Constitution of 1886) that was successively invoked by the governments of the National Front to solve any type of problem which disturbed public order, from urban protests to guerrilla acts. The declaration of such states of emergency wound up becoming a permanent feature of the whole National Front period (1958-1974). It is important to note that those states of emergency both preceded and followed the period when the bipartisan agreement was in force, that is, it lasted from 1944 to 1990. In structural terms, its impact had to do with the fact that as measures justified as a response to exceptional circumstances became permanent and rights and freedoms were restricted in the name of national security, the autonomy of the armed forces within the State was strengthened, with the consequent polarization caused by its anti-communist orientation.[45]

2.1.2.4. Social mobilization and the State´s response: reformist and repressive

In spite of the proliferation of armed agents, the low degree of violence between 1966 and 1977 shifted the attention of the government towards the reforms needed to drive economic development and respond to the rapid changes that were affecting Colombian society. In fact, the armed conflict took place in the midst of social and economic changes associated with the advance of industrialization and a rapid urban growth. These transformations led to an expanded coverage by the educational system and a strong secularization of society. In urban areas, students and union members were exposed to new schools of thought that resulted in a middle class that was ever more politicized. From 1970 onwards, these changes overwhelmed the institutional and cultural reference points available to the Colombian political system and gave rise to social protest movements which operated outside of the bipartisan system and to reformist – though also repressive – policies.

The vicissitudes of the armed struggle and of the abovementioned insurgent organizations contrasted with the reformist attempts of the administration of Lleras Restrepo and the intensification of the social protest movements which showed a constant dissatisfaction with the National Front. In contrast with the administrations of Alberto Lleras Camargo and Guillermo León Valencia, that of Carlos Lleras Restrepo tried to distance itself from the permanent style of political bargaining with the parties and their factions which had typified the National Front. The constitutional and administrative reform proposed by Lleras Restrepo in 1968 thus sought, to strengthen the executive branch in contrast with the regional and local parties and powers.[46]

That new style led Lleras Restrepo to face major conflicts when he attempted to deepen agrarian reform, an initiative which had been approved in 1961 during the administration of Lleras Camargo.In order for the rural sector to respond to the demands of the internal market and industrialization, it would be imperative, Lleras Restrepo believed, to distribute land among the peasant farmers and reform the *latifundio* system of large, unproductive holdings in the hands of owners who derived their political power from the possession of large expanses of uncultivated lands.[47] To get the support of the peasant farmers, Lleras Restrepo established the National Association of Peasant Farmers

44. See: Aguilera, "*El ELN: entre las armas y la política*", ("The ELN: between arms and politics").
45. See: Andrés Dávila Ladrón de Guevara, *El juego del poder: Historia, armas y votos* (The game of power: History, arms and votes). Bogotá: Cerec/Uniandes, 1998.
46. See: Daniel Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics).
47. León Zamosc, "*Transformaciones agrarias y luchas campesinas en Colombia: Un balance retrospectivo (1950-1990)*", ("Agrarian changes and peasant-farmer struggles in Colombia: A retrospective balance sheet (1950-1990)".) *Análisis Político* 15 (1992): 7-45.



Orden del Día: Recuperar la Espada del Libertador

Estado de Alerta por el "M-19"

Por HERNAN UNAS

La Policía Nacional, en coordinación con el DAS y los organismos de inteligencia militar, está preparando una serie de medidas tendientes a impedir que se produzcan nuevas incursiones por parte del autodenominado "Movimiento 19 de Abril", autor de los espectaculares asaltos perpetrados en la noche del jueves a la Quinta de Bolívar y el Concejo de Bogotá.

Las autoridades no tienen la menor duda de que se trata de un nuevo grupo sedicioso que pretende crear confusión en la capital, mediante atentados

(Continúa en la Pág. 8-A, Col. 1ª)

"La Anapo" Desautoriza al Grupo M-19

Que las directivas de Anapo no han autorizado la formación de movimientos subversivos y que por el contrario luchan por

La urna de cristal en donde se guardaban la espada, los estribos y los espolines del Libertador, en el Salón París de la Quinta de Bolívar, aparece destrozada y sin las valiosas reliquias históricas, que fueron robadas por comandos del autodenominado M-19. (Foto de Dueñas).

Hoy Inician el Carnaval de Barranquilla

BARRANQUILLA, enero 18. (De Gloria Lara). Hoy sábado se abre oficialmente la temporada de carnaval. A las tres de la tarde, el alcalde de la ciudad,

Newspaper article about the M-19´s theft of the sword of Simón Bolívar. January 19, 1974. *El Espectador.*

(*Asociación Nacional de Usuarios Campesino* – ANUC),[48] which would be the social basis for his plan to modernize the countryside. In July 1970, its national congress was inaugurated by the Colombian president himself with a speech in which he insisted on "a radical agrarian reform" to rescue the peasant farmers from the domination of the local "*manzanillos* [party bosses],"[49] and the central role of such farmers in realizing the full scope of the reform: "There will be no agrarian reform if the peasant farmers, their organizations, and followers do not impose it. Without the organized pressure of the peasant farmers, there will be no agrarian reform."[50]

The importance of the ANUC for the peasants is described in the following testimony, found in the GMH report *Land in Dispute* (*La tierra en disputa):* "[The ANUC] transformed the mentality of many farmers; it became a weapon in our fight which enabled us to change from servants of the rich to land owners. The Association of Peasant Farmers unified us under the political ideas of the slogan of 'the land for those who work it'."[51]

The social and political empowerment of the ANUC accelerated the rate of reform,[52] which aggravated the social tensions between the small farmers, large landowners, trade bodies and the State;[53] to that was added the political radicalization of the ANUC itself, driven by the dynamics of the process and the growing influence of different left-wing factions in the peasant farmer movement.[54] Massive seizures of land intensified; but the other side of the coin of what the peasant farmers defended as their "*recovery*" was the large landowners´ term of "*invasions*". The growing radicalization of the movement's leadership quickly caused a break with the official policies of the government. On many occasions, it also adopted a revolutionary language. The Peasant Farmer Mandate (*Mandato Campesino*) became a written justification for the seizure of power.[55]

48. The ANUC was created under Decree 755 of 1967.

49. *Revista Semana* magazine, October 31, 1960, 22.

50. Excerpts from the speech of Carlos Lleras Restrepo at the inauguration of the first Departmental Association of Peasant-Farmers, in Sincelejo, Sucre. In: Apolinar Díaz-Callejas, *Colombia, la reforma agraria y sus documentos fundamentales* (Colombia, agrarian reform and its basic documents). Cartagena: Universidad de Cartagena, 2002), 130.

51. GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa Caribe, 1960-2010* (The fight over land. Memories of land seizures and peasant-farmer resistance on the Caribbean coast, 1960-2010). Bogotá: Taurus/*Semana*, 2010), 2012.

52. In the Departments of Córdoba, Sucre and Bolívar, the INCORA adjudicated 159,246 hectares between 1961 and 1975, most between 1970 and 1973, when the peasant-farmer protests irrupted and the methods of appropriating lands became radicalized. In: GMH, *La tierra en disputa* (The fight over land), 403-405.

53. The Lleras administration´s announcement that it would expropriate more than ten thousand hectares led to strong criticisms from entrenched sectors of the economy. See: Daniel Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics).

54. The peasant-farmers demanded that friendly negotiations with the landowners be dropped and that the government should take the lead in the distribution of unworked farm properties, so that the priority would be the expropriation of lands without indemnification in the case of large estates that were unproductive or payments for improvements in the cases where they were used for agriculture.

55. In his study of the relation between the peasant-farmer movement and left-wing groups, León Zamosc (1987) acknowledges the importance of its contributions to the development of the organization but also points to the negative influence, on the one

Lleras Restrepo's reformist impulse was checked by the controversy about the legitimacy of the conservative administration of Misael Pastrana Borrero (1970-1974). This crisis arose from doubts about his electoral triumph, which a sector of the ANAPO regarded as the definitive proof of their members´ exclusion from the political system and the justification of the armed struggle as the alternative. That sector was expelled from the ANAPO and became the socialist ANAPO. Later, under the leadership of Andrés Almarales, congressman Israel Santamaría, senator Carlos Toledo Plata, and a group of urban *guerrilleros*, headed by Jaime Bateman Cayón, who had broken with the FARC in 1974, formed the April 19th guerrilla movement (*Movimiento 19 de Abril* – M-19)[56] whose slogan was: "With arms, for the people."

This legitimacy crisis was compounded by the Pastrana administration's break with the economic policies of the ECLAC and his predecessor's support for the Alliance for Progress.[57] Pastrana preferred the ideas of the economist Lauchlin Currie, whose development plan, "Operation Colombia", focused the modernization of the countryside on the stimulation of capitalist agriculture, legal security for large rural properties and tariff protection from foreign competition.


La presencia del Ejército, con patrullas motorizadas, permitió que la tranquilidad regresara ayer a la ciu- ayer promovieron nuevos desórdenes en el Sur de la ciudad, huyen despa-

Pictures of the General Strike of 1977.
Photograph: Ricardo Tisnes for *El Tiempo.*

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hand, of the dominant clientelist system dominated that dogmatically imposed a top-down approach to strategies, and, on the other, the extreme radicalism which imposed its will on the organization without taking the particular conditions of the rural population into account. Both approaches had in common the idea that the masses were a passive factor that could be exploited to reach thier own objectives, which led to an authoritarian manipulation of their demands. For that reason, Zamosc concludes, it was not surprising that the masses were distanced from their leaders and protested against such manipulation.

56. See: César Augusto Ayala Diago, "*Nacionalismo y populismo. ANAPO y el discurso político de la oposición en Colombia: 1960-1966*", ("Nationalism and populism. The ANAPO and the political discourse of the opposition in Colombia: 1960-1966". In*: Resistencia y oposición al establecimiento del Frente Nacional. Los orígenes de la Alianza Nacional Popular, ANAPO. Colombia 1953-1964* (Protest and opposition to the establishment of the National Front. The origins of the National Popular Alliance, ANAPO. Colombia 1953-1964). Bogotá: Universidad Nacional de Colombia, 1996.

57. This center-peripheries approach was in line with the theory promoted by the Economic Commission for Latin America (CEPAL), which wanted the State to play a central role in the planning and development of the economy in order to close the gap between what are known as the developed and developing countries.

Under the government of Pastrana Borrero, the response to peasant farmer and indigenous mobilization – which was also applied to unrest on the part of students, teachers and trades unions – was focused on political and military repression, which coincided with the terrorist tactics of the shock troops of the large landowners and caused the death of many peasant farmer leaders and the forced displacement from and abandonment of rural areas. Protests and land seizures were regarded as subversive, and the government claimed that there were organic links between the militant peasant farmer movements and the guerrilla groups.

Similarly, the government encouraged splits in the peasant movement as a means to contain and neutralize the growing political and social polarization that was eroding the legitimacy of the National Front. These strategies against the agrarian movement found a favorable ground in the internal disputes over control of the ANUC and were also seen in political alignments which were difficult to understand at that time: on the one hand, the Communist Party with the Armenia faction, which was close to the government; and on the other, the Maoists and other groups with the independent faction of Sincelejo.[58] In January 1972 the new Pastrana administration convened a meeting of the leaders of rural associations and congressmen in Chicoral, Tolima. The ANUC and representatives of small landowners were excluded from this meeting. The agreement they reached granted new concessions to landowners about the legal standing and productivity of lands, limited expropriation to exceptional cases, and raised indemnifications when they occurred. The Chicoral Agreement obviously amounted to a great victory for the large land owners, one which even went beyond the government´s original intentions.[59] The cycle of land struggles ended around 1978.[60] The ANUC suffered from a crisis so profound it wore down the rebellious spirit of even the most radical sectors of the peasant farmer population; it also demonstrated "the enormous power of the large landowner class in Colombia" and the unstoppable thrust of agrarian capitalism in the regions most apt for agro-industry, generally the plains of the country.[61]

2.1.3. Frustrated expectations and the repression of social protest

The National Front period was characterized by growth and economic stability. This changed with the first administration under the transition from the National Front to a more open political arrangement, between 1974 and 1978, during which the economy slowed down and inflation exploded. The economic crisis, mainly felt in the cities, aggravated social unrest. Additionally, people were disenchanted with the work of president Alfonso López Michelsen (1974-1978), due to the high expectations that his administration would mark a significant change now that the National Front had formally ended (1958-1974).

The disillusion caused by the López administration and the growing urban social movements changed the assessments of the agents in the armed conflict. It was at this timethat the M-19 guerrilla group burst into Bogotá with propagandistic gestures that received a wide coverage in the media and skilfully exploited the mood of transition. They strengthened its reputationfor being close to the urban sectors, given their large-city origins, and capacity to capitalize on the political fatigue the middle class felt due to the restrictions imposed by the National Front.

All of this unrest provoked the civic strike on September 14, 1977, a mass urban protest, convoked by the leaderships of trades unions of

58. See: Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics.

59. See: Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics).

60. During the administration of López Michelsen (1974-1978), the issue of agrarian reform was practically abandoned, while the peasant-farmer struggle lost momentum: the two wings of the ANUC (Sincelejo and Armenia) lost ground and the Communist Party decided, in December, 1975, to create its own organization, the National Federation of Agrarian Unions (Federación Nacional Sindical Agraria – FENSA). In: Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics.

61. León Zamosc, *La cuestión agraria y el movimiento campesino en Colombia, Luchas de la Asociación Nacional de Usuarios campesinos (ANUC), 1967-1987* (The agrarian question and the peasant-farmer struggles of the National Association of Peasant-Farmer (ANUC), 1967-1987). Bogotá: CINEP, 1987.

all ideological types, which affected almost all the cities in Colombia and left several dead and wounded. The scale of the demonstration, the paralysis it caused, its urban setting and radical focus, and the government´s repression of it had social and political repercussions that destabilized the country and were quickly seen by both the guerrilla and the State as opportunities or threats to renew the war.

The emergence of a conspiracy-based interpretation of the 1977 strike did not take long. The M-19 had shown that there was another approach to the struggle: it was active in the cities, unlike the other guerrilla groups, which were confined to rural areas. Additionally, the Army´s reaction to the 1977 strike set a precedent for military intervention in the country's political life, since it marked the first sign of tensions about whether the armed forces should be autonomous or subordinate to the national government. It was a kind of test case that revealed the growing anti-communist sentiments which had taken root in the armed forces. Shortly afterwards, a group of top officers of the armed forces presented the president with a list of demands for repressive measures which were later authorized under the Security Statute issued by the administration of Julio César Turbay Ayala (1978-1982).[62]

At the time, President López Michelsen categorized the civic strike as a small-scale April 9, referring to the riots in Bogotá that followed the assassination of liberal leader Jorge Eliécer Gaitán in 1948. The civic strike also marked a historic collapse of the bipartisan regime, since it provoked a crisis of legitimacy and undermined its hegemony. It also demonstrated the emptying of the social meaning of its structure, since the protests made it clear that the Liberal Party – the majority party – had completely lost the capacity to channel social conflict, as it had done with relative success since the 1930s.[63]

62. Medófilo Medina, "El paro cívico nacional del 14 de septiembre de 1977" ("The national general strike of September 14, 1977"), in: *La protesta urbana en Colombia en el siglo XX* (Urban protest in Colombia in the 20th century). Bogotá: Aurora, 1984.
63. Luis Alberto Restrepo, "*Movimientos cívicos en la década de los ochenta*" ("Civic movements in the 1980s"), in *Al filo del caos. Crisis política en la Colombia de los años ochenta* (On the edge of chaos. The political crisis in Colombia in the 1980s. eds. Francisco Leal Buitrago and León Zamosc, 381-409 (Bogotá: IEPRI/ Tercer Mundo, 1990).

While it had been the inflationary crisis of that period that detonated the protests in the cities, in the countryside they were fueled by the growing impact of the model of rural development adopted by the Pastrana administration, which gave a priority to capitalist agriculture, which was subsidized and protected from foreign competition. In that framework, there was a shift in the institutional structure for handling the peasant farmer economy. The distributive approach to land found in the policies of the INCORA was replaced with one focused on productivity and commercialization, meant to strengthen the peasant farmer economy in the more integrated regions through the implementation of the program for Integral Rural Development (*Desarrollo Rural Integral*-DRI). Thus, agrarian reform came to an end, and the strategy to contain the agrarian problem focused on stabilizing the peasant economy in the integrated regions and expanding the agricultural frontiers with the allocation of uncultivated lands.

This strategy served as a safety valve for an agrarian problem that could not be solved, because, among other reasons, it was simply shifted to the new zones of colonization and, along the way, the territorial and economic integration of the country became more and more unequal and precarious. Added to urban unrest, these factors wound up creating the conditions for the spread of illegal activities, of which one of the most important was drug-trafficking. Marijuana crops replaced those of coffee in La Guajira and the Sierra Nevada de Santa Marta, and laboratories for processing coca paste from the Andean countries multiplied in outlying regions. There was talk at the time of the entrance of "underground capitals" into the economy, the rise of "emerging classes" of a doubtful background and the penetration of mafias in the regional and local political scene.

In contrast with the rise of social mobilization, the activities of the EPL and ELN were reduced and became marginal, which led to a series of readjustments of their strategies of war and a questioning of their international revolutionary models. After the easing of tensions between China and the United States, the EPL began to consider Maoism as their model. In turn, the ELN rethought their adherence to the *foquismo* of the Cuban Revolution and moved closer to the paradigm of the Sandinista revolution, which questioned an absolute adherence to the armed



Represión

El año de la tortura

Un epitafio para la historia: en el año de gracia de 1979, en un país llamado Colombia, que posaba de democrático, los generales tomaron las riendas de la justicia e inauguraron la era de las torturas.

"Estamos en estado de guerra" declaró recientemente en el Congreso el ministro de Defensa, general Luis Carlos Camacho Leyva. Y nada mejor que esa frase para resumir lo que ha pasado este año en el país. Porque al recorrer todos los acontecimientos en lo que a la acción de los cuerpos del ejército y organismos de seguridad se refiere, la nota predominante son los miles de allanamientos, las detenciones masivas, las denuncias sobre torturas que harían escalofriar a cualquiera, los

se lee: "El interés de la actual administración y la dedicación con que han trabajado todos los organismos de seguridad del Estado permiten hoy al país vivir un clima de mayor compresión y seguridad..." Una cosa dice el general y otra nos quiere hacer creer el señor presidente.

No se trata de decir que en nuestro país hasta ahora se da el fenómeno de la represión y la violencia generada por los organismos oficiales. Eso ya forma parte de la historia de Colombia. Lo significati-

aunque sí reconozco que los primeros buenos éxitos en ella ocurrieron durante mi mandato".

Precisamente bajo el pretexto de "combatir el crimen" y de "agilizar la aplicación de justicia" el gobierno enmascaró las medidas tendientes a acabar con cualquier tipo de oposición. Apenas transcurrido un mes de la administración Turbay es expedido el Estatuto de Seguridad, considerado por todos los sectores democráticos del país como una de las medidas más represivas adoptadas por gobierno alguno en los últimos años. Con dicho Estatuto se abre el camino para trasladar a los cuerpos castrenses la administración de justicia, primordialmente en lo que se refiere a la sanción de los delitos políticos. Algunos ejemplos demuestran que no era la delincuencia común a la que se pretendía combatir con el Estatuto de Seguridad: no se conoce la realización del primer Consejo de Guerra contra narcotraficantes o contrabandistas; en cambio, nueve Cortes marciales han sido citadas para juzgar a más de cuatrocientas personas sindicadas de pertenecer a organizaciones subversivas(Ver recuadro). Numerosas huelgas fueron rotas mediante la aplicación del Estatuto y una de las sanciones más fuertes por violación de la citada nor-

Newspaper headline: The year of torture. 1979. Photograph: *Revista Alternativa*, number 244.

struggle and acknowledged the revolutionary potential of social and political struggles. In contrast with those organizations, the FARC continued to expand, particularly towards the Magdalena medio and Urabá, while still feeling the influence that the triumph of the Sandinista revolution had had on their revolutionary program and the growing pressure from new sectors which called for more autonomy from the Communist Party.

To defuse this troubled political and military situation, the administration of Julio César Turbay Ayala decided on a predominantly military response. Security policies were set into motion, mainly through the National Security Statute (*Estatuto de Seguridad Nacional*),[64] a body of doctrinal and normative principles which followed the National Security Doctrine and the concept of the internal enemy, understood as "any political adversary which operates within the borders of the nation."[65] Thus, the anti-communist policy of the military was reflected in a norm which strengthened its influence and autonomy and allowed it to justify its repressive acts under the argument that it was maintaining the social order. In the words of Turbay: "In extreme cases where they face an evident political vacuum which necessarily leads to generalized anarchy, the armed forces are forced to exert their power."[66]

The National Security Statute raised the sentences for the crimes of kidnapping, extortion and armed attacks; it allowed military courts to judge civilians and extended the category of "subversion" to extremist propaganda, inciting riots and civil disobedience. The arbitrary actions and abuses, among them torture, which derived from widening the powers of the military during a state of siege led to protests from national and international bodies responsible for defending Human Rights and legal guarantees.[67] Among the international ones were Amnesty International and the Inter-American Commission for Human Rights,[68] and among the Colombian ones, the Office of the Procurator General (Procuraduría General de la Nación), trades unions and left-wing parties, a number of non-governmental organizations like the Permanent Committee for the Defense of Human Rights, and members of the communications media, like the newspaper *El Espectador* and the magazine *Alternativa.*

These protests contrasted with the unanimous support for the government and armed forces on the part of the traditional parties, the trade

64. Decree 1923 of 1978. An antecedent of this norm was the letter addressed to president López by 33 generals and admirals, headed by his commanding general, Luis Carlos Camacho Leyva, which demanded the adoption of measures which would enable the armed forces to defend the nation, days after the 1977 general strike and the assassination of the former Minister of Government Rafael Pardo Buelvas. See: Francisco Leal, *El oficio de la guerra, la seguridad nacional en Colombia* (The profession of war, national security in Colombia. Bogotá: IEPRI, Tercer Mundo, 1994), 22.

65. Catalina Turbay, "El Estatuto de Seguridad. Un estudio de caso" ("The Security Statute. A case study"). Published in the context of the First Congress of Political Science, (Bogotá: Uniandes, 1998), 5.

66. Turbay, "El Estatuto de Seguridad" ("The Security Statute"), 15.

67. During the time the Statute was in force, there were denouncements of 82,000 arbitrary arrests and tortures at military bases of former members of the EPL, ELN and other left-wing groups as well as students from the State universities, along with violations of Human Rights (censorship, raids, disappearances and military trials against demonstrators and strikers). See: GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare* (Order disarmed. The resistance of the Association of Peasant-farmer Workers of el Carare. Bogotá: Taurus/ *Semana*, 2012).

68. Inter-American Commission on Human Rights. OEA/SER.L/V/II. Doc. 22, 1981.

bodies and other sectors of the press. The pressure exerted by the high commands was aggravated by the Supreme Court of Justice's ruling that several articles of the statute were unconstitutional, the advances made by the guerrilla forces and, especially, the political and social popularity the M-19 had gained through its spectacular assaults. Among these were the theft of weapons from the Cantón Norte military base in Bogotá in 1978 and their seizure of the Embassy of the Dominican Republic in 1980, during which the ambassador of the United States was taken hostage.

The military blamed the Communist Party and union organizations, including the moderate UTC, for supporting the armed struggle. The Minister of War, General Luis Carlos Camacho Leiva, considered the measures in the Security Statute to be insufficient, while the head of the Army, General Fernando Landazábal declared that it was impossible to combat subversion without erradicating the objective and subjective conditions which interfered with a national consensus on political, social and economic matters. Therefore, Landazábal proposed combining the same tactics used by the guerrilla: peaceful political measures to deal with the social, economic and political causes which fed the conflict, and the armed route to eliminate the enemy through military action. Using the language of the Cold War, he also claimed that Colombia was already part of the international conflict.[69] That type of stance in the armed forces was strengthened by concurrent events in South America at a time when his peers in Chile and Argentina had seized power through the military coups in 1973 and 1976, respectively, and it was heightened by the perception of an approaching communist takeover in the wake of the Sandinista revolution in Nicaragua in 1979 and the advance of the guerrilla groups in El Salvador and Guatemala.

At the end of the 1970s, that stand of the armed forces coincided with the emergence, in different regions of the country, of diverse kinds of armed self-defense groups. Some were made up of the owners of small and medium-sized farms. Ramón Isaza organized one on the western fringe of the Magdalena medio (Puerto Berrío), while Gonzalo Pérez and his sons Henry and Marcelo did the same on the eastern fringe (Puerto Boyacá), as did Hernán Buitrago in Casanare, and the Rojas clan in El Palmar, Magdalena. According to what their leaders testified to prosecutors of the Justice and Peace Unit, they received aid from the Army in the form of weapons, munitions, training and support for their operations. In spite of this, at that time those groups continued to be a marginal aspect of the counter-insurgency strategy of the military forces, which was consistent with the growing expansion of its powers and influence in the State. According to the researcher Andrés Dávila, it was a historic moment, the threshold of the consolidated autonomy and minimal subordination of the armed forces to the national government.[70]

At the beginning of the 1980s (December 1981), pamphlets thrown from a light plane rained on the Pascual Guerrero stadium in Cali, announcing the creation of an organization called "Death to Kidnappers" (*Muerte a Secuestradores* –MAS). It was created by a broad grouping of drugs-traffickers after the M-19 kidnapped Martha Nieves Ochoa, sister of Jorge Luis, Juan David and Fabio Ochoa, notorious members of the Medellín Cartel. The original MAS persecuted members of that and other guerrilla groups, but when Martha Nieves was released, it dissolved. However, the name MAS and its derivative *Masetos* continued to be generically used by paramilitary groups and even by members of the armed forces in several regions of the country to disguise the dirty war they fought against leftist militants and social leaders.[71]

The response to this deployment of repressive measures by the government and military leaders under the presidency of Turbay, which was supported by the trade bodies, was the growing advance of the FARC and the ELN and an increase in the M-19's propagandistic gestures. The taking of hostages at the Embassy of the Dominican Republic showed both the popularity of the M-19 and the negotiating skill of the Turbay government, which spoke of the possibility of an amnesty in an attempt to recover the political

69. Daniel Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics).

70. Andrés Dávila Ladrón de Guevara. *El juego del poder: Historia, armas y votos* (The game of power: History, arms and votes). 148-153.

71. Corporación Observatorio para la Paz. *Las verdaderas intenciones de los paramilitares* (The true intentions of the paramilitaries. Bogotá: Intermedio Editores, 2002).

initiative. Paradoxically, the limitation of opportunities to participate in politics which had widely been attributed to the National Front was much more pronounced now that the post-National Front era had begun. Against this background, a new phase of guerrilla expansion began.

The FARC, for example, developed a new rhythm that was different from their gradual expansion up to then: by the end of 1979 they already had nine fronts. It was clear to the Army that the FARC had abandoned their defensive strategy and, on the contrary, decided to continue to increase their fronts, which grew to 30 by 1986. To confront this expansion by the FARC and M-19´s infiltration in the south of the country– they temporarily occupied the town of Mocoa – the Army sent several battalions to Caquetá, starting in January 1981. Meanwhile, the M-19 had abandoned the urban struggle and decided to exploit tensions in the countryside, especially in Caquetá, Huila and the Valle del Cauca. The Army's response resulted in huge losses for the members of that guerrilla.[72]

To a certain degree, the progress made by the guerrilla was due to the weakening of the more moderate stances in the social movement and parties of the left in the face of the harsh repression by the government. That spurred a shift towards the armed struggle on the part of political militants, who were worn down by persecution and more and more convinced that *realpolitik* was the only option. State repression also changed the traditional relationship between the Communist Party and the FARC: the latter became more and more militarized and distanced themselves from the organization they had been allied with.

2.2. Expansion of the guerrilla, peace policies and the emergence of the paramilitaries (1982-1996)

The fact that President Belisario Betancur's (1982-1986) peace offer was made around the same time that the FARC opted for an outright military solution heightened political and social polarization during the 1980s. The human rights protection policy promoted by the President of the United States, Jimmy Carter (1977-1981), pushed the Betancur administration towards discussions of a peace agreement with the guerrilla groups,[73] along with an offer of amnesties for the political crimes of sedition and rioting.[74] Thus, there was an important shift in the official policy on the handling of public order and the political recognition of armed subversion. This experiment ran into all kinds of social and institutional opposition on the part of the high commands of the armed forces, most of the trade bodies and a good part of the national political establishment. It also was opposed by the regional elites, who perceived as a threat the electoral advance of the left and the guerrilla´s harassment in the form of extortions and kidnappings.

The social and political environment, marked by a reluctance to open peace talks with the different guerrilla organizations, was affected by the political consolidation of the Patriotic Union (UP), which was a mechanism, agreed to on both sides, to enable *guerrilleros* from the FARC to participate in legal political activities, along with some sympathizers on the democratic left. That was meant to be the channel which would allow the left to enter into the peace negotiations offered by Betancur. The expansive dynamics of the new political movement was met with deep

72. Daniel Pécaut, *Crónicas de dos décadas de política colombiana* (Chronicles of two decades of Colombian politics).

73. The Betancur government, represented by the Commission on Peace, Dialogue and Verification, signed La Uribe agreements with the Secretariat of the FARC (March 28, 1984) and invited the M-19, EPL and the Workers Self-Defense movement (Auto Defensa Obrera – ADO) to join in the talks known as the "National Dialogue".

74. Within the framework of Law 35 of 1982, these were the benefits of reestablishing and preserving peace. With the aim of strengthening the nation´s peace, a bilateral truce was agreed on in La Uribe (Department of Meta), starting on May 28, 1984 and prorogued without a time limit in 1986. The FARC committed itself to end the practices of kidnapping and extortion, and the government to guarantee the monopoly of the "institutional forces of the States" in the reestablishment of public order. In addition, a route map was established which included the authorization of the Patriotic Union (Unión Patriótica) to form a legal party, with the due guarantees, made up of the leaders of the FARC and allies from different sectors, among them members of the Communist Party and leaders of liberal and independent movements. The plan was that the dismantling of the FARC would be gradual and in step with democratic reforms, which included the popular election of mayors; "the application of a policy of agrarian reform under the recognition that the problems of land are present in the current social conflicts", and the promotion and strengthening of trades union, peasant-farmer and indigenous organizations, among other measures.

distrust by the local and regional elites, who felt their political interests would be undermined by the new ascending power. The military, for their part, saw the UP as part of the guerrilla's strategy to "combine all forms of struggle" in order to seize power.

Furthermore, the FARC, at their 7th Conference, held in 1982, had decided to shift from a defensive to an offensive guerrilla strategy, a position hardened by Turbay Ayala's Security Statute and, on an international level, the triumph of the Sandinistas in Nicaragua in the 1979. This redefinition of the FARC's strategy meant that they would expand towards new regions, near their traditional strongholds, places where the Communist Party was undertaking legal political and unionist activities. The fact that many members of the Communist Party and other leftist activists joined the Patriotic Union raised all sorts of suspicions in the local elites, and even resulted in accusations about the supposed ambiguities in the armed struggle.

In that sense, the formula of "combining all the forms of struggle" seemed to show that the sceptics and opponents of Betancur's policies were right, and at the same time was used as justification for the creation of paramilitary groups, since the local and regional powers thought that by negotiating with the national leaders of the insurgency without including them[75] in the talks, the central State was abandoning them to the threat the guerrilla represented. In regions like the Magdalena medio, paramilitary group allied themselves with the regional elites in order to check the real or possible expansion of democratic participation that would result from the negotiations between the central government and the guerrilla groups.[76]



EL ESPECTADOR

Bogotá, sábado, marzo 31 de 1984

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Se abre paso la paz

El Consejo de Ministros de acuerdo con documento de la Comisión de Paz y las FARC

Por CARLOS MURCIA

Un cese del fuego de un mes y una tregua de un año entre las fuerzas militares y los 27 frentes de las FARC-EP, acompañada de una amplia reforma política y tal vez del indulto a los guerrilleros con base en el artículo 120 de la Constitución, se producirán en virtud de un trascendental acuerdo de paz que será anunciado en las próximas horas por el presidente Belisario Betancur, en un discurso radiotelevisado a toda la nación colombiana.

El cese del fuego operará con carácter inmediato, mientras que la tregua de un año regirá a partir del 28 de mayo. La reforma política que será impulsada permitirá el retorno de los alzados en armas a la vida democrática con plenas garantías. Habrá simultáneamente un impulso decisivo a los planes de rehabilitación en las zonas campesinas, con grandes posibilidades de crédito interno y externo.

Una comisión de alto nivel nacional será constituida por el presidente Belisario Betancur en cumplimiento del pacto celebrado con el grupo guerrillero que opera desde hace unos 20 años y será la encargada de avalar la fidelidad de las partes a los compromisos adquiridos.

Luz verde

Ese acuerdo se abrió paso ayer definitivamente al ser acogido con entusiasmo por el Consejo de Ministros y por amplios sectores políticos, gremiales y sindicales del país, así como por la Iglesia, el documento de tres páginas que firmaron en la zona selvática de La Uribe seis miembros de la Comisión de Paz. John Agudelo

(Continúa en la página 10-A)

De izquierda a derecha: Alberto Rojas, Samuel Hoyos, César Gómez Estrada, Tirofijo (de pies), Jacobo Arenas (a la cabeza de la mesa), Rafael Rivas Posada, Margarita Vidal, Jaime Guaracas (de pies), el capitán Mario Gómez (piloto del helicóptero) y Alfonso Cano durante la reunión en La Uribe, Meta.

Newspaper headline, start of the peace talks with the FARC in 1984. *El Espectador.*

The lack of trust on the part of the local and regional elites was seen when some sectors of the army and police[77] sabotaged and openly defied in the national government's attempts to limit their autonomy in the management of public order. Additionally, the discrediting of the official repression of the previous administration led to a change in the counter-insurgency strategy evidenced in the convergence of interests of the institutional and social opponents of the peace policy. The change consisted of the formation of self-defense groups, based

75. See: Socorro Ramírez and Luis Alberto Restrepo, *Actores en conflicto por la paz: el proceso de paz durante el gobierno de Belisario Betancur (1982-1986)* (Actors in the battle for peace: the peace process during the government of Belisario Betancur (1982-1986). Bogotá: CINEP, 1988; Mauricio Romero, *Paramilitares y autodefensas, 1982-2003* (Paramilitary and self-defense movements, 1982-2003). Bogotá: IEPRI, 2003.

76. Mauricio Romero, *Paramilitares y autodefensas, 1982-2003*. (Paramilitary and self-defense movements, 1982-2003).

77. See: Ramírez and Restrepo, *Actores en conflicto por la paz* (Actors in the battle for peace).

on an authorization granted under of Law 48 of 1968, an initiative that opened the doors to privatizing the counter-insurgency struggle and permitting the clandestine autonomy[78] of radical sectors of the armed forces. Thus, there was a radical shift in the counterinsurgency fight, which had been carried out through the direct action of the State since the time of the National Front, backed by the States of Emergency.

The social opposition of the regional elites coincided with the institutional opposition of the military and strengthened the creation and expansion of self-defense groups which later mutated into paramilitary ones. This concurrence of interests was based on the traditional relationship between the armed forces and regional elites, based on the latter´s logistical, economic and political support for counter-insurgency offensives and the State´s encouragement of their territorial control in outlying areas where the State´s meager financial resources limited its military action. Added to that was the fact that the armed forces´ counter-insurgency mission had shaped their relationship with the civilian population, poor and marginal sectors whom they stigmatized as the enemy, in contrast with the elites, who were regarded as allies in their defense of the State. This historical relationship between the military and the elites in outlying regions spun a web of commitments and reciprocities that limited the autonomy and independence of the military as representatives of the State in local and regional spheres.[79]

One of the tensest episodes in the difficult relationship between the Betancur administration and the armed forces took place when the president ordered the Office of the Procurator General to investigate an emerging paramilitary group, the MAS. The public report, published by the Procurator in February of 1983, acknowledged that 69 of the 163 members of this group belonged to the armed forces.

In addition to these tensions, there was a certain squeamishness about the negotiations on the part of the trade bodies and a certain attitude of reluctance on the part of the hierarchy of the Catholic Church. Meanwhile, the FARC continued to expand the territorial reach of its war fronts, supported by an increase in kidnapping and extortion in order to sabotage Betancur's plan for a negotiated solution of the conflict.[80]

The FARC used the negotiations to expand their territory and consolidate a people´s army to wage a prolonged war, while for the M-19, military pressure was a means to attain more recognition as a political force.[81] For their part, trade and industry bodies, regarded peace as a simple matter of disarming and demobilizing the guerrilla, without considering the need for economic and social reforms. The political parties used peace as an electoral banner, without facing up to the needed reforms of the political regime, and at the same time, broad sectors of the leadership of the armed forces, like the Minister of War, General Fernando Landazábal, considered the peace process to be part of a continental-wide strategy, by pro-leftist governments, to open the way for a communist revolution by paralyzing the Army´s capacity for an armed response. That position was strengthened by an international shift in the Cold War, brought about by the more radical and tougher anti-communist stance the government of Ronald Reagan took between 1981 and 1989. That situation helps to explain how Betancur found himself more and more alone as he tried to turn the vague sympathy the so-called civil society had for peace into a concrete political support for a negotiated settlement of the conflict.

A new and decisive hurdle to the peace process was the M-19´s seizure in November 1985 of the Palace of Justice (Palacio de Justicia) and the successful counter-asault by the Army. It revealed the failure of the peace talks between the government and that group, and the systematic assassination of militants of the UP and other sympathizers of the insurgents which followed led to the definitive rupture of the truce in 1987. This irreversible crisis in the negotiations strongly influenced the M-19's later

78. Dávila, *El juego del poder* (The game of power). 153-163.
79. Armando Borrero. *Monografía de las Fuerzas Militares y Policía* (Monograph on the Armed Forces and Police). Bogotá: Corporación Nuevo Arco Iris, 2010. Unpublished study.
80. See: Jesús Antonio Bejarano, *"La política de paz durante la administración Barco"* (The peace policy during the Barco administration",) in: *El Gobierno Barco: política, economía y desarrollo social en Colombia, 1986-1990.* (The Barco Government: politics, economy and social development in Colombia, 1986-1990. Bogotá: Fedesarrollo/ Fondo Cultural Cafetero, 1994), 79-98.
81. See: Ramírez and Restrepo, *Actores en conflicto por la paz* (Actors in the battle for peace).



In 1984, the commanders of different guerrilla groups met at the *Casa Verde* (Green House) in la Uribe, Meta, to found the Simón Bolívar Guerrilla Coordinating Body. Photograph: Archive, *Voz* newspaper.

decision to choose military over political means. What is more, public opinion on the whole thought it was obvious that Betancur's peace negotiations had been skillfully exploited by the guerrilla groups to enlarge their fronts and operate in regions that were more integrated into the political and economic life of the nation: between 1981 and 1986, the EPL went from having two fronts to twelve; the ELN, from three fronts to ten; and the FARC, from ten fronts to thirty-one.[82]

The result of this disillusionment with Betancur's peace process, which had been torpedoed from different sides, was that it severely limited the peace policy of the administration of Virgilio Barco (1986-1990).[83] Therefore, his government adopted a depoliticized, institutionalized and technocratic model of peace that focused on investing in infrastructure works that would end the geographic isolation and marginalization of the regions affected by the armed conflict and took the form of the National Rehabilitation Plan (*Plan Nacional de Rehabilitación* – PNR). The two strategies that Barco used to confront the armed conflict were to undermine the guerrilla's social base and strengthen the presence of the Army and the Police. In turn, the criteria for his peace policy, set out in the document which the presidential advisor Carlos Ossa presented to the FARC, in September 1986, insisted that the quest for peace could not be isolated from the overall objectives of the State, and that it should begin with strengthening the legitimacy of the country's institutions and political order.[84] It was a territorial, rather than sectorial, approach, which aimed at establishing the full presence of the State in peripheral areas in order to recover control of them. That aim rested on an innovative deployment of military means.

The implementation of the PNR reopened a direct channel of communication between the State and the people in outlying areas. Previously, this sectorial attention to the rural population had only taken place through the ANUC during the administration of Lleras Restrepo, and the Integrated Rural Development program (*Desarrollo Rural Integrado* – DRI) during the administration of López Michelsen. This regional focus, which was more territorial, did not ignore the problem of land. Hence, the Barco administration tried to implement, with limited results, a new agrarian reform by means of Law 30 of 1986.

This institutional wager was complemented by the implementation of democratic reforms, one of which, the first popular election of mayors in 1988, marked a definitive step towards the realization of the political and administrative decentralization of the country. The government thus tried to strengthen a concept of public order more oriented towards the civil society, reflected in its intention to exercise a certain degree of control over the armed forces by appointing a civilian as Procurator for the Armed Forces and creating a Presidential Council on Human Rights.

The whole set of measures, which included recognizing the role of left-wing movements in political life, especially the Patriotic Union, and declaring that the terms of the peace agreements were still in force, despite the rupture of negotiations with the FARC, formed part of a thrust towards democratic reform which sought to have an impact on an ongoing war and a political crisis which continued to be unresolved. Among those reforms, the political and administrative decentralization of the country were crucial for making the State more democratic on a local and regional level. It was equally vital to guarantee the full exercise of the citizenship of its inhabitants and provide a larger flow of public resources, which, administered by the local authorities, would enable the State to attend to the needs of its citizens in a more timely and effective way.

Wishing to show that he was independent of the traditional ruling class, the position of President Barco was isolated and that, along with his inability to secure a consensus in society and indifference to public opinion,[85] prevented him from winning approval for all the reforms that were

82. See: Camilo Echandía, *Dos décadas de escalamiento del conflicto armado en Colombia, 1986-2006* (Two decades of the escalation of the armed conflict in Colombia, 1986-2007. Bogotá: Universidad Externado de Colombia, 2006).
83. Bejarano, "*La política de paz durante la administración Barco*", ("The peace policy during the Barco administration"), 82-84.
84. Bejarano, "*La política de paz durante la administración Barco*", ("The peace policy during the Barco administration"), 85.
85. Gary Hoskin, *La administración Barco: del caos político a una salida* (The Barco administration: from political chaos to a solution. Bogotá: Fedesarrollo/ Fondo Cultural Cafetero, 1994), 45.

needed to reinforce his policy for rehabilitating and decentralizing the political and administrative apparatus of the State.

Interpreting the electoral advances of the left and the increase in social movements as a potential revolutionary uprising – which is how radical sectors of the military and paramilitary groups saw it –affected the guerrilla groups. There was a parallel between the assessment of the situation at that time by radical sectors of the armed forces and the paramilitary groups, on the one hand, and the guerrilla forces, on the other. In the opinion of the former, the electoral successes of the left and surge in social protest were signs of an imminent revolutionary uprising, whereas the latter saw the same events as an opportunity to mobilize social discontent towards a destabilization that would lead to a popular uprising.

Thus, tensions between the national government and the armed forces intensified, while the self-defense groups multiplied and mutated into paramilitary ones at an accelerated pace and unleashed a brutal repression of the civilian population, seen in massacres and selective assassinations. It was in that context that the paramilitary groups in the Magdelena medio consolidated themselves, and new groups emerged in others parts of the country: Córdoba, under the leadership of Fidel Castaño; Cesar, with the Prada brothers; the Sierra Nevada de Santa Marta, with Hernán Giraldo and the Rojas family; Casanare, with the Buitrago family; and the llanos orientales and Putumayo with armed groups run by drugs- traffickers. The paramilitary actions were not always perpetrated by illegal armed organizations, but in many cases were clandestine acts by radical sectors of the armed forces, or simply the work of hired killers employed by temporary alliances, with short-term aims, of different economic, political and military agents who did not intend to form permanent groups or fronts.[86]

In the midst of this intensification of the dirty war, different sectors of the armed forces insisted on publicly defending the self-defense groups and refused to condemn them. This support spread when the ejc-3-10 Manual (counter-guerrilla combat regulations) was approved by the Commandant of the Army, Óscar Botero – who later became the Minister of Defense – in November 1987. It stated that the Self-Defense Boards were one of the main supports in the counterinsurgency fight.[87]

This legal umbrella led several military battalions in the Magdalena Medio to provide logistical support, arms, munitions and backing to several self-defense groups which had emerged to protect themselves from the aggression of the guerrilla. The military´s support for these groups, with headquarters in Puerto Boyacá, coincided with the arrival of several drugs- traffickers in that region. Among them were Pablo Escobar, Gonzalo Rodríguez Gacha and Jairo Ortega, who bought large farms to establish clandestine laboratories and invested enormous amounts from their illegal businesses in them. These men arrived with their illegal armies and quickly wound up making alliances with the self-defense groups, and indirectly with the military, in a common counterinsurgency cause. This financial backing allowed the paramilitary groups to consolidate an absolute domination of this region and extend it to other areas of the country in order to protect laboratories (Putumayo and Caquetá) and export routes (Córdoba, Magdalena), or to combat the guerrilla (Llanos orientales).

The illegal and legal opposition to Barco's democratization efforts was reinforced by the changes in the United States fight against communism introduced by the administration of Ronald Reagan, as well as its intervention in the armed conflicts of Central America. In fact, U.S. recognition of the political legitimacy of the Contras in Nicaragua[88] was repeatedly invoked by the self-defense groups.

86. Rodrigo Uprimny and Alfredo Vargas, "La palabra y la sangre: violencia, legalidad y guerra sucia en Colombia" ("Words and blood: violence, legality and dirty war in Colombia"), in: *La irrupción del paraestado* (The irruption of the para[military]State), comp. Germán Palacio, (Bogotá: ILSA/ CEREC, 1990), 131-133.

87. GMH, *La Rochela. Memorias de un crimen contra la justicia* (La Rochela. Memories of a crime against justice. Bogotá: Taurus/ *Semana,* 2010).

88. The "Contras" were a generic name for the different armed groups that fought against the government which took power after the ousting of the dictator Anastasio Somoza in July 1979, which was led by the Sandinista National Liberation Front. The role of the United States in financing, training and equipping the Contras in Nicaragua became public knowledge in 1988, when the Iran-Contras scandal broke out, revealing the use of the illegal sale of weapons to Iran to finance the Contras when Iran was engaged in its war with Iraq (1980-1988).



Billboard placed at the entrance to the town of Puerto Boyacá. Photograph: *Revista Semana*, 2002.

The guerrilla became more militarized, the armed forces treated the democratic left as criminals, as it did social movements in general, such as workers´ strikes, civic strikes and other forms of protest. Thus, the armed forces and the illegal armies blurred the distinction between combatants and civilians and between social struggles and insurgent activities. They could not understand that the guerrilla strategy of exploiting social movements and electoral participation did not necessarily coincide with the agenda which the trades union, peasant farmer and civic movements were following. The guerrilla refused to recognize that the activity of the social movements was largely a response to the opportunities for social protest provided by the Barco administration.[89] The purpose of the reforms which these social movements demanded from the government was to secure a strong presence and activity of the State in their territories. That meant that many such movements wanted the State to intervene more in their affairs and not necessarily bring about its collapse.

That rationale of the social and political movements was in harmony with the reformist tendencies of the Barco administration, which sought to renew the State´s legitimacy but stumbled over its institutional fragmentation. Civil power, including social protest, went against regional and military power, which were responsible for processing that protest. This situation provoked the opposite of what was expected: the former´s attempts at democracy led to an authoritarian reaction from the latter. Additionally, both the guerrilla and the military interfered in the development of a democratic social movement that was not limited to the political left and continued to grow until 1987, when it suffered a decline at the most critical moment of guerrilla interference and paramilitary repression.[90]

Of course, the most notable blow to Barco's efforts to re-legitimize the political route was the systematic assassination of members and leaders of the Patriotic Union. That was the case with José Antequera on March 3, 1989 and Diana Cardona on February 26, 1990, among others, and the presidential candidates Jaime Pardo Leal, in October of 1987, and Bernardo Jaramillo Ossa, in March 1990. These crimes extended to other groups, such as the assassination of Carlos Pizarro Leongómez in April 1990, political leader of the recently demobilized M-19 guerrilla group and presidential candidate for the new political movement known as the M-19 Democratic Alliance (*Alianza Democrática M-19*). That chain of crimes happened in spite of public efforts by the leadership of the UP to detach itself from the FARC, which included a decision by the 5th Plenary Conference of the UP, held in 1987, to distance themselves from that guerrilla group. This series of assassinations had already started during Betancur's administration, in the 1986 electoral campaign, and had continued with the assassination of Jaime Pardo Leal in October 1987. The wave of terror and the dirty war surrounding the extermination of the UP began in 1986, and was especially intense in regions such as Urabá, the bajo Cauca Antioquia, the Magdalena medio, Arauca and Meta, where the UP had managed to displace the traditional political class.[91] These kinds of acts included the massacres in Segovia and Remedios, in the northeast of Antioquia, as documented by the GMH.

In total, two presidential candidates were assassinated (Jaime Pardo Leal and Bernardo Jaramillo Ossa), as well as eight congressmen, 13 departmental assembly men, 70 municipal councilmen, 11 mayors and thousands of their followers. The assassinations were perpetrated by paramilitary groups, members of the State Security Forces (the army, secret police, intelligence agency and regular police), often in alliance

89. See: Zamosc, "*Transformaciones agrarias y luchas campesinas en Colombia: Un balance retrospectivo (1950-1990)*", ("Agrarian changes and peasant-farmer struggles in Colombia"), 7-45.
90. See: Restrepo, Luis Alberto, "*Movimientos cívicos en la década de los ochenta*", ("Civic movements in the 1980s"), 381-409.
91. See: Leah Anne Carroll, *Violent Democratization. Social Movements, Elites, and Politics in Colombia's Rural War Zones, 1984-2008* (Notre Dame: Notre Dame Press, 2011); Guido Bonilla, *La violencia contra la Unión Patriótica: Un crimen de lesa humanidad* (The violence against the Unión Patriótica: A crime against humanity. Bogotá: Centro de Estudios e Investigaciones Sociales, CEIS, 1993); and Defensoría del Pueblo, *Informe para el Gobierno, el Congreso y el Procurador General de la Nación: Recomendaciones del Defensor del Pueblo; estudio de casos de homicidio de miembros de la Unión Patriótica y Esperanza, Paz y libertad* (Report to the Government, the Congress and Inspector General of the Nation: Recommendations of the Public Defender´s Office; study of the cases of homicide against members of the Unión Patriótica and Esperanza, Paz y Libertad [parties]). Bogotá: Ediciones Jurídicas Gustavo Ibáñez, 1992).

with drugs- traffickers, as documented by the prosecutors appointed under the Law on Justice and Peace.[92] In spite of losing political representation, the UP endured the violent period, and survived. In the 1990 elections, three senators, four congressmen, 24 departmental assemblymen, 12 mayors and 257 muncipal councilmen from that party were elected. Even though their political representation in the Congress decreased (five of their senators and nine congressmen had been elected in 1986), their stability on a local and regional level was confirmed, where 15 mayors, 261 councilmen and 10 assemblymen were elected in 1988.[93]

Towards the end of Barco´s term, the crisis became more evident, due to increased paramilitary violence, such as the assassination of judicial officials in La Rochela, Barrancabermeja, in the Magdalena medio on January 18, 1989.[94] After this massacre, the government ordered the DAS to investigate the criminal structure of paramilitary groups in that region. Similarly, Law 48 of 1968 was repealed through Decrees 813 and 814 of 1989, which penalized promoting, financing, supporting and forming paramilitary groups.[95]

The explosion of the paramilitary phenomenon highlighted the connection between drugs-trafficking and the armed conflict. This new type of financing through drug-trafficking was due to the convergence of the interests in three sectors. First, the economic elites, who sought to defend their patrimony, as seen in the front organization they used in Puerto Boyacá, the Association of Peasant Farmers and Cattle Ranchers of the Magdalena Medio (Asociación de Campesinos y Ganaderos del Magdalena Medio – ACDEGAM). Second, the drugs-traffickers, who sought to expand their illegal business and wanted to protect themselves from the guerrilla groups, who used extortion to put pressure on their laboratories and purchase of coca leaves. And third, the military, who wanted to attack the guerrilla and the internal civilian enemy. The latter can be deduced from the Procurator-General's report on the MAS, issued on February 20, 1983.[96] That entity revealed that there was not just one group called the MAS, but it was really a generic name under which the paramilitary groups in the Magdalena Medio operated, and that 163 people were involved, 59 of whom were on active service in the armed forces.[97]

Narco-paramilitarism was thus one of the first expresions of the active link which drug-traffickers had with the armed conflict, either as the financers or founders of armed organizations. That situation was also seen in the reshaping of the agrarian problem: the researcher Alejandro Reyes estimated that massive land purchases by drugs-traffickers had reached to 409 municipalities (close to the half of Colombian territory) between the 1980s and the first half of the 1990s.[98] That amounted to a new process of the concentration of landownership which served as a *de facto* agrarian counter-reform, and further limited the results of the agrarian reform promoted by Virgilio Barco's administration.

It is important to highlight that, while this alliance was markedly counterinsurgent, by the mid-1980s drugs-traffickers, in their double role

92. See: Defensoría del Pueblo (Public Defender´s Office). *Informe para el Gobierno, el Congreso y el Procurador General de la Nación.* (Report to the Government, the Congress and Procurator General of the Nation).
93. Defensoría del Pueblo (Public Defender´s Office). *Informe para el Gobierno, el Congreso y el Procurador General de la Nación.* (Report to the Government, the Congress and Procurator General of the Nation).
94. See: CNRR-GMH, *La Rochela.*
95. See: Gonzalo Sánchez, Comisión de estudios sobre la violencia (Commission on studies of the violence) *Colombia: violencia y democracia* (Colombia: violence and democracy. Bogotá: La Carreta, 2009).
96. Procuraduría General de la Nación (Inspector General of the Nation*). Informe de la Procuraduría General de la Nación sobre el MAS: Lista de integrantes y la conexión de MAS - Militares* (Report on the MAS by the Inspector General of the Nation: List of members and the link between the MAS and the armed forces). Bogotá: Procuraduría General de la Nación, 1983, downloaded, June 23, 2013, http://www.verdadabierta.com/archivos-para-descargar/category/38-historia-1?download=5%3Ainformede-la-procuradura-general-sobre-el-mas-1983
97. See: Francisco Gutiérrez and Mauricio Barón, "*Estado, control territorial y orden político en Colombia: Notas para una economía política del paramilitarismo, 1978- 2004"* (The State, territorial control and political order in Colombia: Notes for a political economy of paramilitarism)*,* in: *Nuestra guerra sin nombre* (0ur nameless war), 267-313.
98. See: Alejandro Reyes, "*La compra de tierras por narcotraficantes*", ("The purchase of lands by narcotics-traffickers"), in: *Drogas ilícitas en Colombia* (Illegal drugs in Colombia), ed. Ministerio de Justicia, PNUD (Bogotá: Planeta, 1997).



Funeral of Jaime Pardo Leal in the Plaza de Bolívar. Photograph: Luis Miguel García, *El Espectador,* 1987.

as emerging elites and illegal businessmen,[99] had showered economic resources on all the agents in the armed conflict. Drug-trafficking organizations used the armed agents and their disputes to further their illicit activity, and they also fought against these groups to establish their domination of resources and territories.

The impact of drug-trafficking was not limited to providing the armed conflict with resources or agents, since its social and cultural effects profoundly changed the environment in which all this took place. The corrupting power of drugs-trafficking permeated the political class and various State institutions, creating a precedent for co-opting the State which paved the way for the armed agents, because narco-politics came before what was later known as para-politics and in many way the latter is a historical prolongation of the former. This mafia-style cooptation of the State and politics eroded the ethical standards of political activity and public management. Additionally, the cultural impact of drugs-trafficking has to be considered, since it provided a quick way to ascend socially, based on a culture of easy money and the use of violence, which resulted in a trivialized view of violence and a deterioration of the ethical standards of a society which has not only failed to question the morality of the means but also the ends. In this process of social and cultural reconfiguration, the mystique associated with the *guerrillero* in the 1960s and 1970s, which had such a strong impact on urban Colombia, was now replaced by the pragmatism of the drugs-trafficker, who turned into the model of a successful upward social mobility for broad sectors of the population.

Furthermore, the confrontation between the drug-traffickers and the Colombian State took place at a time when the Bush administration intensified the U.S. war against drugs. The interaction of the two affected the political situation and had an impact on the institutional strategy for handling the armed conflict, even though the drug-traffickers´ open defiance of the State had already been felt in the tragic assassination of the Minister of Justice, Rodrigo Lara Bonilla, in 1984. In the late 1980s, to prevent the extradition of drug-traffickers to the United States, the Medellín Cartel and other illegal organizations began a campaign of terrorist attacks against State institutions and agents, as well as political figures who were reluctant to accept their expanding power and criminal activities. The Medellín Cartel´s terrorist activities included the car- bombing of the headquarters of the DAS and the bombings of the offices of the newspaper *El Espectador* and an Avianca plane in mid-flight, all of which occurred in 1984. Their capacity to generate terror was also seen in other acts: among them, the assassination of Luis Carlos Galán, presidential candidate for the Liberal Party, in August of 1989; the systematic attacks on judicial officials, like the assassination of the Ministers of Justice Rodrigo Lara Bonilla in 1984 and Enrique Low Murtra in 1990; the attempt to assassinate former Justice Minister Enrique Parejo González in Budapest 1987; and the assassination of Attorney General Carlos Mauro Hoyos in January 1988.

That wave of terror weakened the State with a two-front attack: one, the armed conflict and the other, drugs-trafficking. Likewise,t he drugs-traffickers' assaults were a blow to the legal system, and reduced its effectiveness at imparting justice in cases related to the armed conflict. Paradoxically, drug-trafficking also made the justice system more harsh, and in many ways limited its guarantee of civil rights, as will be analyzed in Chapter 3 of this report.

This dual nature of the paramilitaries´ stance on the State – a friend in the counterinsurgency fight and an enemy in the war against drug-trafficking[100] – entailed a paradox which made their relationship unviable as narco-terrorism increased. Between the late 1980s and early 1990s an internal crisis within the paramilitary groups of the Magdalena medio was unleashed. Their most important leader, Henry Pérez, was assassinated on July 20, 1991 by Pablo Escobar's men, who paid him back for having joined the efforts of legal and illegal groups to finish off Escobar. The successor of that paramilitary chief, a retired Army officer named Luis Meneses (alias *Ariel Otero*), made an agreement with the administration

99. Álvaro Camacho Guizado, "*Empresarios ilegales y región: la gestación de élites locales*" ("The regional influence of illegal businessmen: the emergence of local elites"), in: Renán Silva (ed.), *Territorios, regiones, sociedades* (Territories, regions, societies). Cali: Universidad del Valle/CEREC, 1994.

100. See: Gutiérrez and Barón, "Estado, control territorial y orden político en Colombia". ("The State, territorial control and political order in Colombia").



Newsroom of the newspaper *El Espectador*, after it was bombed by the cartel of Medellín. Photograph: *El Espectador,* 1986.

of César Gaviria (1990-1994) to demobilize a handful of combatants in that region who continued to be loyal to him, but shortly after, in 1992, he was also assassinated, apparently by Escobar's men.[101]

The penetration of drug-trafficking in the paramilitary organizations and the effects that had on the counterinsurgency orientation of the self-defense groups made the armed conflict even more complex, so that it became difficult to distinguish between the activities of the war and those of organized crime. Drugs-trafficking had such a strong impact on the paramilitary organizations that these groups became the armed wing of the drug-traffickers in several regions, like the bajo Putumayo and Ariari, where the paramilitary groups were put at the service of the trafficker Gonzalo Rodríguez Gacha. That situation wasn´t all that different from the one of other paramilitary groups with a broader social base, such as those in Córdoba, led by Fidel Castaño or the Sierra Nevada de Santa Marta, led by Hernán Giraldo.

Despite the fight against the *threat of narco-terrorism*, the Barco administration resumed peace talks with the M-19. These had started in January 1989 after Álvaro Gómez Hurtado was kidnapped and later released. These rapprochements were fruitful and resulted in a peace agreement signed by the government and the guerrilla group in March 1990, followed by an agreement with the Quintín Lame Movement. Previously, Barco had launched his peace plan, the major condition of which was a ceasefire in exchange for amnesties, a guarantee of safety and the right to participate in politics for the *guerrilleros* who were reincorporated into civilian life and laid down their arms.

The peace agreement helped the M-19 to recover their favorable public image insofar as they became a symbol of the transition to peace the country was crying for, and they turned into a third major political force through a coalition with small left-wing organization of a civic or bipartisan origin. As a result, the new political party they formed, known as the M-19 Democratic Alliance, was the movement which won the greatest number of seats at the National Constituent Assembly which drafted the new Constitution in 1991, though in overall numbers they were surpassed by the agglomeration of different factions of the Liberal Party. Their political ascendency was confirmed by the results of the presidential elections in 1990, when this new party became the alternative political force with the most votes in the history of Colombia, and the first to surpass an official candidate of the Conservative Party by 700,000 votes.

Meanwhile, the evolution of the EPL had led it to break with its traditional rejection of political and electoral means to attain power. First, it formed the Revolutionary Democratic Front in 1984, and then the Popular Front, in 1988, to pave the way for its participation in that year's regional

101. Referring to Henry de Jesús Pérez, in 1991; Ariel Otero, in 1992, and El Zarco, en 1993. In: Gutiérrez y Barón, "*Estado, control territorial y orden político en Colombia*". ("The State, territorial control and political order in Colombia").



Carlos Pizarro surrenders his arms after the peace agreement between the M-19 guerrilla movement and the government in the region of Santo Domingo, Cauca. Photograph: Ángel Vargas. *El Tiempo*, 1990.

and local elections. The EPL's strategy for revolution was now focused on unleashing regional outbreaks of insurrection[102] and its leaders even set a date for the start of the revolution: October 27, 1988, the day of the National Civic Strike convoked by the United Workers Federation (*Central Unitaria de Trabajadores* – CUT) and the National Association of Farm Workers (*Asociación Nacional de Usuarios Campesinos* – ANUC), among other organizations. The result was disastrous. The insertion of the aim of armed revolution threatened the organizations which favored the mobilization of social and political support, as was seen in the stripping of the legal status of the unions and the wave of repression of social and political activists which the armed forces and paramilitary groups unleashed in Urabá.

The failed experiment and the resulting repression caused the EPL guerrilla movement to rethink its political strategy and they chose to abandon the armed struggle in order to concentrate on the use of social and political means and thus preserve their political capital in order to compete in the arena of democracy. Bernardo Gutiérrez, commandant of the EPL, led the peace negotiations which resulted in their disarmament and the participation of this demobilized guerrilla in the National Constituent Assembly in 1991.

The ELN was not a party to the peace agreements made under the Betancur or Barco administrations. Their new paradigm was oriented towards establishing alternative forms of popular power, parallel to military ones, which took advantage of open political and institutional opportunities without integrating themselves into institutional structures. In line with its revolutionary strategy, the ELN did not aspire to attain its political goals through electoral means, but sought to create a popular power with a dynamics of its own that would be capable of replacing the State.[103]

The ELN's new expansion phase during 1983 was especially reinforcedby its connections with oil union radicals in Barrancabermeja, Magdalena Medio. Specifically, and often by chance, oil became the pillarofits political, economic and military composition. The discovery of Caño Limón in Arauca, when the Domingo Laín Front socially penetrated the peasant colony in Sarare,meant that the Occidental Petroleum Company – OXI and other oil companies had to accept the guerrilla as a powerful entity in Arauca.[104]

The ELN consolidated itself by establishing its presence along the route of the Caño Limón-Coveñas oil pipeline (Sarare, Magdalena medio, Catatumbo, Serranía del Perijá, eastern Antioquia, northeast Antioquia, southern Bolívar and Sucre), as well as the regions of Valle del Cauca

102. Álvaro Villarraga, *Ejército Popular de Liberación (EPL). Guerra irregular, pacto de paz y constituyente* (The Popular Liberation Army (EPL). The irregular war, the peace agreement and the Constituent Assembly). Bogotá: Corporación Nuevo Arco Iris/ GMH, 2010.

103. Luis Eduardo Celis, *Ejército de Liberación Nacional (ELN). Una aproximación a sus dinámicas sociales y comunitarias* (The National Liberation Army (ELN). An approach to its social and communitarian dynamics). Bogotá: Corporación Nuevo Arco Iris/ GMH, 2010.

104. Celis, *Ejército de Liberación Nacional (ELN).* (The National Liberation Army (ELN)).

and southern Cesar, where they established links with small farmers and members of the unions in the agro-industrial sectors of cane sugar and palm oil. The ELN attacked businessmen, cattle ranchers and drugs-traffickers through the intensified use of kidnapping, exortion and assaults on the oil infrastructure.

The territorial expansion of the guerrilla groups, the political advance of the left and the surge in paramilitary violence were not only made possible by political factors but economic ones as well. The country had gone through profound economic transformations in the 1980s which aggravated social conflicts and created poles of economic development which created opportunities for the agents of the armed conflict to expand. At the heart of these changes was Colombia's transition from a coffee-producing country to a mining and coca-growing one.[105] The shift was strengthened by the dynamics of new agro-industrial sectors, such as bananas, flowers, and African palm. The new mining sector burst onto the scene when oil wells were discovered in Caño Limón, and was consolidated in the early 1990s with the exploitation of the deposits in Cusiana and Cupiagua in the piedmont of Casanare. Colombia's growth in that sector included the exploitation of coal deposits in La Guajira and was affected by rises in the international price of gold, which resulted in increased mining in the Bajo Cauca and northeast Antioquia. In addition, the growing international market for emeralds led to an upsurge of mining in western Boyacá, which is still an important emerald-producing center.

Among other poles of economic development which flourished at that time there were the agro-industries of bananas in Urabá, African palm in southern Cesar and rice industry in the foothills of the eastern plains and Casanare. It should be noted that there was a notable expansion of coca crops and laboratories to process the leaves into cocaine in the southeast (Putumayo, Caquetá, Guaviare and Meta) which was responsible for a significant, though illegal, economic boom.All of these eco nomic centers consolidated themselves in peripheral areas and consequently brought about profound changes in regions which had always been poor and marginal until then. In one way, this concentration of money aided the guerrilla´s efforts to extend their reach to regions which were economically more integrated, in the sense that some of these economic booms took place in the areas of their own rearguards and/or ones where they had a long-established presence. It is clear that this change meant that the center of the country began to look at the peripheral regions in a different way and give a priority to their territorial and political integration, since the overall economic growth of the country increasingly depended on what happened in them. However, the weak territorial and institutional integration which existed at the time, the mass arrival of migrants in such regions and the unequal distribution of incomes that characterized these economic enclaves created a breeding ground for social conflicts in those new economic poles which the guerrilla groups exploited to insert themselves there in a relatively easy manner.[106] Additionally, those circumstances were useful for the strategic realignment of their political and military plans.

The significant weight of the peripheral regions in the Colombian economy can be confirmed by the fact that coal had replaced coffee as the country´s main export product by the end of the 1980s, while bananas and flowers rose to become two of its most profitable agricultural exports.[107] The other face of this economic dynamism in the outlying areas was the agrarian counter-reform that occurred in the more integrated economic regions. This brought with it an increase in the agricultural lands used to rear cattle, a result of the mass purchase of rural properties by the drug-traffickers, a feature which was especially marked in the Caribbean coast, the Magdalena medio and Meta.[108]

105. Teófilo Vásquez. "*Recursos, política, territorios y conflicto armado* " ("Resources, politics, territories and armed conflict"), in: *Una vieja guerra en un nuevo contexto. Conflicto y territorio en el Sur de Colombia* (An old war in a new context. Conflict and territory in the South of Colombia). Bogotá: Universidad Javeriana, CERAC y ODECOFI, 2011, 367-428.

106. Daniel Pécaut. "*Presente, pasado y futuro de la violencia*" ("The Present, past and future of the violence" *Análisis Político* 30 (1997).

107. Saúl Pineda Hoyos, "*Apertura económica y equidad: Los retos de Colombia en la década de los años noventa*", ("The opening of the economy and fairness: Colombia´s challenges in the 1990s"), in: *Colombia Hoy* (Colombia Today). Bogotá: Imprenta Nacional de Colombia, 1996.

108. Teófilo Vásquez. "*Recursos, política, territorios y conflicto armado*", ("Resources, politics, territories and armed conflict"), 367-428.

The political and social crisis, the rise in guerrilla and paramilitary violence and the heights drugs-trafficking reached led to the gradual weakening of political alternatives to the use of violence and armed force. This situation became even worse by the end of the decade with the policy of decentralization and the popular election of mayors. It entailed a redefinition of the traditional relationships of power between the nation'scenter and the regions, and between the department capitals and the municipalities, which heightened tensions in regional and local politics. In fact, political decentralization had the unforeseen and unwanted effect of strengthening the influence of the armed agents in local and regional politics, and indirectly strengthened their territorial consolidation and control of the population.[109]

2.2.1. The Constituent Assembly, the refusal of the FARC and ELN to participate and the new determination of paramilitarism

The escalation of the socio-political and economic violence, along with the worsening of the armed conflict, unleashed strong protests and demands for fundamental changes in the institutions of the State. The administration of Virgilio Barco reacted to the crisis with initiatives for political and constitutional reform and a new policy for public order that included the National Rehabilitation Plan, as well as the offer of an agreement with the guerrilla based on their subordination to the institutional framework then in force.

It was that context which paved the way for the notion of the Constituent Assembly that, for the sectors that had participated in the unsuccessful peace talks of 1984-1985, was a path towards peace agreements, due to important changes in the State. For the modernizing sections of the Liberal Party, especially for those closest to the transformative ideas of the slain presidential candidate Luis Carlos Galán, there was a need to repair the State during this critical stage of Colombian history, when the problems left by the National Front had still not been resolved.

The various flanks of the movement that called for a Constituent Assembly had grown stronger since 1985. After the failure of the "National Talks for Peace" (*Dialogo Nacional por la Paz*), the idea of a peace process reemerged with more force with the start of the Barco administration´s negotiations with the M-19 in January 1989. The mass mobilization of support by university students also included proposals for a constituent assembly as a response to the assassination of Luis Carlos Galán and other political leaders in the context of a wave of terrorism unleashed by drug-traffickers and the rise of paramilitary violence. That initiative was then set forth in a letter signed by more than 30,000 university students who participated in the panels for the talks and consultations which would lead to an agreement with the M-19, which was also signed at the National Capitol by delegates from the political parties, academics, non-governmental organizations and the governing board of the Senate in May and August 1989. In a statement made on December 14, 1989, in response to its frustration with the failure of the constitutional reform proposed by the government, and the peace agreements included in it, the M-19 directly summoned the nation to call for a new peace agreement, with the idea that a *coup* by the public opinion would bring about a Constituent Assembly in a peaceful manner.

What became known as the "Seventh Ballot Paper" (*Séptima Papeleta*), a proposal backed by the students and many other sectors[110] that was included in the legislative and regional elections in March, 1990, synthesized those processes undertaken by a mass, democratic support for peace and was an expression of the citizenry´s protest against violence and the reestablishment of democracy. The Barco government knew

109. Fabio Sánchez and Mario Chacón, "*Conflicto, Estado y descentralización: del progreso social a la disputa armada por el control local, 1974-2002*". ("Conflict, the State and decentralization: from social progress to the armed fight for local control, 1974-2002").

110. Alongside the student movement, other sectors which had a central role were the *El Tiempo* and *El Espectador*, newspapers, the Galanist candidates, the pro-Constituent Assembly committee, the religious groups and the AD – M-19´s electoral campaign, with Carlos Pizarro, Antonio Navarro and Vera Grabe as candidates, and the Government´s inclusion of a nonbinding "seventh ballot" in the March 1990 legislative elections, whereby the electorate could vote for or against the holding of a National Constituent Assembly.

how to take advantage of that opportunity and by decreeing a state of emergency (*estadio de sitio*), formalized the proposal of a vote to summon a Constituent Assembly to be included in the presidential elections in May 1990. That, in turn, paved the way for the political agreements that led to the election of the members of the Constituent Assembly in December 1990 and its deliberations between January and July 1991.

The new Political Constitution of Colombia, proclaimed on July 4, 1991, received a hopeful welcome from a desperate nation. It amounted to a peace agreement and navigational chart for the transition towards a society based on peaceful coexistence, a State of Law, the strengthening of a participatory democracy, guarantees of political rights and respect for Human rights, in a nation acknowledged to be diverse, multiethnic and multicultural.

The aim of this advance was to satisfy the long-held demand for a more open democracy that originated the armed conflict and had come from vast sectors of Colombian society for many years. It also spelled the definitive end of the National Front and created the institutional foundations for a more profound political and administrative decentralization, which was extended through the Constitution´s provision for the popular election of departmental governors. It also set limits on the authorization of exceptional measures, which had nearly become permanent through the state of emergency and had favored the autonomy of the military.[111] It likewise promoted the empowerment of the citizenry with different mechanisms for participation, which ranged from the recognition of individual and social rights to the institutionalization of mechanisms that guarantee rights, freedoms and the constitutional order.

The impact of this grand constitutional agreement for peace and the banning of the extradition of Colombian citizens smoothed the way towards the dismantling of the large drug-trafficking cartels. While this situation led to a reduction of political homicides, it was also marked by a weak response to other factors in the country´s violence, which escalated at an alarming rate and shaped one of the bloodiest periods in the most recent century of Colombian history. Among those factors, there were the major institutional changes which that political and administrative decentralization would entail and the transference of functions and resources to local governments without counting on the necessary capacities or a minimal period of institutional transition to deal with that problem.

The new rules of the political game allowed for the irruption of many forces that competed in the local and regional political arenas, an effect of the political enthusiasm caused by the change. The presence of so many competitors wound up dismembering the political machines and clientelist networks of the large electoral barons and political chiefs, at the very time when the municipalities and region were beginning to receive large amounts of economic resources which were meant to improve the citizenry´s quality of life and make the management of the State more efficient and effective. However, the essential problem was that the proliferation of participants could not meet the need for the political intermediation that is indispensable for the formation and consolidation of strong and cohesive political movements.[112] The result was a greater atomization of local and regional politics, characterized by too many actors who were too little organized.

The pluralism of that situation of "too much and too little" thwarted the consolidation of independent and alternative political options which could have acted as a counterweight to the influence of the armed agents, who exploited such fragmentation to become the guardians of the local game of democracy and seize hold of the municipal budgets to strengthen their political support.[113] In fact, the role of arbiter was the one which prevailed in the actions of the guerrilla groups during this period,[114] which evidenced a move away from their political strategy in the previous decade, based on a direct competition for power within the democratic framework through opposition movements or parties.

111. Dávila, *El juego del poder* (The game of power), 114-121.

112. See: Eduardo Pizarro, in: "Una democracia asediada" (A democracy under siege) and Ana María Bejarano, *Democracias Precarias. Trayectorias políticas divergentes en Colombia y Venezuela*, (Precarious Democracies. Divergent political paths in Colombia and Venezuela). Universidad de Los Andes, Bogotá, 2011.

113. Sánchez and Chacón, "Conflicto, Estado y descentralización". ("Conflict, the State and decentralization").

114. See: Bejarano. *Democracias Precarias* (Precarious Democracies).



The young people of the movement for the seventh ballot paper, 1989. Photograph: *Revista Semana*.

In that context, the political left no longer played a leading role, due to the political isolation of the Communist Party, the continuing extermination of the Unión Patriótica party and the harsh suppression of the political movements which replaced the violent subversion of the guerrilla groups which had renounced the resort to arms (the Corriente de Renovación Socialista; Esperanza, Paz y Libertad, and, to a lesser extent, Alianza Democrática M-19). The elections of 1992 showed the growing reduction of their political representation to 175 councilmen, 14 mayors and 10 assemblymen, limited to only 88 municipalities.[115] This period also witnessed the irruption of massacres like the one of Caño Sibao on June 3, 1992 and assassinations, like the one of senator Manuel Cepeda Vargas on August 7, 1994.

Despite that, the new political constitution enshrined the constitutional mandate to encourage a broader access to the ownership of lands as a means to advance the consolidation of peace, social justice, participatory democracy and the well-being of rural inhabitants. It also ratified the rights of indigenous peoples[116] and acknowledged the rights to the collective ownership of their territories by Afro-Colombian communities and their autonomous management of them in accordance with their usages and customs.

The Law on Agrarian Reform and Rural Development created the National System for Agrarian Reform and Rural Development (Law 160 of 1994), which would be responsible for coordinating and planning the redistribution of land and the development of the peasant-farmer economy. This law modified the attempts to restructure land tenures that had been stipulated by Law 30, 1986, during the administration of Virgilio Barco.[117]

Among the beneficiaries of the program for the grants of land there were the displaced, and in previous governments, the subversives who demobilized under the peace agreements.[118] Law 160 of 1994 established a lands market that was based on voluntary negotiations between landowners and peasant-farmers: the State provided a 70% subsidy to the latter. The results were not encouraging, due to factors like the asymmetry between the landowning and peasant-farmer class, the commercial costs of the lands and the interference of political and economic pressures on a local level. In addition, the precarious supply of credits and technical assistance, as well as the effects of the opening-up of the Colombian economy, aggravated the situation of the peasant-farmers who went into debt to supplement the subsidy. Forced displacement worsened the conditions of many peasant-farmer families and indigenous and Afro-Colombian communities, who were forced to sell or abandon their lands. In broad areas of the country, the lands of the peasant-farmers were forcibly seized or they had to sell them at a cheap price to sellers who took advantage of their being in arrears with their debts.[119]

The land market that was the object of the attempt to reform the structure of land tenure arose in adverse conditions that derived from the effects of the liberalization of the economy and institutional changes. In the first case, the opening up of the economy (*apertura económica*) confronted the Colombian economy with foreign competition. This initiative sought to unfetter Colombia´s stagnant industries, reduce inflation and encourage economic growth on the basis of exports, but the agricultural sector turned out to feel the strongest effects. This liberalization of the economy thus wagered on the urban sector of the country, to the detriment of its rural one, definitively abandoned the policy of redistributing lands and reoriented production towards competitiveness. The tariff protection that had shielded the nation´s economy from external competition was also dismantled and as a result, the agricultural sector was exposed to a

115. Registraduría Nacional del Estado Civil (National Civil Registry Office). Regional elections, 1992.
116. Since 1890 (under Law 89) the collective rights of indigenous nations and groups to the possession of their lands is recognized in Colombia.
117. The implementation of Law 30 of 1986 defined the zones for agrarian reform and the inter-institutional coordination required for the awarding of lands and the provision of other goods for the beneficiaries.
118. Law 35 of 1982 authorized the INCORA (Agrarian Reform Institute) to acquire lands destined for the inhabitants of the zones of conflict defined in the National Rehabilitation Plan.
119. See: GMH, *Justicia y paz. Tierras y territorios en las versiones de los paramilitares* (Justice and Peace. Lands and territories in the versions of the paramilitaries). Bogotá: Imprenta Nacional, 2013.

competition for which it was not prepared. Agro-industries like cotton-growing, which at one time used as much man-power as coffee, wound up bankrupt. Added to that was the collapse of the international coffee agreement, which had enabled the producing countries to regulate the price of that commodity. Plummeting prices affected one of the economic niches that had traditionally ensured the stability of the Colombian economy. The crisis was further aggravated by the restrictions on banana imports, imposed by the European Union under regulation 404 of 1993,[120] which affected one of the most dynamic agro-industries in the national economy.

All of those factors led to a profound transformation of the rural world, insofar as they opened the doors to the expansion and consolidation of drug-trafficking. On the one hand, those changes favored an accelerated shift to cattle-raising, propelled by the massive purchase of lands by drug-traffickers. That worsened the problems of the concentration of land ownership in a few hands and the over-exploitation by cattle-rearing of areas naturally apt for agriculture.[121] On the other hand, the precarious nature of the peasant-farmer economy in the most integrated regions and its lack of feasibility in the peripheral regions triggered the expansion of illicit crops. That gave rise to the formation of coca-growing economies in the center and the peripheries that entered into the global trade in narcotics. In the first case, there was an expansion of coca and poppy crops in the coffee-growing zones of the Andean region and the southwest of the country, while in the second, the areas sown with coca multiplied in the southeast and later in the northwest, northeast and Caribbean coast regions of Colombia.

With that, Colombia became, precisely, the world´s largest producer of coca leaves, surpassing Peru and Bolivia in the mid-1990s. That occurrence reinforced the influence of drug-trafficking, since the country also became the world´s leading exporter.

In the second case, the institutional changes caused by the deepening of political and administrative decentralization, added to the cutbacks in the central State due to the new policy of economic liberalization and privatization, led to the dismantling of the framework of public institutions which the central State had built for the rural country,[122] particularly the National Rehabilitation Plan aimed at the peasant-farmer economies on the peripheries. The result was that the rural country was abandoned to market forces and the reshaping of the State, whose presence was based on a selective scheme of direct supports and a greater volume of resources and specific aids for the development of agricultural/stock-rearing sub-sectors,[123] which thus dismantled the rural institutional framework and the focus on territorial intervention exemplified by the National Rehabilitation Plan precisely when the presence of the State was more important because the provision of public goods would have helped to improve the competitiveness which was being strongly urged on all sectors of the economy.

For its part, the acknowledgment of the territorial rights of ethnic communities stirred up the assaults against indigenous nations and Afro-Colombian communities by the illegal armed agents, in alliance with social, economic and political agents[124] and even the Security Forces. Behind this aggression there were interests in the economic resources of those communities: mining, energy, agro-forestry, cattle-rearing, agro-industrial and infrastructure projects or the planting, processing and trafficking of narcotics, as well as the installation of military bases. The struggles of the indigenous and Afro-Colombian communities and the protests they organize have led Colombian and international bodies to denounce the grave, massive and systematic violations of their rights and to call on the State to protect them and implement measures to guarantee their survival as minority groups.

120. Suárez, *Identidades políticas y exterminio recíproco,* (Political identities and mutual extermination), 143.
121. Programa de Naciones Unidas para el Desarrollo, Colombia, (United Nations Development Program, Colombia, UNDP-PNUD), "*Colombia rural: razones para la esperanza*" ("Rural Colombia: Reasons for hope"), 77.
122. United Nations Development Program (UNDP-PNUD), "*Colombia rural: Razones para la esperanza*". ("Rural Colombia: Reasons for hope"). 223-224.
123. United Nations Development Program (UNDP-PNUD), "*Colombia rural: Razones para la esperanza*". ("Rural Colombia: Reasons for hope").
124. GMH, *Justicia y paz. Tierras y territories* (Justice and peace. Lands and territories).

The new arrangements were important in closing the institutional breach between the civilian and military powers and the decline of the politicization of the Armed Forces, which had so openly defied the peace policies of the governments of Betancur and Barco. The context in which this took place – the fall of the Berlin Wall in 1989 and the end of the Soviet Union in 1992 – strengthened this situation, as did the successful peace talks with the M-19, EPL, Quintín Lame and PRT guerrilla groups between 1990 and 1991 (which extended in 1993 to the Corriente de Renovación Socialista, a dissident faction of the ELN). Despite that, the Armed Forces quickly readjusted to the new international models to legitimize a continuation of the anti-insurgency fight, refusing any vestige of a political recognition of the guerrilla and placing a radical emphasis on the criminal nature of such subversion: first, in the fight against drug-trafficking (speaking of the "narco-guerrilla"), then in the fight against terrorism (speaking of the "narco-terrorist guerrilla").

But there is no doubt that the political and symbolic act that most showed the subordination of the Armed Forces to the national government was the appointment of a civilian as Minister of Defense, after that post had been held by members of the military for more than half a century without interruption. Gaviria added a political message to that appointment, since the new Minister, Rafael Pardo, had been councilor for peace in the Barco government, in which Gaviria himself had been Minister of Government. This appointment was reinforced with the civilian management of the fighting, within the policy of integral war that was applied in the second half of his term. The new institutional arrangement laid the foundations for putting an end to the tensions between the national government and the Armed Forces. Even the military yielded to the possibility that the ordinary judicial system might investigate and judge members of the Armed Forces involved in violations of human rights and drug-trafficking. To that was added the creation of the National Security Office, to strengthen the influence of the civilian power in the planning of strategies to secure public order.[125]

While this institutional integration with the Armed Forces was being consolidated, the judicial branch was accommodated to the changes in the State, since the new Constitution of 1991 included strong guarantees for the judiciary and granted the Constitutional Court the power to safeguard its rights.

International pressures played an essential role in strengthening the political impact of the new constitution on the development of the war from there on, since, as was indicated above, the Cold War ended in this period with the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union in 1991. In addition, winning a peace agreement with several of the armed groups and the collapse of the international models which had inspired the armed agents and permeated society for such a long time meant that the armed conflict was incomprehensible for the urban sector of the country and made it enormously difficult for the FARC to get their message across to Colombian society, based, as it was, on a communist discourse which now had little appeal on an international level. This incomprehension was strengthened by the spirit of the new constitution´s discrediting of the armed struggle. Hence, when the FARC extended the war to urban areas, they were rejected by the urban sectors of the country.

One of the factors that influenced the easing of tensions in this period was the expectation of reaching a peace agreement with the guerrilla groups that had abstained from participating in the Constituent Assembly. Thus, Gaviria´s government held talks in Caracas, Venezuela and Tlaxcala, Mexico with the ELN, FARC and the dissident faction of the EPL between 1991 and 1992. But the rigid stances of one or the other hindered an understanding between the parties and the signing of an agreement. It was difficult to offer more than the new 1991 Constitution to those who continued with the armed alternative.

The FARC´s refusal to participate in the National Constituent Assembly was an expression of their deep-rooted distrust of guarantees for political opponents in the light of the still continuing extermination of the Unión Patriótica party, but it also had to do with their ambition to transcend those political changes and introduce social and economic reforms which would solve what they believed were the reasons for the

125. Dávila, *El juego del poder* (The game of power), 164.

emergence and development of the armed conflict. In line with that ambition, they had demanded a political representation in the National Constituent Assembly prearranged with the national government, not in accordance with the electoral results, in order to ensure the establishment of the structural reforms they called for on behalf of the country. The FARC´s absence from the National Constituent Assembly was not a minor decision for it. In fact, the Armed Forces´ attack on the "*Casa Verde*", the headquarters of the Secretariat of the FARC on December 9, 1990, the very day on which the members of the Constituent Assembly were elected, was added to their list of grievances. Hence, when the Pastrana government began peace talks with the FARC in 1991, one of the most insistent demands of their leader, Manuel Marulanda Vélez, during the negotiations was encapsulated in the following remark of his: "You don´t owe us two chickens, you owe us a Constituent Assembly".[126]

When the peace talks failed, those guerrilla groups focused on moving into the territories left by the demobilized ones and readjusted their strategies in order to continue the conflict.[127] In the first case, the FARC and the dissident faction of the EPL played a leading role in the bloodiest chapter of that stage of the war in the Urabá region.[128] In the second, the FARC readjusted its strategic plan at their 8th Conference in 1993. This resulted in three fundamental adjustments, which are worth analyzing if we wish to understand the path that organization followed after that. In the first place, their decision to form a revolutionary army that would be able to launch strong blows against the Armed Forces of a high strategic value led them to undertake a transition from a war of guerrillas to a war of positions.[129] In the second place, with the aim of urbanizing the armed conflict, they focused the whole of their military strategy on encircling the cities, with the priority on Bogotá and the expansion of their urban militias (*Milicias Boliviaranas*). In the third place, the formalization of their break with the Communist Party and development of an autonomous political philosophy with the formulation of a platform for a new government of reconciliation and national reconstruction marked a breaking point in which the FARC asserted their autonomy over both the military and political aspects of the revolution.[130]

While the guerrilla were making readjustments in order to carry on with the war, many of the recently-demobilized paramilitaries in the Magdalena medio, feeling adrift, sought shelter with the former paramilitary chiefs of the region who were still armed, like Ramón Isaza. In Córdoba and Urabá, Fidel Castaño, the triumphant head of the war against Pablo Escobar – who had organized a private justice group, known as the "Those Persecuted by Pablo Escobar" (*Perseguidos por Pablo Escobar – "Pepes"*), which combined legal and illegal forces – was getting ready to finalize his war against the guerrilla following the demobilization of the EPL when he died in mysterious circumstances in 1994. His brothers, Vicente and Carlos, who had been allied with sectors of the State in the fight against Escobar and the guerrilla, emerged as the winners. Those leaders of paramilitarism served as the spearhead of the regional political and economic opposition to the democratizing reforms of the new Constitution, but also responded to the military realignment of the FARC, which sought to take over the territories abandoned by the EPL guerrilla after it demobilized in March 1991. That occurrence was important for the positioning of this armed agent in the new stage when the armed conflict was expanding, particularly because it shifted the axis of the conflict, which had been the Magdalena medio in the 1980s, to Urabá, which became crucial in the 1990s.

126. *Revista Semana* magazine. "*Los puntos de la agenda*" (The items on the agenda), September 1, 2012, downloaded June 22, 2013, http://www.semana.com/nacion/articulo/los-puntosagenda/263987-3

127. Camilo Echandía, *El conflicto armado y las manifestaciones de violencia en las regiones de Colombia* (The armed conflict and the manifestations of violence in the regions of Colombia), 49.

128. See: Andrés Fernando Suárez, *Identidades políticas y exterminio recíproco. Masacre y guerra en Urabá 1991-2001* (Political identities and mutual extermination. Massacre and war in Urabá 1991-2001). Medellín: La Carreta, 2007.

129. See: Pizarro, "*Las FARC-EP: ¿Repliegue estratégico, debilitamiento o punto de inflexión?*", ("The FARC-EP. Strategic withdrawal, weakening or turning point?"). In: *Nuestra guerra sin nombre* (Our nameless war), 188.

130. Mario Aguilera, *Las FARC: La guerrilla campesina, 1949-2010. ¿Ideas circulares en un mundo cambiante?* (The FARC: The peasant-farmers´ guerrilla, 1949-2010. Circular ideas in a changing world?). Bogotá: Corporación Nuevo Arco Iris/ ASDI/ OIM, 2010); Pizarro, *Las FARC-EP: ¿Repliegue estratégico, debilitamiento o punto de inflexión?* (The FARC-EP. Strategic withdrawal, weakening or turning point?), 188-189.

These shifts and rearrangements in the war have been accompanied by a continuous change in the context: due to efforts, in some cases, to damp down the violence, and in others, to pave the way for the destabilization and harsher conflict of the following period.

In the first case, the transformation has to do with a political and juridical solution to the war of drug-trafficking against the State and the ending of narco-terrorism. The Constitution´s prohibition of extradition opened the way for an end to the drug-traffickers war against the State and made viable the implementation of the juridical mechanism that allowed them to submit to the justice system, a factor in the dismantling of the Cartel of Medellín. This aspect of the matter will be discussed at more length in chapter 3 of this report.

The surrender of Pablo Escobar promised a tranquil end to the process. But his escape from La Catedral prison on July 21, 1992 and his implacable persecution by the State and the "*Pepes*" which followed it led to a new outbreak of terrorist attacks, until narco-terrorism reached its end with the fall of Escobar on December 2, 1993. The dismantling of the Medellín Cartel was followed by that of the Cali Cartel between 1994 and 1995, which marked the end of the era of the large drug-trafficking organizations in Colombia.

In the second case, the institutional development of the new Constitution soon hit a stumbling block with an unexpected political crisis that required an oiling of its gears and shoring up of its foundations. What unleashed it was the denouncement of president-elect Ernesto Samper (1994-1998) for receiving money from drug-trafficking for his campaign fund. It led to the judicial investigation known as the Process 8,000, provoked a crisis of legitimacy and restricted Samper´s margin of governability. The situation worsened with the president´s determination to remain in office, despite the strong social and political pressure for his resignation and violent and destabilizing acts like the assassination of the Conservative-party leader Álvaro Gómez Hurtado on November 2, 1995, in the midst of growing rumors of a *coup d´état*. This turbulent situation was heightened by the pressure exerted by the U.S. government, which was expressed in the successive "decertifications" of Colombia´s efforts in the war against drug-trafficking between 1995 and 1997, the cancellation of the president´s U.S. visa in 1996 and the U.S. demand for meaningful results in the campaign to prevent the expansion of the areas where illicit crops were grown: pressures which resulted in the start of the aerial spraying of those crops with the herbicide Glyphosate in the southeast of the country and the consequent protests of the peasant-farmer coca growers in the form of mass marches in August 1996. The crisis of governability broke down the institutional arrangements between the national government and the Armed Forces which had been achieved during the administration of Gaviria, set back the role of civilians in defense and national security policies and set up conditions where the original tensions would reemerge in the new stages of the armed conflict. This backward step was seen in the weakening of the National Security Office, the appointment of members of the military as the Ministers of Defense again and the successive extension of exceptional measures that restored the autonomy of the military. All of those occurrences paved the way for the resurgence of a war that then reached unforeseen dimensions.

2.3. The years of the humanitarian tragedy: the expansion of the guerrilla and paramilitary groups, the State adrift and the war of blood and fire for territory (1996-2005).

Between 1996 and 2005, the war reached its maximum expression, extension and levels of victimization. The armed conflict was transformed into a war of blood and fire for land, territory and local power. It was a period in which the relationship between the armed agents and the civilian population changed. Instead of persuasion, the latter employed intimidation and aggression, murder and exile.

During this period, the violence acquired a mass nature. Massacres became the most characteristic sign of it. Forced displacement escalated until Colombia registered the second highest figures in the world, after Sudan, for the mass exodus of its inhabitants. The repertory of violence employed by the armed agents attained its maximum degree of expansion in the history of the Colombian armed conflict.



EL ESPECTADOR

Conmoción

Por asesinato de Álvaro Gómez

- Sumiendo a la Nación en un clima de incertidumbre, jóvenes sicarios segaron ayer la vida del ex candidato Álvaro Gómez Hurtado.
- El ex designado murió en la Clínica del Country, lo mismo que su asistente José del Cristo Huertas.
- En el Capitolio Nacional, fue instalada anoche la cámara ardiente.
- Indignación y consternación por el crimen expresan el Gobierno, el Congreso, la Rama Judicial, los

Article in the newspaper *El Espectador* about the assassination of the Conservative party leader Álvaro Gómez Hurtado. Photograph: *El Espectador*, 1995.

The little room for maneuver of the government of Ernesto Samper, the result of the crisis of governability unleashed by the Process 8,000 investigation, prevented him from attempting negotiations with the armed groups. There was no consensus in his own cabinet. On the one hand, the hard-liners – headed by the then Minister of Defense, Fernando Botero Zea and the top-ranking officers of the military, especially general Harold Bedoya, commander of the Army – believed that it was not possible to yie ld to the FARC´s demand for a demilitarized zone as the first step towards peace talks, because it would mean that the guerrilla would gain territorial control over an area that would serve as a strategic base and provide them with a great military advantage. In fact, that is what happened several years later, when the government of Andrés Pastrana Arango (1998-2008), cleared the Armed Forces from the Caguán region in Caquetá, the seat of its negotiations with the FARC. On the other hand, the soft-liners – represented by the Minister of Interior, Horacio Serpa Paz, and the High Commissioner for Peace, Carlos Holmes Trujillo, defended the idea that negotiations would be the way to overcome the conflict.[131]

During the government of Samper there were no solid actions aimed at a peace process, except the agreement for the release, on June 15, 1997, of 70 members of the Armed Forces held in Cartagena del Chairá, Caquetá, who had been captured by the FARC during its assault on the military base of Las Delicias, in the Putumayo, on August 30, 1996.[132] The illegal armed groups, for their part, achieved notorious advances during this period (1994-1998).

2.3.1. The paramilitaries commit massacres, expand and coopt and transform politics.

Among the various reasons which explain the resurgence of paramilitarism, the first is the fact that the government reestablished a legal scheme for the self-defense groups[133] through the Cooperatives of Surveillance and Private Security (*Cooperativas de Vigilancia y Seguridad Privada* – Decree 356 of 1994), better known as the "*Convivir* ". With very lax criteria, it authorized the operation of groups with doubtful records, due to allegations of their violations of human rights and links with drug-trafficking.

As of March 1997, there were 414 *Convivir* cooperatives in Colombia.[134] When the Constitutional Court began in 1997 to undertake the proceedings for declaring them to be unconstitutional and invalidating the articles of the Decree that allowed the groups to bear large weapons and undertake jobs of intelligence, the *Convivir* groups shifted to clandestine activities in order to reinforce the armed wings of the paramilitaries. In

131. CINEP-ODECOFI. Interview of Fernando Botero, February 2, 2012.
132. See: José Noé Ríos, *Liberación en el Caguán* (Liberation in el Caguán). Bogotá: Planeta, 1998.
133. Similar to the revoked Ley 48 of 1968.
134. "*¿Convivir o no convivir?*", *El Tiempo* newspaper (Bogotá, March 27, 1997), 9A.

Former presidential candidates assassinated amid the armed conflict



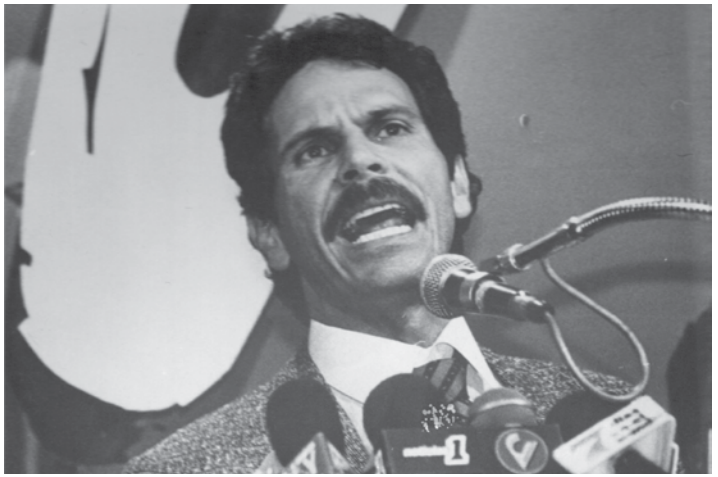
Jaime Pardo Leal 1941 – 1987
Photograph: Hernando Chavez.



Luis Carlos Galán 1943 -1989
Photograph: Archive Fundación Luis Carlos Galán.



Bernardo Jaramillo 1956-1990
Photograph: Lope Medina, *Semana*.



Carlos Pizarro León Gómez 1951-1990.
Photograph: Fundación Carlos Pizarro L. - Archive, María José Pizarro.

fact, well-known paramilitary leaders like Salvatore Mancuso, Rodrigo Tovar Pupo, alias *Jorge 40*, Diego Vecino and Rodrigo Peluffo, alias *Cadena*, were legal representatives or open members of the *Convivir* cooperatives and used their weapons to commit a number of crimes, like the massacre at Pichilín, Sucre, on December 6, 1996. It was acknowledged by Salvatore Mancuso in one of his voluntary testimonies before the Justice and Peace Unit.[135] Another reason was that the military blows dealt by the FARC (between 1996 and 1998) forced the Colombian Army to withdraw from certain areas and meant that the main burden of the counter-insurgency fight would be borne by the *Convivir* organizations. This situation was heightened by the repeated acts of omission by which the Army lent support to the actions of the paramilitaries: in many cases its cooperation was camouflaged by a less direct and visible support. In fact, those acts of omission had been condemned by international judicial bodies in cases like the paramilitary massacres at Maripirán, Meta in July, 1997 or El Aro, Antioquia, in October of the same year, specifically, in the rulings of the Inter-American Court on Human rights (CIDH).[136] To those are added the confessions of members of the paramilitaries in their voluntary confessions before the Justice and Peace Unit, which have uncovered the network of relationships with members of the Armed Forces that made such paramilitary actions possible. As of December 31, 2012, the Justice and Peace Unit had brought accusations of criminal conduct against 1,023 members of the Security Forces before the ordinary justice system.

In third place, the resurgence of paramilitarism was due to its internal reshaping, which enabled it to overcome the relative stagnation it suffered from during the administration of César Gaviria because of internal feuds and the focus of its efforts on the war against Pablo Escobar.

The macabre effectiveness in Urabá of that realignment of the paramilitaries inspired paramilitary groups all over the country to unite. In 1995 the Peasant-Farmer Self-Defense Forces of Córdoba and Urabá were founded (*Autodefensas Campesinas de Córdoba y Urabá – ACCU*) and in 1997, an invitation was sent for a meeting in some part of that region to the heads of nine paramilitary organizations in different parts of Colombia, with the aim of founding the United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia – AUC*), "equipped with a single leadership and a joint high command" and defined as a "Political-Military Movement of an anti-subversive nature acting from the legitimate right to self-defense".[137] Carlos Castaño´s strategic use of the media to get the counter-insurgency discourse across to broad sectors of public opinion that were tired of the guerrilla groups was fundamental in this reconfiguration.

Thus, there began the largest and most audacious expansion of the paramilitaries to all the cardinal points of the nation. Paramilitary contingents reached areas of Meta and Guaviare by plane and were called the *Urabeños* by their inhabitants.[138] They travelled in trucks to the south of Bolívar, the Magdalena medio and the Catatumbo.[139] The mobilization of the troops of Salvatore Mancuso towards the north of Córdoba and those of the groups of Rodrigo Tovar Pupo towards the west and the north of Cesar and Magdalena enabled the paramilitaries to tighten pincers on the seven departments of the Atlantic coast.

135. See: GMH, *La masacre de El Salado. Esa guerra no era nuestra*. (The massacre of El Salado. That war was not ours). Taurus, Ediciones Semana, 2009.
136. See: Annex, table #1.

137. "*Paramilitares se habrían unido*", ("The paramilitaries may have united"). *El Tiempo* newspaper (April 20, 1997), downloaded June 23, 2013, http://www.eltiempo.com/archivo/documento/MAM-513963
138. This the case of the massacres which took place in the town of Mapiripán, Meta and the rural district of Caño Jabón, where heavily armed men from the region of Antioquia murdered and massacred several persons, with the support of some members of the armed forces.
139. Álvaro Villarraga Sarmiento, *"El paramilitarismo en Norte de Santander, incursión de las ACCU, emergencia al poder y desmovilización del Bloque Catatumbo"* ("Paramilitarism in North Santander, the incursion of the ACCU, the reign of emergency and the demobilization of the Catatumbo Bloc), in: Mauricio Romero, ed., *Parapolítica. La ruta de la expansión paramilitar y los acuerdos políticos* (Para[military]politics. The route of paramilitary expansion and the political agreements. Bogotá: Corporación Nuevo Arco Iris/ Intermedio Editores, 2007), 391.



Billboard advertising the "Convivir" installed in Urabá. Photograph: Jesús Abad Colorado © 1998.

The paramilitaries set out to coopt political representation on a local and regional level. In reality, they sought to supplant the central State and take hold of the reins of the national power, or as was stated in the Pact of Ralito with congressmen and public officials: "To refound the fatherland". The Ralito Agreement – which Salvatore Mancuso handed over during his first testimony before the prosecutors of Justice and Peace[140] – evidenced the alliance between the paramilitary structures and broad military, economic, political and social sectors throughout the country. Its aim was the formulation of a new social contract based on the defense of private property and the preservation of territorial control, as well as implement their strategy to position themselves as the third actor in the war and force a "a political negotiation with the Government".[141]

The political result of this expansion was seen later on, in the elections of 2002, when their spokesmen gained control of a third of the Congress and were able to exert a decisive influence on the presidential campaign; they also won the control of 250 mayoralties and nine governors´ offices in the 2003 elections. According to the judicial investigations, the AUC managed to elect a total of 26 of their representatives in their areas of influence as senators, who represented 1,741,974 votes and infiltrated and influenced bodies of the national government.[142]

By 1999 those forces were a veritable irregular army, with an especially offensive character. They won control of new territories or strengthened their domination in the places where they were already found. The war took on a new face: the occupation of the territory by blood and fire; the massive linkage of drug-traffickers with the paramilitary enterprise; and a strategy for capturing control at a local level and influencing politics at a national one.[143] In the same way that the 1980s were the decade of the guerrilla groups, the end of the 1990s and beginning of the 21st century were the years of the paramilitaries.

Paramilitarism was a reactive, preventive and opportunistic phenomenon. Reactive, because the FARC´s harassment and pressuring of the regional elites in line with their military strategy and territorial expansion led those elites to support the paramilitary groups to check the erosion of their interests and the economic unviability of their regions. Preventive, because the regional elites regarded the peace policy of the government of Andrés Pastrana as a political arrangement which went against the status quo; they felt that that process accelerated the growth of the FARC and that an eventual institutionalization of the political and military power of that guerrilla group would dismantle their power in the regions. In addition, they saw that their protests against being abandoned by the State were not being heard, but, on the contrary, it not only enabled the FARC to attack them but the expansion of that guerrilla was also being encouraged by the central government in Bogotá. Paramilitarism was also opportunistic because its territorial control enabled the paramilitary groups to ascend in social, economic and political terms and become the emerging elites, with a regional and national influence, especially on the part of their high-ranking members, or made it possible for the middling ranks to enrich themselves through crime and the capture of revenues. But the AUC also helped the drug-traffickers to attain social and political recognition, an ambition they had never abandoned.

2.3.2. The guerrilla groups employ kidnapping, grow and arrive at Caguán in a strong position

The guerrilla groups did not want to make the transition to civilian life by means of the constitutional reform of 1991. On the contrary, distant from the urban centers, as they were, they enlarged their armies and managed to increase the number of their combatants to 30,000 when the soldiers of the FARC, ELN and splinter groups were added up. They intensified their use of kidnapping and resources deriving from drug-trafficking and dealt humiliating defeats to the Security Forces in the south and east of Colombia.[144]

140. Salvatore Mancuso, testimony, January 15, 2007.
141. Salvatore Mancuso, voluntary testimony, hearing on December 19, 2006.
142. Romero, *Parapolítica* (Para[military]politics), 30.
143. Romero, *Parapolítica* (Para[military]politics), 14-15.
144. Among these incidents there were the attack on the military base of Las Delicias, Putumayo, August 30, 1996 (54 soldiers killed, 17 wounded and 60 captured); the

The FARC had gone through a gradual growth since the 1980s. On the basis of the guidelines laid down at the 8th Guerrilla Conference in 1993, held at La Uribe, Meta, they showed their emphasis on a military strategy rather than political activity and evidenced their break with the legal political left with the announcement of the creation of the Colombian Clandestine Community Party (*Partido Comunista Clandestino Colombiano – PC3*), the political arm of the armed organization. In addition, the Secretariat increased the number of its members from five to seven; created the blocs of fronts, joint commands and general command to undertake offensives; and ratified the strategy of approaching the cities. As a consequence, they insisted on strengthening the strategic axis they occupied on the eastern cordillera and consolidating the southeast of the country as a strategic rearguard in order to besiege Bogotá. In the southeast, the FARC concentrated on the economic power which derived from their control of the coca-growing economy, the military power which derived from the strengthening of their front of war which was the strongest in military terms (the Eastern Bloc) and the social power founded on the support of the peasant-farmers who had long benefited from their armed sponsorship of the colonization of wild lands, among them those who grew coca leaves, whose economy they regulated.

All of this deployment of force by the guerrilla was reflected in a military growth and territorial expansion which enabled the FARC to grow from 48 fronts with 5,800 combatants in 1991 to 62 fronts with 28,000 combatants in 2002 and a presence in 622 municipalities, equivalent to 60% of the total in the country.[145]

The FARC combined armed attacks on the Armed Forces with an asphyxiating siege of the regional elites through kidnappings, assaults on their properties, looting and extortions. To those were added acts of sabotage in the form of attacks on the electricity and roads infrastructure, the blockage and restriction of movement throughout the country with illegal road blocks and the expulsion of the State on regional and local levels by means of attacking police stations in towns, pressuring civilian authorities to resign their posts and obstructing local and regional elections, beginning in 1997.



73 soldiers were killed and 43 kidnapped near the town of El Billar in el Caquetá during an attack by the FARC. Most of them were part of an elite unit of the Army. Photograph: Fernando Vergara, archive, *El Tiempo*, 1998.

Even though it did not attain a military dynamic on the scale of the FARC, the ELN, for its part, was able to sustain offensives in a number of departments, with attacks on the Armed Forces and police stations, the seizure of some towns, harassment and sabotage. Its operations mainly took place in the Catatumbo, the south of Bolívar, Arauca, the east of Antioquia, Nariño and Cauca. As a result of all that, in 2000, as a gesture it hoped would lead to the resumption of peace talks with the national government, the group unilaterally freed more than 40 members of the Armed Forces and security agencies that it had been holding captive.

mountain base on Patascoy, Nariño, December 21, 1997 (10 soldiers killed and 18 captured); Mitú, the capital of the Department of Vichada, November 4, 1998 (35 soldiers and civilians killed); and the ambush at El Billar in Cartagena de Chairá, Caquetá (58 soldiers killed, 20 disappeared and 26 captured).

145. Aguilera, *Las FARC*.

The search for a negotiated settlement was virtually paralyzed. Meanwhile, there were important transformations in the territorial dynamics of the armed conflict and its relation to the political and social ambit in two main territorial scenarios: in the first place, the intensification of the economic, military and political fight in the part of Urabá which pertains to the department of Antioquia (Urabá antioqueño) and the shift of the fighting to the lower and middle basin of the Atrato river; and in the second place, the mass protests of the peasant-farmers who grow coca in the southeast of the country in 1995 and 1996, which was an expression of the interdependence which had arisen between the conflict and the economic and social problems inherent in regions whose economy was based on the different stages of the coca industry: its growing, production and commercialization.[146]

2.3.3. The paramilitaries strengthen their hold in the north and the FARC in the south of Colombia.

In mid-1997, the armed confrontation changed from a collection of local and regional disputes to a fight for the strategic definition on a national level of the geo-politics of the armed conflict. In addition to having intensified the conflict, the formation of large strategic corridors allowed for a stronger connection and spatial contiguity among the affected regions.

There was thus shaped a scenario of war in the north and northwestern regions of the country related to the paramilitary advance, from the sub-region of the banana zone in Urabá towards the lower and middle Atrato, but also towards the whole of the Caribbean coast towards the north.

To start with, the wave of violence in Urabá was the result of the fighting for territorial control between the FARC and the Ejército Popular de Liberación (People's Liberation Army – EPL) guerrilla groups, along with their respective social bases. The return to a legal and electoral political life on the part of the demobilized members of the EPL, organized into the political movement "Esperanza, Paz y Libertad" (Hope, Peace and Liberty) was regarded by the FARC as an alignment of that group with the State. That polarization increased with the emergence of the "popular commandos", made up of the demobilized *guerrilleros* of the EPL, and the incorporation of some of their ex-combatants into the State security agency, the Administrative Department of Security (Departamento Administrativo de Seguridad – DAS). In the face of the FARC´s violent retaliations against the *esperanzados* (the "hopeful", referring to the name of the movement started by the demobilized members of the EPL guerrilla) and the breaking of the non-aggression agreement between the two groups, the popular commandos began to ally themselves with the paramilitaries, who thus obtained an entrance ticket to the region of Urabá.

It was in this context that there originated the paramilitary model of illegal alliances, the seizure of local political power and territorial control which later expanded to the rest of the country. The mutual extermination that occurred in Urabá reached its height at the middle of the 1990s. During five years this region registered the highest indexes of violence in the country in the form of massacres, forced displacements and selective assassinations. Of the total of 52 massacres reported in the region of Urabá, 32 took place in the banana zone and 11 in the south of Urabá.[147]

> The paramilitaries would undertake a massacre and the guerrilla would respond in kind almost immediately, giving rise to a competition between them for the most violent use of terrorism, which escalated with each new incident. Paramilitary terrorism won out because the bloc of forces that it bound together surpassed that of the guerrilla and the excessively high political cost the guerrilla paid for its actions in terms of the inhabitants of Urabá.[148]

146. See: Teófilo Vásquez, "*El problema agrario, la economía cocalera y el conflicto armado*", ("The agrarian problem, the coca-growing economy and the armed conflict"), *Controversia* 192 (2009), 121-162; Teófilo Vásquez, Andrés Vargas and Jorge Restrepo*, Una vieja guerra en un nuevo contexto* (An old war in a new context). Bogotá: Odecofi-CINEP/ Universidad Javeriana, 2011.

147. Suárez, *Identidades políticas y exterminio recíproco* (Political identities and mutual extermination).

148. Suárez, *Identidades políticas y exterminio recíproco* (Political identities and mutual extermination), 178.



Pictures of the coca farmers strike in Puerto Asís in 1996. Photograph: Manuel Saldarriaga, *El Colombiano*.

From 1994 to 1998, the paramilitaries, led by the brothers Vicente and Carlos Castaño, exterminated the Unión Patriótica party[149] and the sympathizers of the Communist Party in the region in order to check the advance of the FARC towards the north and isolate the banana-growing axis from the strategic rearguards of the FARC. In the same way, they tried to damp down the protests of the labor movement and win over the unions.[150] They transformed the political map of the region, breathing life into the phenomenon which would later be known as *parapolítica* (para[military] politics). The 17th Brigade of the Army played a key role in this process, at times directly and at times through acts of omission, as is shown by the penal proceedings undertaken against general Rito Alejo del Río and the sentence against Ever Veloza, alias HH, the paramilitary leader of Urabá who submitted to the Justice and Peace process. The sentence states that members of that brigade supplied information to the paramilitaries, "trained the civilians who were associated with the *Convivir* cooperatives" and authorized "the supplying of military equipment".[151]

In the south of the country, in contrast with the case of the paramilitaries, there was a convergence between the colonizers who grew coca and the traditional presence of the FARC in that region, which reached its high point with the mass protests of the peasant-farmers who grew coca in 1995 and 1996. Their marches were not only protests against the aerial fumigation of their crops, but also an opportunity to present the more general grievances of the colonizers and inhabitants of the departments of Caquetá and the Putumayo, which, along with Guaviare, were the centers of the protests. In fact, both in Caquetá and Putumayo, the fundamental axis of their negotiations with the government were demands for an acknowledgment of the social problems behind the growing of coca, and, in the end, the need to reach concerted solutions based on the recognition of the smallholders who grew coca as social and political agents. For that reason, the protests resulted, in both cases, in agreements about a variety of questions which had to do with regional development and the socio-economic conditions of the inhabitants of that region, but had different outcomes in terms of the relationships established between the State, the guerrilla groups (especially the FARC) and the small-holders and colonizers who depended on coca.[152]

At the end of the period, between 1997 and 1998, this ambit which combined social protests and the presence of the guerrilla was substantially changed by two events which prefigured the dynamics of the interaction between the conflict and local and regional politics in the following period: the FARC´s boycott of local elections and the abovementioned transformation of the paramilitary groups, which sought to change from local and regional ones into an organization on a national scale. In 1997 the FARC decided to intimidate the candidates for municipal mayoralties and councils: on the day of the elections it carried out intense military activities to stop people from voting, which considerably increased the average rates of abstention. This decision was in line with their changed approach to local politicians: the former attitude of coexistence through which the FARC influenced or reached partial agreements with the local authorities was transformed into an absolute hatred of the local political class and any presence of the State where they had a social and political influence.

The FARC carried out a series of political and military measures that sought to intervene in the local democratic structure and enlarge the

149. Roberto Romero Ospina. *Unión Patriótica. Expedientes contra el olvido* (The Unión Patriótica, Dossiers against oblivion). Bogotá: Centro de Memoria, Paz y Reconciliación, 2012.

150. See: Fernán González, Ingrid Bolívar and Teófilo Vásquez, *Violencia política en Colombia: De la nación fragmentada a la construcción del Estado* (Political violence in Colombia: From the fragmented nation to the construction of the State. Bogotá: CINEP, 2003); Carroll, *Violent Democratization. Social Movements*.

151. Sentence against José Barney Veloza García. Tribunal Superior del Distrito Judicial. Sala de Justicia y Paz.

152. See: González, Bolívar and Vásquez, *Violencia política en Colombia* (Political violence in Colombia); María Clemencia Ramírez, *Entre el Estado y la guerrilla: identidad y ciudadanía. El movimiento de los campesinos cocaleros del Putumayo* (Between the State and the guerrilla: identity and citizenship. The peasant-farmer coca-growers´ movement in the Putumayo. Bogotá: ICANH/ Colciencias, 2001); Juan Guillermo Ferro and Graciela Uribe, *"Las marchas de los cocaleros del departamento del Caquetá, Colombia: contradicciones políticas y obstáculos a la emancipación social"* (The coca-growers´ marches in the department of el Caquetá: political contradictions and obstacles to social emancipation), in: *Emancipación social y violencia en Colombia* (Social emancipation and violence in Colombia), eds. Boaventura de Sousa Santos and Mauricio García (Bogotá: Norma, 2004).

territories where the State would be absent. It established relations of interchange with the civilian population through agreements with candidates for the mayors´ offices, with the aim of allowing or forbidding certain expressions of political proselytism, in exchange for benefitting certain areas with public works, developing clientelist networks and so forth. At the same time, they carried out a surveillance of the local administrations and in a number of cases, condemned, kidnapped and murdered the mayors of different municipalities.

The FARC´s sabotage of the local and regional elections marked a contrast with their tacit support of Andrés Pastana in the presidential elections of 1998, when his opponent was the Liberal-party candidate Horacio Serpa. The latter did not count on the support of the whole establishment, nor all of the members of his own party, since he bore the burden of representing the continuity of the government of Ernesto Samper.[153]

Pastrana´s government centered its policy on the search for a negotiated settlement with the guerrilla, manifested in the demilitarized zone he granted to the FARC in el Caguán and the debates about the exploitation which that guerrilla made of the no-go zone to strengthen their military position and consolidate the strategic corridors they moved through. The Pastrana government also made strong efforts to reorganize and strengthen the Armed Forces, which began with the recovery of the territory that the FARC had been seizing since 1998 and 1999 and the neutralization of the consequent military and territorial advantages.[154] That helped to ease the growing tensions that reappeared between the government and the militaries, the result of the removal of generals accused of violating human rights and the violent escalation of the FARC. Those tensions reached their most critical point with the resignation of the Minister Defense, Rodrigo Lloreda Caicedo, on May 26, 1999, and the support he won from at least 40 high-ranking military officers. In addition, the upsurge of paramilitarism in broad zones of the country evidenced the growing discrepancy between national politics and the *de facto* powers which dominated politics in the regions and towns.

2.3.4. The combination of war and peace: the frustrating results of el Caguán

The combination of the situations just described led the Pastrana government to play a leading role in the disenchantment of the country. He roused optimistic expectations with his peace proposal, both in Colombia and on an international level and even in a good part what is known as the establishment. But he also provoked strong criticisms from some sectors which regarded his political goodwill towards the FARC to be excessive and stated that the negotiations lacked a clear route map. Nevertheless, the problem with the negotiations was more profound: once again, both actors simultaneously deployed a political logic and a military logic as a way of fighting a war in the midst of peace. And as a result, the combination of this double logic meant that the armed conflict would reach its highest intensity and scale in the history of Colombia, in an interplay of violent actions which eroded the legitimacy of a political settlement and led to the consequent worsening of the war.[155]

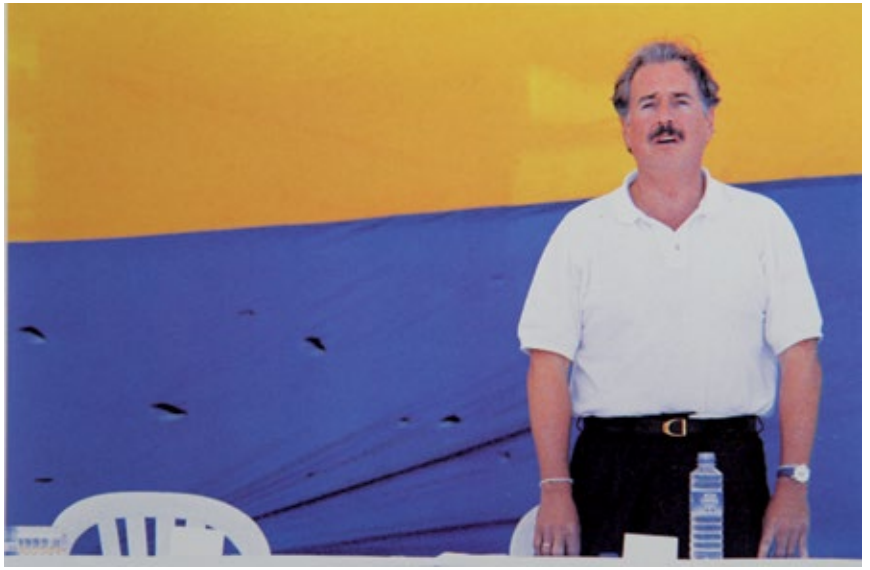
The talks officially began on January 9, 1999, in the absence of Manuel Marulanda Vélez (whoe real name was Pedro Antonio Marín), top commandant of the FARC. The FARC justified the affront, alleging that there was a plan to assassinate the guerrilla leader. But Marulanda himself said that the aim of the new peace process would be to make up for the political deficit caused by more than seven years of war, after the FARC margined themselves from the National Constituent Assembly in 1991: "At this time what we must keep clear is that a political front opened to seek solutions to the social crisis".[156]

153. See: González, Bolívar and Vásquez, *Violencia política en Colombia* (Political violence in Colombia).
154. González, Bolívar and Vásquez, *Violencia política en Colombia* (Political violence in Colombia).
155. Bolívar and Vásquez, *Violencia política en Colombia* (Political violence in Colombia).
156. Mariela Guerrero´s interview of Manuel Marulanda Vélez, *Semana* magazine 871 (Bogotá: January 11, 1999), downloaded June 23, 2013, http://www.abpnoticias.com/boletin_temporal/contenido/articulos/colombia_marulo_entrevista.html

For the FARC, three topics were central for any progress at the negotiating table: the exchange of members of the Armed Forces they had kidnapped for political prisoners, an all-out fight against the paramilitaries by the establishment and the maintenance of the demilitarized zone at all costs. In the early years of the Pastrana government, there was an attempt to envelop the negotiations with the FARC in a mantle of legitimacy. With that aim, the two parties undertook a joint tour of Europe and arranged a series of meetings in the no-go zone between the FARC and business, social, political and academic sectors. From the start, there were opposing opinions about the effectiveness of that mechanism: some regarded it as an important space for the participation of civil society; while others thought it was a useless rhetorical gesture. In the opinion of *El Tiempo* newspaper, those initiatives were a historic event which presaged a successful outcome for the peace process, but it had reservations about such optimism, calling for the parties to move from visits to el Caguán to concrete acts of peace.[157]

In June and July 2000, in the midst of this relatively optimistic atmosphere, the FARC pursued its strategy of enlarging and securing its territorial control and undertook military operations to neutralize the paramilitaries´ attempts to lock them into the demilitarized zone.

The ambiguity of the FARC´s willingness for peace and the possibility of reaching agreements about the civilian population became even more doubtful with the FARC´s declaration, on April 4, 2000, of "law 002 or tax on persons who have assets of more than one million dollars", which many regarded as a generalized threat of kidnapping. Simultaneously, the FARC developed a strategy based on threatening, intimidating and banning public officials of national, regional and local government bodies, in order to clear any representative of the State from the region.[158] But there is no doubt that the most violent act directly associated with politics of the region was the massacre of the Turbay Cote family, members of the Liberal-party political elite of the department of Caquetá, perpetrated by the FARC on December 30, 2000 on the road between Florencia and Puerto Rico.



President Andrés Pastrana, sitting alongside the "empty chair" that was supposed to be occupied by Manuel Marulanda Vélez, leader of the FARC, at the start of the peace talks in San Vicente del Caguán. Photograph: Fernando Vergara, archive, *El Tiempo*, January 1999.

From the end of 1998, the Armed Forces, for their part, began to show some capacity to neutralize the chain of overwhelming blows that the FARC had been dealing them, thanks to the advantage of the helicopters and planes they now used. That trend grew stronger in 1999 and 2000, and was seen in the Army´s counter-attack after the FARC seized the city of Mitú, Vaupes, on November 2, 1998. Despite the force of the guerrilla´s assault there, the Army´s retaking of Mitú began to break down the tactical advantage that the FARC enjoyed between 1996 and 1998.

That initiative was reinforced by the Plan Colombia, whose military component contributed to the reengineering of the Armed Forces through U.S. support in the form of military technology and intelligence. That

157. *El Tiempo* newspaper (Bogotá: March 19, 2000), 4A.

158. See: Vicepresidencia de la República, *Panorama actual de los municipios que conformaron la zona de distensión* (Current outlook of the municipalities which make up the demilitarized zone). Observatorio del Programa Presidencial de Derechos Humanos y Derecho Internacional Humanitario, Vicepresidencia de la República, 2003.



18 people were killed in the Aracatazzo bar in the district of Bosque de Chigorodó, in an attack by the paramilitaries of the ACCU. Some of the victims were officials and leaders of the Unión Patriótica party. Photograph: Jesús Abad Colorado © August 14, 1995.

plan, which began to be implemented in 2000, put an emphasis on the link between the armed groups and the money from drug-trafficking, claiming that it was the main cause of the armed conflict, and gave a secondary importance to the economic, social and political aspects which were the foundation of the expansion of illicit crops. The military emphasis of the Plan Colombia was seen in the assignation of 74% of its budget to strengthening the military (60%) and the police (14%), while only 26% was assigned to social investment, of which 8% went on alternative development.[159]

The FARC regarded the formulation and application of the Plan Colombia as a means of warfare, given that it was focused on strengthening the Armed Forces and a policy of zero tolerance of drugs, highlighted by the aerial fumigations of illicit crops. For the FARC, the government´s attitude was contradictory, since it combined a political willingness for peace and a diplomacy for war, centered on obtaining resources to strengthen the Armed Forces and fight against drug-trafficking with the spraying of illegal crops. To counteract the military and crop-eradication components of the Plan Colombia, the FARC decided to enforce what is called an armed general strike (*paro armado*) n the department of the Putumayo in October 2003, a region in which the earliest stages of the Plan Colombia were being carried out. The result was that the inhabitants of the department were practically under siege for three months, which caused a grave humanitarian crisis.

The ambiguity of the military and political logics of both parties led the peace process to become extremely fragile. A great part of the incidents that paralyzed the start of the talks at Caguán had to do with procedural matters and violent actions by the FARC, like the clash with the Army Battalion (Batallón de Cazadores) in San Vicente del Caguán in November 1998. Added to that were the violent acts of the FARC on a national level and their grievances about the government´s failure to act against the paramilitaries. Among those incidents there stood out the FARC´s refusal to allow a commission of verification to work in the demilitarized zone, the FARC´s kidnapping of the journalist Guillermo Cortés in Choachí, Cundinamarca on January 2000 and the armed strike in the Putumayo.

The fragility of the peace talks was made even greater by the use the FARC made of the demilitarized zone as a safe place to hide their kidnapped captives and negotiate their release; a training ground and facility for their troops and a center for planning the different operations of their mobile guerrilla war. But the action that perhaps most dealt an irreversible blow to the negotiations was their kidnapping and murder of three indigenists from the United States who were undertaking a campaign of solidarity with the Uwa indigenous group in the department of Arauca. The incident, which took place on March 9, 1999, brought about a crisis on the development of the negotiation process.[160] It also led to the start of a change in the U.S. attitude towards negotiations with the FARC. The U.S. government not only suspended any attempt, formal or informal, to talk with the guerrilla, but it also reduced the time limit for the negotiations it had set for the Pastrana government.

To make the atmosphere even more turbulent, the paramilitaries exerted pressure to end the negotiations: in response to the government´s announcement of an indefinite prorogation of the demilitarized zone agreed on with the FARC, the self-defense forces kidnapped the Liberal senator Piedad Córdoba on May 12, 1999. The aim of that gesture was to sabotage the relatively amiable atmosphere at the negotiating table and the possibility of a law that would permanently authorize the exchange of prisoners that was being discussed there. The AUC proposed the forming of a government commission to establish a parallel negotiating table for them.

159. María Clemencia Ramírez, "*Significado de las acciones de la AID en el Putumayo en el contexto de la promoción de la seguridad global y el buen gobierno*" (The significance of the activities of the U.S. Agency for International Development (AID) in the context of promoting global security and sound governance). In: *Globalización, cultura y poder en Colombia: Una mirada interdisciplinaria* (Globalization, culture and power in Colombia: an interdisciplinary approach). comps. Fernán González and Gloria Isabel Ocampo (Medellín: Universidad Antioquia/ Colciencias/ LaCarreta, 2006), 291-307.

160. *Noche y Niebla* magazine 11 (January-March, 1999).

In November, 2000, when the process with the FARC seemed to revive with a bill for a law of prisoner exchange in the Congress, the paramilitary leader Carlos Castaño kidnapped seven congressmen, as an act of protest, he said: "we acknowledge that we seized the congressmen and we declare ourselves in rebellion against president Pastrana, due to his mistaken policy of negotiating with the guerrilla".[161]

The FARC condemned that act, as well as the interviews, approaches and initiatives for the release of the congressmen by important members of the government. The guerilla immediately suspended the talks, which were now about pending subjects like prisoner exchanges and a cease-fire leading to the end of hostilities.

These contrasts meant that the negotiations with the FARC would enter into a definitive crisis around the middle of September 2000. In that year, the FARC focused their strategy on three aims: attack isolated towns where the response of the Armed Forces would be slow, carry out military operations with car and other bombs in urban centers close to the large cities and use kidnappings and extortions to finance themselves and cause a collective panic.

In addition, in the year 2001, there was a substantial change in the international climate, due to the 9/11 terrorist attacks in the United States, which created an international climate ever less willing to tolerate terrorist activities formerly justified by political causes. Thus, in different sectors of the United States there was the growing idea that the resources of the Plan Colombia, exclusively devoted to the fight against the growing and trafficking of narcotics until then, should be enlarged so that they could also be used for an open attack on the guerrilla groups. From there on, the threat of narco-terrorism profoundly changed the Plan´s meaning and linked it to the armed conflict. This link was strengthened by the growing influence of the guerrilla and paramilitary groups in the different stages of the coca economy, which had been made possible the collapse of the large drugs cartels and the fragmentation of the trafficking networks.

161. *El Colombiano* newspaper (November 2, 2000), 11A.

On the military plane in Colombia, the hardening and polarization of the armed agents became more and obvious. On the one hand, the Armed Forces were seen to be stronger and more efficient. There were signs, hitherto unclear, that they were retaking the military initiative, while the FARC carried out operations aimed at recovering zones that they had dominated before, like the Antioquía and Chocó parts of the Urabá region, and seizing control of areas abandoned by the ELN in the face of the advance of the paramilitaries.

Finally, the kidnapping of senator Jorge Eduardo Gechem Turbay, president of the peace commission of the Senate, carried out on February 20, 2002 by a commando of the Teófillo Forero mobile column of the FARC, triggered president Andrés Pastrana´s decision to officially end the peace talks with the FARC,[162] which led in turn to the subsequent recuperation of the demilitarized zone by the Armed Forces. The military counterattack by the FARC took the form of an offensive on a national level which intensified their regional and territorial disputes with the paramilitaries, as seen in the war crime in Bojayá which took place in May 2000 during the fighting for control of lower and middle basin of the Atrato river.[163]

2.3.5. Massacres, armed actions and more victims. The paramilitary and guerrilla groups escalate the war

The ups and downs of the talks in el Caguán coincided with the ongoing war fought by the AUC, FARC and ELN, which even included internecine fighting between the guerrilla groups themselves, and certain approaches which the ELN made to the Pastrana government about peace talks.

In addition to sabotaging the peace talks with the guerrilla groups, the AUC´s decision to advance from the northern to the southern part of

162. In this incident, the *guerrilleros* seized a plane of the Aires airline which was traveling between Bogotá and Neiva and forced it to land at the town of Hobo, Huila, near the demilitarized zone they took the senator to.

163. See: GMH, *Bojayá: La guerra sin límites* (Bojayá: the war without limits. Bogotá: Taurus/ *Semana*, 2010).

the country had, among other aims: to challenge the guerrilla´s exclusive control of the latter territory; refine its implementation of an effective model for the counter-guerrilla fight; strengthen its hold on regions characterized by large land-holdings and agro-industry; and, finally, apply a strategy of violence against social and political opponents of the regional elites. The most important change in paramilitarism in this period was its consolidation as a coalition of emerging and traditional sectors of the ruling classes which not only opposed the possible effects of the negotiations with the guerrilla groups on a regional level, but also reflected the age-old imbalance between the center and the regions in terms of the political weight each had on a national level, as was seen in the birthplace of para[military]politics: the Montes de María. There, sectors of the political class, cattlemen and the emerging paramilitaries enriched by drug-trafficking, like Rodrigo Peluffo, alias *Cadena*, provide us with an insight into the network of agents who wound up forming the paramilitary faction.

Since the start of this period, the AUC had begun a national offensive, evidenced by the massacre of Puerto Alvira, in Maripiripán on May 14, 1998, which claimed the lives of 17 peasant-farmers.[164] Their aim was to attack the FARC´s rearguard zones in the south of the country.

The AUC´s advance towards Meta was accompanied by an offensive in the northern part of the Magdalena medio zone: on May 25, 1998, a commando force of the paramilitaries attacked several working-class neighborhoods in the northeast and southeast parts of Barrancabermeja, where they murdered seven inhabitants and seized another 25. This violent act marked the start of the urbanization of the territorial dispute between the paramilitary and guerrilla groups, which made Barrancabermeja one of the most violent cities in Colombia between 1998 and 2002. It was characterized by the transition from the dirty war against the guerrilla, waged by members of Colombian Army and Navy in the 1980s and early 1990s in the form of covert operations, to a more open one by the paramilitaries. It was evidenced by armed assaults on neighborhoods that had originally been controlled by the urban militias of the ELN and FARC but wound up, around the end of 2001, being totally controlled by the paramilitaries in military, social and political terms.

Likewise, the region of the Catatumbo, in Norte de Santander, became the scenario for a chain of violent acts, like massacres, assassinations, disappearances and forced displacements, which occurred between 1999 and 2000. In that zone, it only took one year for the self-defense forces to undermine the military advances that had taken the previous ten years for the ELN, FARC and EPL. On May 29, 1999, some 400 paramilitaries entered the rural hamlet of La Gabarra and several districts of the municipality of Tibú, in Norte de Santander, where they murdered 20 peasant-farmers and looted and burned more than 50 homes. It led to the displacement of 300 inhabitants towards Venezuela.

A day later, members of the José María Becerra and Omaría Montoya fronts of the ELN kidnapped 162 worshippers at the church of La María, in the Ciudad Jardín neighborhood of Cali.

This interplay of violent acts had begun much earlier, dating as far back as the war in Urabá between 1995 and 1997, and included, among other incidents, the violent seizure, by the FARC´s José María Córdova Bloc, of the central encampment of the AUC, located in the Nudo de Paramillo, on December 28, 1998. The AUC´s commander, Carlos Castaño acknowledged that "it was a real blow to the self-defense movement, but it was a harsher blow for the civilian population".[165] As a retaliation for the FARC´s offensive in the Nudo del Paramillo, the AUC[166] decided to break the Christmas

164. For a more detailed study of the political-social and cultural context of this massacre, one may consult: Teófilo Vásquez, "*Un ensayo interpretativo sobre la violencia de los actores armados en Colombia*" ("An interpretative essay on the violence of the armed agents in Colombia". *Controversia* 175 (December 1999), 59-103.

165. *El Espectador* newspaper (January 4, 1999), 7A.

166. At the beginning of this period, the paramilitary structure had five fighting blocs, thirteen affiliated organizations and a mobile school. The Western Block of the AUC covered the southwestern region of the country, including the Departments of Córdoba, Antioquia, Chocó, Caldas and Risaralda; the Northern Bloc grouped together the fronts of the Caribbean coast; the Llanero bloc the fronts of the Ariari, Guaviare and *llanero* (eastern plains) piedmont; the Metro Bloc was made up of the southeastern, western, eastern and northeastern fronts of Antioquia: all governed by the High Command of the AUC, headquartered in the Nudo de Paramillo, in the Department of Córdoba.



18 workers from the banana plantations were killed by the FARC guerrilla at the Kunas farm, in the municipality of Carepa, in Urabá. This massacre was a retaliation for the one, a few days before, at the Aracatazzo bar, in Chigorodó. Photograph: Jesús Abad Colorado © August 20, 1995.

truce which it had promised and began a series of massacres, selective assassinations and forced displacements throughout the country, above all in the region of the lower Putumayo and the departments of Bolívar, Sucre, Magdalena and Antioquia, including the massacre in the Playón de Orozco in El Piñon, Magdalena, in January 1999. For one of the commandants of the FARC who was a member of their negotiating team, "it was a fierce revenge on defenseless people for the operation against the base camp of Carlos Castaño".[167] Those acts led the FARC to unilaterally withdraw from the negotiating table at the very time when the talks were about to approach the subject of an exchange of *guerrilleros* in Colombian jails for policemen and soldiers held by the FARC.

The regions of the lower and mid Putumayo were also the scene of fighting. There, the paramilitaries perpetrated selective, systematic and spaced-out massacres in the urban parts of the municipalities of Puerto Asís, San Miguel and the Valle del Guamués. Once again, these incidents had to do with the interests of drug-traffickers who sought to wrest the control and domination of the zone and its coca-growing economy from the FARC. In this region, the paramilitaries were responsible for the shocking massacres in the hamlet of El Tigre, in the Valle del Guamués, on January 9, 1999, and the one in El Placer on November 7, 1999.

In 2000, in line with its aim to expand on a national level, the AUC announced the start of operations by its Calima Bloc in the north and center of the Valle del Cauca and the department of el Cauca. To carry them out, it had made an alliance with drug-trafficking, since in exchange for funding them, *pure-blooded* traffickers like Carlos Mario Jiménez, alias *Macaco*, were given the command of paramilitary blocs. In addition, they met with well-known drug-traffickers from the Norte del Valle Cartel, like Diego Montoya, alias *Don Diego* and Wilber Varela, alias *Jabón*. And, on the Caribbean coast, the paramilitaries committed one of the most violent acts in this paramilitary offensive: the massacre in the rural district of El Salado, which went on for five days and spilled over into the municipalities of Córdoba, Ovejas and El Carmen de Bolívar, in the region of the Montes de María, where 60 peasant-farmers were murdered and the survivors were forced to abandon the place. These incidents, which extended from January to March, were also meant to sabotage the tour that representatives of the Colombian government and the FARC made to Europe to discuss the subject of a model for economic development, which Castaño called an "international co-diplomacy in favor of the negotiations with the insurgents". Parallel to these violent acts, the AUC continued to deploy their strategy for gradually being granted a political status. Thus, on March 1, 2000, the Caracol network broadcast an interview with the paramilitary chief, Carlos Castaño, to the whole country, in the midst of the continuing negative effects on public opinion of the paramilitary massacre at El Salado.

This interplay of violent actions between the guerrilla, paramilitary and State forces was aggravated, around the middle of March 2000, by a battle between the FARC and ELN in eastern Antioquia in March 2000. The conflict had been evident since December 1999, when members of the 9th and 47th fronts of the FARC killed members of the Carlos Alirio Buitrago front of the ELN. In response to that occurrence, the commanders of the Carlos Alirio Buitrago front announced that "they would take measures against the commissions of the *guerrilleros* from the 9th and 47th fronts of FARC which are shifting to and moving through the areas under our influence and control".

And they then added: "we shall not allow the strategic areas of eastern Antioquia, where we have a broad social and peasant-farmer support, to be wrested from us by organizations without any historical foundation [in the region]".[168] Another combat between the two guerrilla groups took place in the serranía del Perijá, where the Caribe Bloc of the FARC announced: "we have declared all the persons who collaborate with the paramilitary groups to be a military objective for interfering with our revolutionary project: the Virgilio Enrique Rodríguez Front of the EPL and the Northern War Front of the ELN".[169]

167. *El Espectador* newspaper (January 4, 1999), 7A.

168. *El Colombiano* newspaper (March 7, 2000), 7A.

169. *El Tiempo* newspaper July 6, 2000), 1-12.

2.3.6. Another fruitless round of talks with the ELN

The ELN´s accusations about the government´s lack of a peace strategy and the political willingness it required turned into a more or less purposeful critique which sought to lay the foundations of a permanent and lasting peace policy on the part of the State. But those approaches were hindered by the violent actions of the ELN itself, which showed that their different factions moved in opposite directions at times. The violent incidents they were responsible for contradicted their offer to act as a strategic interlocutor for the civil society in order to pressure the national government to enter into peace talks or hold a national convention aimed at peace. Among those violent acts, there were the attack on the oil pipeline which caused the tragic explosion in Machuca, Antioquia, in October 1998; the hijacking of an Avianca plane in April 1999; the mass kidnapping of worshippers at the Santa María church in Cali, in May 1999; the wave of attacks on electricity towers in different parts of the country; and the kidnapping of 70 persons at kilometer 18 of the Cali-Buenaventura highway in September 2000. In addition to this contradiction, there were the rifts within the guerrilla organization itself, which caused the most powerful fronts in political, military and economic terms[170] to substantially distance themselves from the openness to peace negotiations shown by its central commando and its spokesmen imprisoned in Itagüí, Felipe Torres and Francisco Galán. That guerrilla´s repeated failure to comply with certain commitments it had made to the civil society, particularly the Maguncia agreement of July 12, 1998, discredited it in the eyes of public opinion, which was less and less willing to support its initiative for a national convention.[171]

But the main stumbling block for such peace talks was, without doubt, the paramilitary offensive against the historic strongholds of the ELN in the north of the country, like the mid-Magdalena, south of Bolívar and the Catatumbo, combined with the political gestures and mobilization of social support which the paramilitaries used to oppose the granting of another demilitarized zone where the ELN[172] could hold its national convention. In that regard, the AUC´s position on eventual negotiations with the ELN was very clear: it not only wanted to halt the development of peace talks with that guerrilla, but also reverse the advances it had made in the northeastern part of the country, especially in the mid-Magdalena: "We will not allow another independent republic in the north of the country. That eventual no-go zone forces us to deploy more means and men to decidedly confront the war that the guerrilla is waging against the society. For the reasons above, we have decided to strengthen our control of the area".[173] In fact, the AUC continued to follow its objective of fencing the ELN into the serranía de San Lucas as far as possible, until they finally gained control of important towns on its foothills in November 1999.[174]

That is why, since 1998, Castaño had explicitly decided that paramilitary´s strategy would be to force a defeated ELN to the negotiating table. In the face of that offensive, in 2000 the ELN again tried to use violence to pressure for a formal start to the peace talks and the preparations for a national convention. The offensive that its Carlos Alirio Buitrago Front unleashed against electricity towers, the electricity system and the Bogotá-Medellín highway was a clear sign of that tactic. With those gestures, it hoped to position the region of east Antioquia as an alternative to the demilitarization of the municipalities in the south of Bolívar, but it also sought to protest against the national government´s preferential treatment of the FARC.

In response to the ELN´s insistent demands for a no-go zone, a "No to the demilitarized zone" movement emerged in the south of Bolívar in January 2000. On January 6th it held its first collective rallies and protests in the town of Santa Rosa del Sur. By contrast, more than 500 peasant-farmers in Morales marched in favor of peace talks with the ELN, a

170. Like the Domingo Laín Front (Arauca) and the Carlos Alirio Buitrago and Bernardo López Arroyavve (eastern Antioquia) Fronts.
171. The National Convention is an initiative of the ELN aimed at creating a broad forum for talks with the civil society, in order to reach a major national agreement on the changes which the country requires to end the social and armed conflict.
172. Omar Gutiérrez Lemus, "*La oposición regional a las negociaciones con el ELN*" ("The regional opposition to negotiations with the ELN"). *Análisis Político* 52 (2004), 34-50.
173. *El Colombiano* newspaper February 2, 1999), 6B.
174. *Cambio 16* magazine (November 29-December 6, 1999).

demilitarized zone in the south of Bolívar and the realization of the national convention. It was not long before the participants were harassed and threatened by the paramilitary groups. Once again, the demonstrations for and against demilitarization showed the asymmetry between a rural area controlled by the guerrilla groups and an urban one controlled by the paramilitaries. Thus it happened that the peasant-farmers who marched from the rural districts of Morales to its urban center in favor of the demilitarized zone were met by a counter-demonstration by the inhabitants of the latter, with the aim of rejecting "the presence of *guerrilleros* who are asking for a no-go zone for the ELN".[175]

Along the same lines, the pressure of the paramilitaries and demonstrations against a possible demilitarized zone for the ELN on the part of the inhabitants of the urban districts of the municipality of Simití became more and more forceful. The organizers of the march described it "as a protest whose objective is to reject the demilitarized zone. We don´t want the guerrilla on our lands anymore, since we have had to put up with them for 15 years".[176] The delays, by the ELN and government, in reaching an agreement for a no-go zone and preparing for a national convention provided the AUC with a political opportunity to exert pressure against a demilitarized zone through their civilian sympathizers, whom they guided in order to make further advances towards being granted a political status as a third actor in the armed conflict.

2.3.7. The differentiated expansions and territorial adjustments of the war

The obstacles which hindered the approaches between the ELN and the government of Pastrana were seen in the enormous growth of the soldiers and resources of the paramilitary groups in the north of the country, which became even more consolidated in the savannas of the Caribbean and the south of Bolívar and enabled them to attack zones which were regarded as traditional strongholds of the guerrilla, like the city of Barrancabermeja, the south of Bolívar and the recently colonized regions of the south of the country. Furthermore, the shift of public opinion that was favorable to the paramilitary groups reflected the weariness of many Colombians with the leftist insurgency and the increasing polarization of Colombian society.

Within that logic, the paramilitaries were, by far, the most dynamic armed agent at that time in terms of both violent acts and territorial expansion, especially in the north of the country. Paramilitarism also began to achieve a significant geographical expansion towards the southwest, where it started to fight with the guerrilla groups for the control of certain regions, like the Valle del Cauca, Cauca and the Putumayo, at the same time that it intensified its war with the guerrilla, in northeast and northwest Colombia, for control of Urabá, the mid-Magdalena and the Catatumbo. Some analysts saw this gradual strengthening of the paramilitaries as the result of the empowerment of the paramilitary phenomenon as it moved away from its founders.[177]

The paramilitaries therefore sought to move from local and regional groups of armed counter-insurgents to a national movement backed by political, social and economic resources. That objective implied strengthening their influence on regional and local politics, no longer in the de facto way of the past, but to participate in a more or less open manner in elections with candidates of their own and control over aspects of governance which the State delegated to territorial agencies, like health and education. For their part, the FARC likewise attained a national coverage and a sustained geographical growth, but in lesser proportions than the paramilitary groups. To resume, a great part of the territorial dynamic of the FARC had to do with maintaining geographical corridors which enabled them to rapidly move their forces around and launch simultaneous attacks on military objectives in a number of strategic departments and regions, but those tactics were closely related to the advances and territorial gains of the paramilitaries.

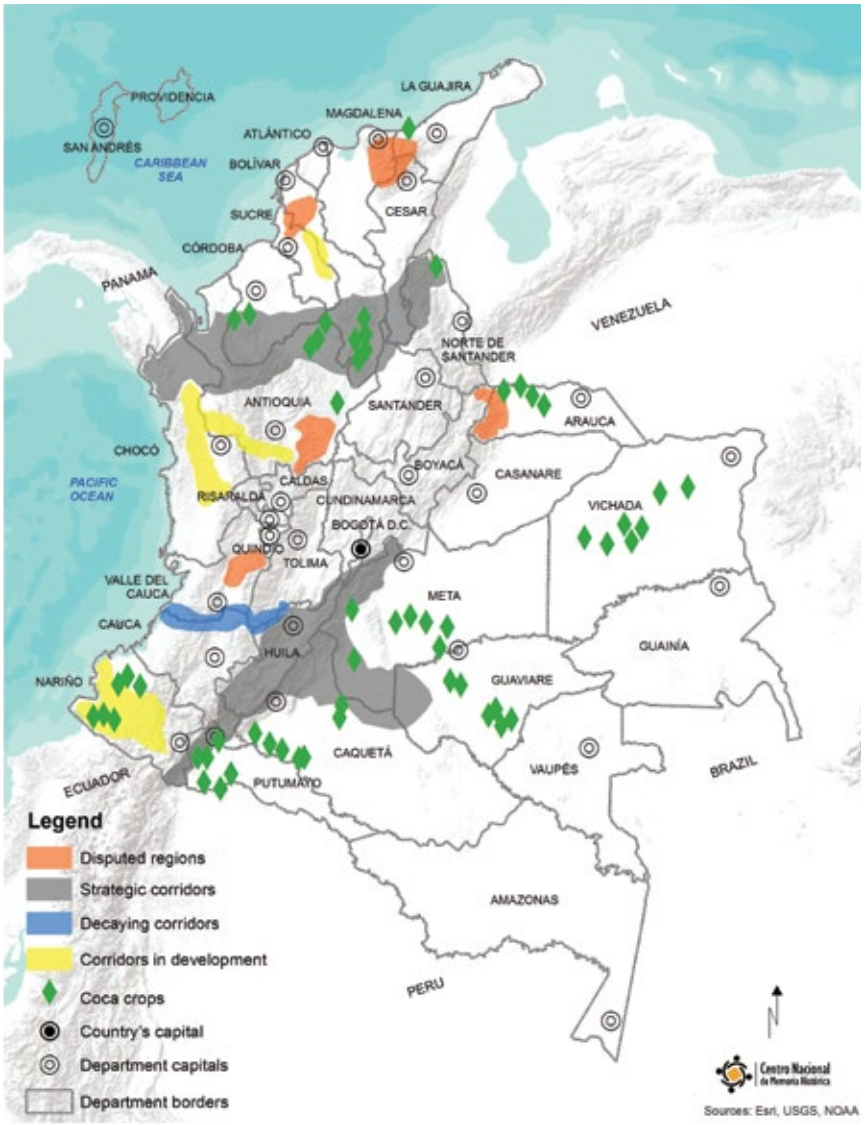
175. *El Colombiano* newspaper (February 1, 2000), 5A.
176. *El Espectador* newspaper February 1, 2000), 7A.
177. William Ramírez Tobón, "*Autodefensas y poder local*" ("The Self-defense forces and local power"), in: *El poder paramilitar* (The power of the paramilitaries). comp. Alfredo Rangel (Bogotá: Planeta, 2008).

By contrast, during those four years (1998-2002), the ELN suffered a partial retreat and weakening in spatial and military terms in the very region where it had achieved a strong military, social and political presence in the 1980s, the northern part of the country. That situation was the result of the combination of the contra-insurgency operations of the Army and the rapid expansion and consolidation of paramilitarism by means of a generalized terror against the inhabitants of the areas where the guerrilla were present.

The relative stagnation of the ELN led it to concentrate its efforts on a number of regions in the northeast and was also seen in the shift of a few isolated fronts to bases in the Valle, Cauca and Nariño. In addition, the ELN was weakened by internal divisions, which led several of its members to waver between demobilization, on the one hand, and a more extremist use of warfare, on the other. That was the case with the Ejército Revolucionario Guevarista, which first proclaimed its opposition to the ELN´s peace talks with the government of Ernesto Samper, and later demobilized during the administration of Álvaro Uribe.

These developments in the armed groups made the year 2002 the one in which there was the greatest geographical expansion of the conflict, which came to affect 561 municipalities.[178] Without ceasing to affect the regions that had been traditionally involved in the logics of the armed conflict, the different agents managed to expand to zones adjacent to their traditional strongholds and, by consolidating strategic corridors, draw new regions and localities into the armed conflict that had never appeared on the maps of the war before. In short, in those years the war deepened, eroded the legitimacy of a negotiated political settlement and frustrated the attempts to lay the foundations for negotiations.

The persistence of the conflict in its traditional regions and its expansion to new ones brought about two large, macro-regional scenarios for the war: that in the north of the country, where the paramilitaries imposed their hegemony and that in the southwest, which had traditionally been



Geography of war, 2002.
Source: ODECOFI, Cinep. Processed by: National Center for Historical Memory.
Georeferencing: Julio E. Cortés, April 2016.

178. The CINEP for the GMH, *Base de datos de Actores y dinámicas del conflicto* (Data base of the Agents and dynamics of the conflict. 1990-2009).

controlled by the FARC. These two scenarios of the conflict resulted in the consolidation of a number of geographical corridors, that is, adjacent regions that were central to the military and economic dynamics of the war, where the armed groups sought to determine its fate on a national scale.

During this process, the violent acts of the paramilitaries in the north of the country were intensified in order to secure their control of the population and the territory in a campaign which had started in the mid-1980s. In that zone, the paramilitary groups that entered into and achieved a total control of many regions began an offensive, in 1996 and 1997, to enclose, reduce and neutralize the traditional corridors of the guerrilla. In the north, especially on the Caribbean coast, the paramilitaries had already gone beyond their vigilante role – with its emphasis on military and territorial gains – and turned into a social and economic movement which was often opposed to the central State, either because it was reluctant to accept or distrustful about its attempts to modernize State institutions which did not rest on "consultations with the regions" or as a preventive reaction to the impacts of possible negotiations with the guerrilla groups. The dynamics of the north were most clearly seen in regions like the Catatumbo, the Montes de María and the Sierra Nevada of Santa Marta, the scene of the abovementioned massacres.

The situation in the south of the country was very different. The FARC invested a good part of their troops and military force in that region, to further the strategic objectives laid down in the 7th and 8th conferences of that organization.

The State concentrated on neutralizing those tactics and occasionally undertook military operations against the rearguards of the FARC, but they did not have much effect on the territories controlled by that guerrilla group. Later, between 1998 and 2002, the paramilitaries began to fight for control of the regions that had been the exclusive domain of the guerrilla groups up to a short time before.

They thus decided to turn their national expansion to the FARC´s rearguard territories in the south of the country by means of an attack on the productive chain of the regional coca economies in a historic moment when the FARC was the strongest influence there. In the Putumayo, the fight between the two was seen in the massacre of El Tigre, in January 1999, and the massacre of Naya on the Pacific coast of Cauca in April 2001 and the one in Llorente, in Nariño, in November 2000.

The corridor in southeastern Colombia became a bone of contention between the guerrilla and the paramilitaries, who sought to counteract the influence of the former in the region and neutralize the traditional alliance between the guerrilla and social protest movements, like the abovementioned march of the peasant-farmer coca growers. That dispute was the context in which the paramilitary massacre of Mapiripán, in Meta, took place on July 14, 1997.

It was also seen in the disputed corridor that crossed the country from west to east, made up of adjacent regions located on the borders between the Caribbean and Andean zones. That fight shaped a scenario of military confrontation and political violence among the armed agents, which finally favored the paramilitary project to the detriment of the guerrilla groups.[179]

But in the case of that corridor, we need to distinguish the role of different actors and dynamics at different times. To start with, the presence of the FARC and the EPL in the northwest – the alto Sinú, alto San Jorge and Pacific platform – was regarded as a remote and distant threat by the regional elites and representatives of the central State. However, when the macro-region quickly became a focus for agro-industry, as happened in the banana zone and the Atrató, that threat, now concrete, became a *casus belli* there. In the northeast, in a similar manner, an initial move into the peasant-farmer and colonizer zones, by the ELN and to a lesser extent the FARC, changed into the imposition of large cattle ranches and agro-industrial concerns by the paramilitaries and the exhaustion of the wild lands which are still the bastions of the guerrilla groups today.

179. González, Bolívar and Vásquez, *Violencia política en Colombia* (Political violence in Colombia).

2.3.8. The economic background of the territorial disputes

The fights over territory between the guerrilla and paramilitary forces were not only due to political factors or the implementation of strategic military plans. The economic context turned out to be crucial not only because of the opportunities it provided, but also because of the profound changes caused by a war in which territory became the focal point. The effects of the liberalization of the economy and the dismantling of the protective framework of the government entailed the State´s abandonment of the rural sectors of the country, the main result of which was to clear the territory of any overriding authority and open the way for the fierce battle for its control by the armed agents, who would now define the economic structure of those lands.

The paramilitaries were effective in promoting large cattle estates, agro-industries, mining and mega-infrastructure projects, all of which harmed the peasant-farmer economy. One of the most emblematic and eloquent cases of that kind of development is found in the way that African Palm plantations have become highly concentrated in the strategic corridor and rearguard zones of the AUC. According to the *Report on Human Development, rural Colombia: reasons for hope,* the 360,537 hectares devoted to the growing of African Palm nowadays are concentrated in the Magdalena, Norte de Santander, mid-Magdalena, south of Bolívar, south of Cesar, Montes de María, lower Atrato, eastern prairies (llanos orientales), the foothills of Casanare and the Pacific platform.

In the southeast of the country, for its part, the domination of the guerrilla of the FARC was accompanied by the expansion of the coca economy as an alternative for a peasant-farmer economy that became less and less viable in the colonized zones and the borders of the agricultural frontier. In accordance with the census of coca cultivations made by the United Nations Survey on Crime Trends, Colombia became the largest producer of coca leaves in Latin America in 1997, surpassing Bolivia and Peru with a total of 80,000 sown hectares. That figure went through a dizzying growth until it reached the threshold of 163,300 hectares in 2000 and 144,807 in 2002, which represented a doubling of the cultivated area of 1997 in merely three years. This expansion of the coca economy was not exclusively the work of the FARC. It was also promoted by the paramilitaries in the south of Bolívar, the Catatumbo and the Pacific platform, without their abandoning the promotion of the kind of development suited to the competitive needs of the agricultural sector in accordance with the demands of the international market, especially with mono-cultivations which produce bio-fuels.

The changes in the structure of the rural country cannot be separated from the abandonment and forced seizure of lands that have characterized the fights over territory. When a rural territory is shaped without outside interference because of the weak presence of the State or simply because of the expulsion of the smallholders there, it opens the way for the kind of development which favors the interests of the armed agents, as was seen in the figures on forcible seizures in chapter 1. The magnitude of the change can be seen in the fact that the area of the land which has been abandoned is greater than that under cultivation, a clear sign of the catastrophic result of the concentrated land ownership and reshaping of the rural world imposed by the armed agents.

Thus, we should not be surprised by the high level of the concentration of land ownership in rural Colombia (1.1% of the title-holders own 52.2% of the land), nor the prevalence of soils which are over-exploited by large-scale cattle-rearing (39.2 million hectares devoted to cattle in a country where only 24 million hectares are apt for that use), and the sub-utilization of lands apt for agriculture (4.1 million hectares under cultivation out of a potential total of 21.5 million).[180]

In addition to the opportunities and changes that arose in the rural country in the midst of the fierce territorial dispute between the guerrilla and paramilitary groups, the armed conflict went on in the midst of a deep economic crisis. The economic growth which ran from 1993 to 1995 gave way to a stage of slowdown between 1996 and 1997, which turned into an economic crisis between 1998 and 2002 and even showed a decline in the economy in 1999 (the GDP fell by 4.2%), aggravated

180. United Nations Development Programme, PNUD-UNDP, "*Colombia rural: razones para la esperanza*", ("Rural Colombia: reasons for hope"), 206.

by an unemployment rate which reached 18% in 1999 and 19.5% in 2002, when it had been a single digit figure between 1991 and 1995.[181] This deterioration of the economic situation of the population in general had a marked influence on the change in public opinion´s perception of the armed conflict and the peace process, since it shattered the aphorism which had been popular in Colombian society for so many years: "the economy´s going well even though the country is in a mess". Public opinion thus began to perceive how the armed conflict was aggravating the economic crisis and the latter wound up radicalizing the public´s ideas about politics and turned it towards a military solution to the war.

2.4. The AUC negotiate and demobilize. The State forces the FARC into its rearguards (2005-2012)

The failure of the negotiations between the FARC and the government of Andrés Pastrana, and the consequent adverse climate for a negotiated settlement to the conflict, produced the electoral victory of Álvaro Uribe in 2000. Later on, the achievements of his Defense and Democratic Security policies led to his reelection in 2006. His proposal for a military recovery of the country´s territory combined an intensification of the war against the guerrilla forces – denying them any political or ideological recognition – with the demobilization of the paramilitaries by means of some controversial negotiations, whose results have been uncertain and uneven on a national level. It was obvious that this refusal to acknowledge the existence of an internal conflict automatically discarded any possibility of talks and negotiations with the guerrilla, who were regarded as a simple group of narco-terrorists who were attacking a fully legitimate State.

On the basis of that position, his government unleashed the greatest political, military and juridical offensie against the Colombian guerrilla groups in the history of the country´s conflict. The result was a drastic weakening of the military capacity of the Colombian guerrilla forces, at times at very high costs which were not only seen in the extraordinary taxes which Colombians had to pay but also in its effects on the democratic framework of institutions. The government´s pressure on the Armed Forces for results, combined with incentives for successes, had perverse consequences in the form of criminal conducts like the "false positives", cases which had led the Public Prosecutor to undertake 1,486 investigations, involving 2,701 victims, by May 31, 2011. Among the costs of the security strategy, there also stood out the harassment and judicial persecution of political and social organizations opposed to the government, an occurrence responsible for the scandal of the phone-taps and illegal surveillance of political leaders, journalists, judges and congressmen undertaken by the DAS.

Even though the Uribe government´s offensive evidently hit the FARC hard, it did not manage to deliver the knock-out blow. The latter have been adapting themselves to the new dynamics of the armed conflict and continue to be active in a number of regions, with an important recovery of their military strength between 2011 and 2012.

In a parallel manner, there arose the controversial political negotiations between the Uribe government and paramilitary groups in Santa Fe de Ralito, Córdoba, which gave rise to the demobilization and partial disarming of the paramilitary structures and a reduction of the violence. Overall, nevertheless, this process failed to achieve its aim of overcoming the paramilitary phenomenon. The bill that the government drafted to authorize the demobilization of the paramilitaries included a nearly total impunity for those who were guilty of horrifying crimes and failed to recognize the rights of the victims. The response on the part of the judiciary, political figures, human rights organizations, victims and the international community, all of them demanding a change in its orientation, forced the government to alter its strategies and mechanisms.

The agreement with the paramilitaries also failed, insofar as they quickly rearmed in different places of the country and there were violent internal rearrangements among the fragmented, volatile and restless structures, which were strongly permeated by the influence of drug-traffickers: the latter were more pragmatic about their criminal acts and more defiant

181. United Nations Development Programme, PNUD-UNDP, "*Colombia rural: razones para la esperanza*", ("Rural Colombia: reasons for hope"), 77.

towards the State. Although it did not manage to reset the territorial presence of the AUC, its operations also rose again between 2011 and 2012.

2.4.1. The defense and democratic security policy

The defense and democratic security strategy implemented by Álvaro Uribe during his two presidential terms (2002-2010) was expressed in juridical, political and propagandistic acts aimed at unleashing a military, political and juridical offensive against what were called the "factors of violence", regarded as obstacles to the economic and social growth of the country. In that regard, the government´s summons to society to support its policy took on the air of a *patriotic crusade*, since president Álvaro Uribe defined the role of civil society in the fight against *terrorism* in the following terms in 2003: "We Colombians shall not yield to this threat. We are going to defeat it with the collaboration of the citizenry. The key concept here is solidarity, solidarity among the citizens and solidarity with the Security Forces".[182] This policy counted on the support of a good part of public opinion and the political and business class, that consensus being based on the premise that it was necessary for the State and the government to implement a full-scale policy to defeat the guerrilla. Undertaking this offensive involved an enormous military effort by the State, whose forces rose from 215,000 men in 1998 to 445,000 in 2010.[183]

This confidence was reinforced by one of the central features of this policy, which consisted of overcoming the dilemma of choosing between peace and development. Uribe maintained that security, understood as a decisive strategy to win the war against the insurgents, was the precondition for the social, political and economic viability of the nation. In his opinion, the need to attain "the rule of law" was explicitly related to development: "Every time that there is a kidnapping it has a profound effect on investor confidence, capitals are dispersed and sources of employment are lost".[184] This notion strongly resounded at a time when Colombian society was still suffering the effects of the economic crisis during the previous administration, which persisted through the start of the Uribe administration and was later reversed by the economic growth that took place throughout the rest of his terms.

Uribe´s policy also included a plan meant to strike at the Secretariat of the FARC that was based on gathering intelligence from the *guerrilleros* who benefited from the mass mobilizations or who had been captured. Use was made of technologies that analyzed and systematized the information supplied by those who deserted or were captured during his administration in order to detect the vulnerabilities of the enemy and choose the best military objectives.

The results of that development began to be seen in 2005, with a refinement of the Patriot Plan and Consolidation Plan to besiege the military rearguards of the FARC, especially in Caquetá and Meta, along with the social recovery of the territory, which sought to dismantle the strategic corridors they moved through. Even though the initial results were limited, due to the confrontation with a guerrilla that was bellicose and still militarily strong, the persistence of the offensive produced important and overwhelming blows against the FARC by killing important regional commanders and even members of the Secretariat of the Central High Command. Such was the case with the deaths of Raúl Reyes and Iván Ríos in March 2008, along with the death, presumably from natural causes, of the founder of the FARC, Manuel Marulanda Vélez, in May of the same year. The same fate was suffered by Victor Julio Suárez, alias *Jorge Briceño* or *Mono Jojoy*, their main military strategist, in September 2010, and Guillermo León Sáenz, alias *Alfonso Cano*, the overall leader of the FARC following the death of Manuel Marulanda Veléz, who was killed in November 2011. This offensive caused a profound crisis in that armed group.

182. Presidencia de la República, Ministerio de Defensa Nacional, "Carta del Presidente de la República, Álvaro Uribe Vélez", ("Letter from the President of the Republic, Álvaro Uribe Vélez"), downloaded June 22, 2013, http:// www.resdal.org/Archivo/col-03-presi.htm

183. Armando Borrero. *Monograph on the Armed Force and Police* (Bogotá: Corporación Nuevo Arco Iris, 2010). Unpublished essay.

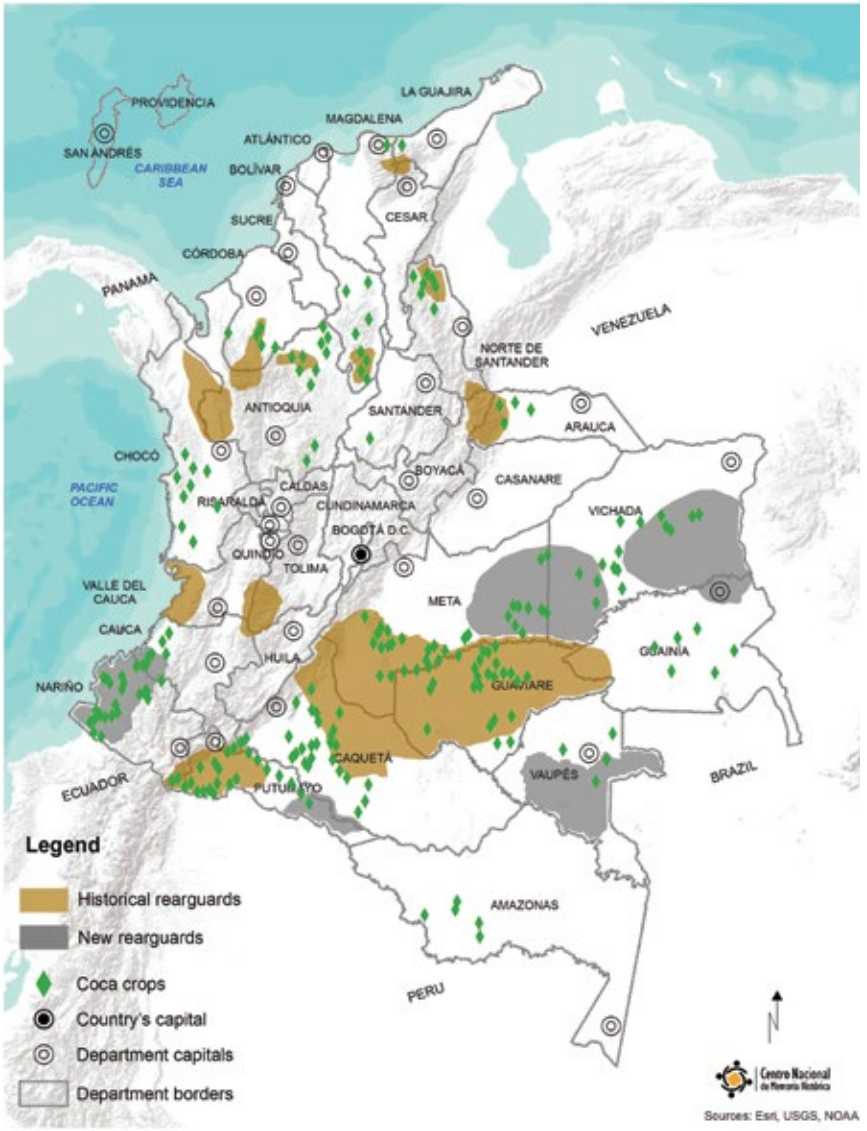
184. Presidencia de la República, Ministerio de Defensa Nacional, "Carta del Presidente de la República, Álvaro Uribe Vélez" ("Letter from the President of the Republic, Álvaro Uribe Vélez").

In its zeal to deal a knock-out blow to the FARC, the State not only forced the FARC to retreat to their rearguard zones, but also to seek refuge in bordering countries, a situation which evidenced the real threat that the armed conflict would spread to neighboring countries, given the iron-clad determination of president Uribe to pursue the members of the Secretariat of the FARC beyond the frontiers of Colombia. The situation became critical between 2008 and 2010, after the suspension of diplomatic relations between Ecuador and Colombia which resulted from the Colombian Armed Forces´ attack on the encampment of Raúl Reyes in Ecuadorian territory and the tensions with Venezuela after president Uribe denounced the presence of members of the Secretariat of the FARC in Venezuela, which was accompanied by president Chávez´s order to mobilize ten battalions along the frontier with Colombia in March 2008.

The new strategy brought about notable advances in the security of the main economic axes and nodes of the country (a reduction of the sabotage of infrastructure, kidnappings and attacks on property and the reestablishment of the free flow of traffic on highways) and also enabled the Security Forces to recover control of the regions most integrated into the country´s political and economic framework. However, it had negatives effects in the regions the guerrilla retreated to (the persistence of forced displacement, arbitrary detentions, massive captures, threats and "false positives"). In addition to being insufficient to achieve the aim of winning the war, the military measures brought about conditions that deepened the fragmentation and polarization of Colombian society, and finally wound up strengthening the supremacy of warlike stances to the detriment of those in favor of a negotiated settlement.

2.4.2. The withdrawal, weakening and readjustment of the FARC

As a response to the breakdown of the peace negotiations in February 2002, the FARC unleashed an offensive that included, among other incidents, the detonation of a car bomb in Villavicencio on April 7, 2002, which left ten dead and 70 wounded; the kidnapping of 11 assemblymen from the Assembly of the Valle del Cauca on April 11th of the same year; and the terrorist bombing of El Nogal Club on February 7, 2003. By



Geography of war, 2008.
Source: ODECOFI, Cinep. Processed by: National Center for Historical Memory. Georeferencing: Julio E. Cortés, April 2016.

extending the war to the cities, the FARC sought to create a climate of relative siege in the most important urban centers of the country, to show that they were no longer a traditional peasant-farmer guerrilla inserted into the economies and the territories of their rearguard but also send public opinion the message that it would be "costly to continue the war and impossible to win it".[185] Meanwhile, on the rural front, the FARC tried to resist the offensive of the State but they wound up weakened and in retreat.

The operations of the Army and Police managed to recover the control of the zones into which the guerrilla groups had expanded during the 1980s and 1990s. The State forces also managed to weaken their traditional rearguard zones and force them to shift to new rearguards on the frontiers of the country. The FARC, for their part, showed that they were resilient[186] and able to restore their military effectiveness[187] in regions like El Caguán, where the results of the Army´s deployment of troops[188] were not so successful; and consolidate new strategic rearguards on the frontiers and in zones newly colonized by coca-growers in the eastern Amazon (Vaupés, Guainía and Vichada) and the Pacific coast regions of Nariño and Cauca.

In the midst of the State´s military offensive, the FARC tried to maintain the political initiative with their endeavor to achieve a humanitarian exchange of imprisoned *guerrilleros* for the politicians, soldiers and policemen they had kidnapped. They also persisted with their harassment of and violent pressure on local and regional authorities.

In the first case, the humanitarian exchange revived their political credibility, since it kept the French government interested in negotiating with the FARC for the liberation of the former presidential candidate Íngrid Betancourt, a situation that even forced the Uribe government to make a unilateral gesture, which is the liberation of the "Chancellor" of the FARC, Rodrigo Granda, in June, 2007, who had been illegally captured in Venezuela, in order to facilitate an agreement between the parties. To that was added the U.S. government´s concern about the kidnapping of three U.S. contractors on February 12, 2003. In that context, the FARC maintained its ironclad posture of conditioning any approach about the humanitarian exchange to the demilitarization of Florida and Pradera, in the Valle del Cauca.

This political wager was prolonged throughout the 2000s, but it wound up being very costly for the FARC in terms of legitimacy due to the public´s response to such incidents as the FARC´s murder of the governor of Antioquia, Guillermo Gaviria and the ex-minister of defense, Gilberto Echeverri, after a failed rescue operation by the Armed Forces in April 2003; the murder of 11 of the 12 kidnapped assemblymen from the Valle del Cauca by the crossfire of two of their fronts in July 2007; the successful rescue operations by the Armed Forces, like Operation Checkmate in July 2008, which liberated the former presidential candidate Íngrid Betancourt and the three U.S. contractors, and Operation Chameleon in June 2010, which liberated colonel Luis Herlindo Mendieta, commandant of the Vichada police department, who had been captured during the forcible seizure of Mitú in November 1998; the wearying process of unilateral liberations between 2009 and 2011; and the heartrending proofs of the survival of kidnapped persons who had been held in the jungles of Colombia for more than ten years. All of these occurrences wound up alienating public opinion, expressed by the mass marches where the public protested against kidnapping and the FARC. In the long run, this loss of legitimacy forced that guerrilla group to rethink its stance, with the decision to unilaterally free all of the kidnapped and detained persons on their list of those who might benefit from a prisoner exchange and publicly declare, in February 2012, the prohibition of extortionate kidnapping from their repertory of tactics.

185. See: Eric Lair, "*Reflexiones acerca del terror en escenarios de guerra interna*" ("Reflections on terror in the scenario of internal war"). *Revista de Estudios Sociales* 15 (Bogotá: Universidad de Los Andes, 2003), 100.
186. Soledad Granada, Jorge Restrepo and Andrés Vargas,"*El agotamiento de la política de seguridad: evolución y transformaciones recientes en el conflicto armado colombiano*" (The exhaustion of the security policy: the evolution of and recent changes in the Colombian armed conflict"). In: *Guerra y violencias en Colombia. Herramientas e interpretaciones* (War and forms of violence in Colombia. Tools and interpretations), eds.: Jorge Restrepo and David Aponte (Bogotá: Editorial Pontificia Universidad Javeriana/ CERAC, 2009), 27-124.
187. Ariel Ávila, "*La guerra de las FARC y la guerra contra las FARC*" ("The war of the FARC and the war against the FARC"). *Arcanos* 15 (2009): 4-21.
188. Jineth Bedoya, *En las trincheras del Plan Patriota* (The Patriot Plan: in the trenches). Bogotá: Intermedio, 2008).

As for the second point, the harassment of and violent pressure on local and regional authorities led to such savage incidents as the massacre of the councilmen of Puerto Rico, Caquetá, on May 24, 2005, with six deaths; that of the councilmen of Rivera, Huila, on February 27, 2006, with eight deaths, and the assassination of the governor of Caquetá, Luis Francisco Cuéllar, in December 2009.

2.4.3. The failed negotiations with the AUC

The process of negotiations with the self-defense forces did not yield permanent results either, although the demobilization of its main leaders did initially lead to a marked decline in homicides and massacres. However, the lack of consensus and the internal heterogeneity among those groups soon became evident.

The first problematical subject were the differences involving the links between the self-defense forces and drug-trafficking and other legal or illegal activities (so-called debt collection agencies that levied extortions, legal enterprises that served as money launderers, the theft of gasoline, the appropriation and siphoning off of revenues from mining and the monopolization of lands and properties), which evidenced the fragmentation of the paramilitary groups. Their differences began, towards the end of the Pastrana administration, with the direct, open and public fighting between the armed groups commanded by Hernán Giraldo in the Sierra Nevada de Santa Marta and the self-defense forces of Carlos Castaño. That war, which led to dozens of deaths and disappearances, was focused on control of the city of Santa Marta, an important tourist center, and the surrounding foothills of the Sierra Nevada de Santa Marta, due to their importance as a corridor for illegal economic activities. The dispute took place in the context of the growing split within the national federation of self-defense forces known as the AUC, which led Carlos Castaño to resign from its overall command on July 12, 2001, an event that marked the beginning of the decay of the AUC (1997-2002), prior to its approach to the Uribe government. Later, at the start of the negotiations, there was a fight for control of Medellín and the Valle de Aburrá between the Metro Bloc, which rejected the talks, and the Nutibara Block of the Central Bolívar Bloc (Bloque Central Bolívar - BCB), led by Diego Fernando Murillo, alias *Don Berna*, which ended in the victory of the latter. But there is no doubt that the most bloody and obvious dispute was the one between the Casanare Self-defense Forces and the Centauros Bloc of the AUC in the eastern plains in 2004. These differences brought about the collapse of the attempt to unify the self-defense forces on a national level that had been led by Carlos Castaño and by Salvatore Mancuso, the latter from the Peasant-Farmer Self-defense Forces of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá – ACCU). It finally favored alias *Don Berna* and Iván Duque Gaviria, alias *Ernesto Baéz*, from the Central Bolívar Bloc (BCB), the front for a federation of local and regional groups of a diverse nature which was opposed to the stance, more political and distant from drug-trafficking, held by the ACCU at the time of the negotiations, which was acknowledged by Mancuso and Castaño in July, 2002:

> The efforts we made to save the name and existence of the AUC together with other honest commanders were fruitless. It wasn´t possible to do it. We found ourselves facing a series of groups which were fragmented and strongly permeated by drug-trafficking, which, in many cases, shifted from the ideal of confederation to anarchy or lost their identity and principles.[189]

In the midst of the negotiation process, the paramilitary commanders Mancuso, the one whose alias was *Ernesto Báez* and Ramón Isaza appeared at the sessions of the Congress, in July 2004, and showed the fragmentation of their movement, since the three showed clearly marked differences in the approach and background of the groups they represented: Isaza represented the traditional self-defense forces, heirs of the experiences in Puerto Boyacá in the mid-1980s; Mancuso represented the second stage, in the mid-1990s, whose epicenter was Córdoba and Urabá; and Baéz represented the expansion to a national level of the Central Bolívar Bloc, an expression of the emergence of the drug-traffickers with pretenses of political actors.

189. *El Tiempo* newspaper (July 20, 2002), 1-17.

This internal heterogeneity was reflected in the difficulties in finding juridical instruments for the Law of Justice and Peace that would able to meet the expectations of the different stances: the paramilitaries insisted that the legal framework was insufficient to guarantee the juridical security of the proceedings and that they were not willing to assume the political costs of testifying about the truth of the origin, development and expansion of the paramilitary phenomenon. Nor would they agree to return the goods and fortunes they had illegally accumulated by means of terror and violence.

In view of these differences, the international community and many in Colombia – especially the organizations which were defending human rights and the rights of the victims – decided that that law would end in impunity for the guilty parties and was far from being an instrument of truth, justice and reparation, the indispensable requisites for a negotiated settlement.

Nevertheless, the negotiations with the self-defense groups formally began on July 2, 2004 as a formula to overcome the crisis in a process that had not yielded important results or advances in terms of the agenda agreed on since June 2003. In fact, the negotiation process was marked by strong contradictions, since the same paramilitaries who were negotiating with the national government continued to kill their opponents in the regions in order to consolidate and expand their political, economic and territorial power, the only difference being that their violent actions were perpetrated in the framework of a truce between the two parties. It was in that logic of action that there occurred the massacre of Bahía Portete on April 18, 2004. The situation was aggravated by the internal feuds between the different paramilitary factions that were going on in the midst of their negotiations with the national government.

This internecine war among the paramilitaries led to the murder of the paramilitary leader Carlos Castaño on April 16, 2004,[190] after his public denouncements about how the paramilitaries were being co-opted by drug-traffickers and announcement of his willingness to negotiate his surrender to the judiciary of the United States. His assassination, ordered by the main commanders of the AUC, including his brother Vicente Castaño, wound up showing the hegemony of the group led by drug-trafficking over the long-established rule of Carlos Castaño, who had decided to renounce those links. That event, added to the war between the Centauros Bloc, which the drug-trafficker Miguel Arroyave had bought from Vicente Castaño and the Peasant-Farmer Self-defense Forces of Casanare, caused the talks to be bogged down and made public opinion suspect that the Law of Justice and Peace was being exploited by well-known drug-traffickers as a way to avoid extradition.[191]

The heterogeneity of the groups was shown by, among other things, their non-compliance with the agreements: thus, the fifth report of the MAPP-OAS denounced the breaking of the cease fire, agreed to at the negotiating table, for the Montes de María, the south of the Sierra Nevada de Santa Marta and the Magdalena medio.[192] A short time later, alias *Don Berna* was arrested at a farm, after the Public Prosecutor formally accused him of being the mastermind of the assassination of Eudaldo León Díaz, the mayor of El Roble, Sucre, in April 2003.

These difficulties and tensions about the Law of Justice and Peace were reflected in national politics: while the Uribe government sought to get the majority grouping in the Congress to grant the paramilitaries the status of political criminals (within the crime of sedition), so that they could enjoy greater benefits than those already laid down in the Law of Justice and Peace, the Constitutional Court, when it reviewed the law, was forced to harden it with the suppression of the crime of sedition and the imposition of more obligations on those who testified, if they were to

190. *El Heraldo* newspaper (May 1, 2004), 8A.

191. Francisco Javier Zuluaga, alias Gordo Lindo; Eduardo Enrique Vengoechea, alias El Flaco; Juan Carlos Sierra, alias El Tuso; and Miguel Ángel Mejía Múnera, alias Pablo Arauca, commanders of the Pacific Bloc and the Vencedores de Arauca Bloc.

192. MAPP-OEA, *Quinto informe trimestral del secretario general al consejo permanente sobre la misión de apoyo al proceso de paz en Colombia* (Fifth quarterly report by the general secretary to the permanent council on the mission to support peace in Colombia). Bogotá: MAPP-OEA, 2005), 7-8.



Visit to the Colombian Congress by paramilitary leaders. Photograph: Jesús Abad Colorado © July 2004.

benefit from the alternative sentence of eight years, like making a total and complete confession of their crimes.[193]

This caused a strong protest from the political spokesman of the paramilitaries, Iván Duque, alias *Ernesto Báez*:[194] "We don´t wish to alarm the nation, which wrongly believed the process is saved. But that is not true and the negotiations are facing an enormous crisis," and he added; "with the conditions in which the Law of Justice and Peace remained, no paramilitary will surrender". From then on, the paramilitaries began to claim the political negotiations were turning into a submission to judicial proceedings.[195]

These difficulties were worsened in December 2006, when public opinion was surprised by the news that the main paramilitary leaders (59 in all) had been transferred from a vacational center in La Ceja, Antioquia, to the maximum security prison in *Itagüí*.[196] The transfer, the government argued, was due to many evidences that the paramilitaries continued to run and control structures which had not demobilized or had rearmed. With those structures, the paramilitaries were erasing all of the proofs of their main crimes.

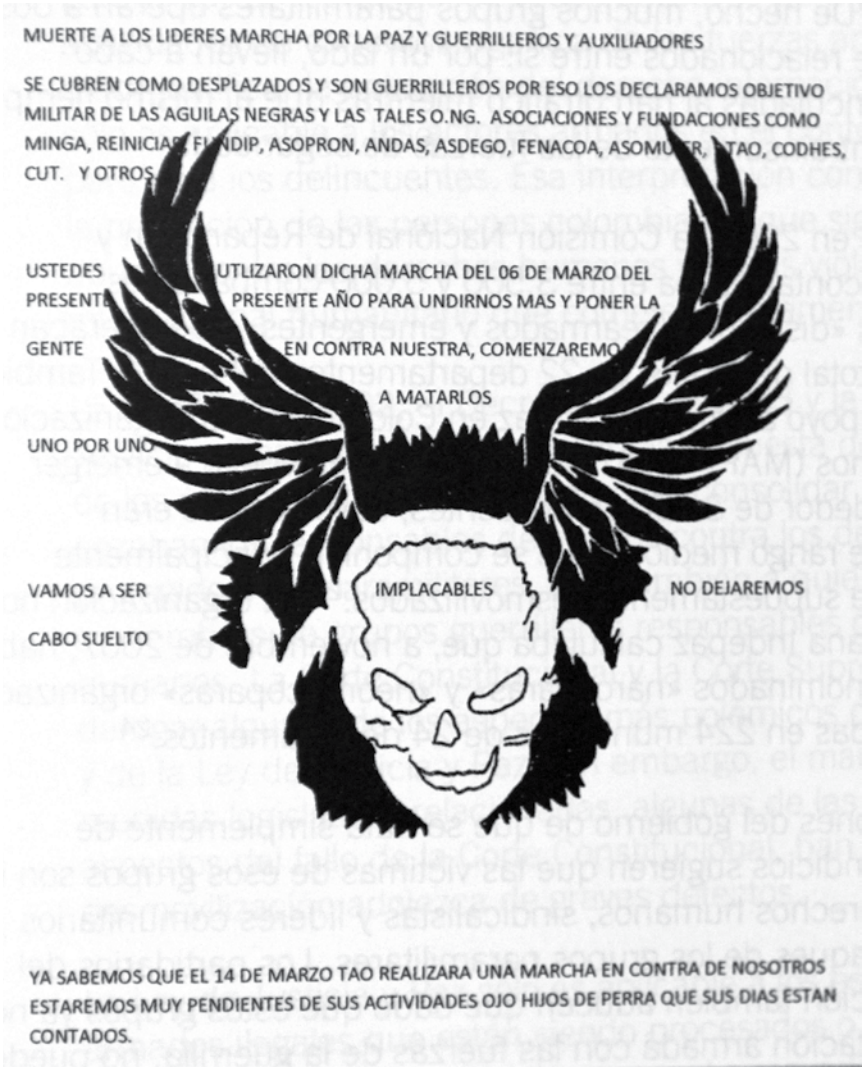
In response to this transfer of the main paramilitary leaders, Rodrigo Tovar Pulpo, alias Jorge 40, fled from Santa Fe de Ralito, but a few months later he accepted his transfer after the intervention of a commission headed by the then president of the Senate, Dilian Francisca Toro. However, he warned that: "If the war won by the self-defense forces is lost in a new version of governmental negligence, behind me will come many who, like myself, will take up arms".[197] That statement by Jorge 40 resumed the fears of the paramilitary leaders in the face of the requisites which the Constitutional Court´s ruling on the Law of Justice and Peace introduced: the threat of extradition, since the government had never agreed to its prohibition; the judiciary´s refusal to recognize them as political actors; and, finally, the government´s inability to protect the paramilitaries beyond the area agreed on for the talks in Santa Fe de Ralito, in Córdoba.

These political changes, which reduced the margin of negotiation for the paramilitaries, led their leaders who were imprisoned in Itagüí to withdraw from the talks on December 7, 2006, claiming that the government had failed to comply with its commitments. However, the occurrence showed that the paramilitaries had had a complete trust in the process, which they regarded as a means to reduce their sentences, conserve the properties they illegally obtained and avoid extradition. But a short while after the transfer of their commanders to Itagüí, the fact that they had continued to commit crimes behind bars became public knowledge. That, added to the U.S. request for the extradition of the main paramilitary chiefs accused of drug-trafficking, made it possible for them to be sent to the United States on May 13, 2008, without violating the stipulations of the Law of Justice and Peace. At that time, nevertheless, many organizations that defended human rights and associations of victims warned that the most explosive truths about the development of paramilitarism during the previous few decades would be hidden and thus prevent the truth about the violent acts they had confessed to from being clarified.

2.4.4. The impact of paramilitary rearming on the territorial development of the conflict

By 2006, the limited demobilization of the paramilitaries was setting the stage for the imminent rearming of those groups, which accelerated during 2008 and 2010, and registered a significant rise in their criminal acts between 2011 and 2011. This rearming provoked a heated national controversy about how to interpret and define these new organizations: for the government they were simply organizations at the service of drug-trafficking and lacked any political or counter-insurgency status, but some more profound studies of the phenomenon, like the CNRR´s public report in

193. For further information, see chapter 3 of this report.
194. *El Tiempo* newspaper, August 16, 2006, 1-3.
195. See: CNRR-GMH, *Justicia y Paz. ¿Verdad judicial o verdad histórica?* (Justice and Peace. Judicial truth or historical truth?). Bogotá: Taurus/ *Semana* 2012).
196. *El Tiempo* newspaper, December 2, 2006, 1-4.
197. *El País* newspaper, September 5, 2006, 4A.



Death threat sent by the "Águilas Negras" (Black Eagles) to members of organizations of the civil society in March 2008. Photograph: private archive.

2007, suggested that they represented a third generation of the paramilitary movement and had a certain continuity with the paramilitary groups which attained a political and territorial importance in the previous period. For their part, the organizations that defended human rights and those which spoke for the victims insisted that the phenomenon showed the government´s failure to dismantle the social, political and economic structures of paramilitarism in many regions of the country. Beyond this debate about semantics, however, it is important to stress that the problem was owed a number of flaws in the process of demobilizing the paramilitaries on the basis of a negotiating agenda in which many promises were not kept: in the opinion of Salvatore Mancuso, the rearming of the paramilitaries resulted from the malfunctioning of the State´s policy of re-institutionalization and the obstacles the government put in the way of their participation in politics, which contradicted the original agreement.

For all of those reasons, many of the demobilized rearmed under the auspices of organizations whose aims were criminal, but where the paramilitary leader hoped that it would be the first stage of a process which would later assume important political and economic dimensions.

For Mancuso, these gangs, like paramilitarism in its early years, "advance as a criminal phenomenon at the start because they need to strengthen themselves economically in order to grow militarily and then begin to carry out the political acts which you note they are already doing".[198] Rodrigo Tovar Pulpo, alias *Jorge 40,* emphasized that the demobilization of the paramilitaries had not been due to military calculations, but political ones, since it was obvious that their natural enemies, the guerrilla groups, continued to operate in many regions of the country without the government having shown a sufficient capacity to defeat them. But he was sure that the resort to arms was not the best political solution, even though it continued to be a plausible alternative in many regions of the country, just as was seen in the emergence of the new forces.[199]

198. Fabio Medina and Jota Ochoa, "*Mancuso: 'El paramilitarismo de Estado sigue vigente*" ("Mancuso, the paramilitarism of the State still goes on"). Terra Colombia, downloaded April 3, 2008, http://www.terra.com.co/actualidad/articulo/html/acu10230.htm

199. *Carta Abierta a Eduardo Pizarro Leongómez, Presidente de la Comisión Nacional de Reparación y Reconciliación-CNRR, por Rodrigo Tovar Pupo, alias "Jorge 40"*. ("Open Letter to Eduardo Pizarro Leongómez, President of the National Commission for

These statements not only showed the crisis in the negotiation process but also highlighted two central aspects of the most recent stage of paramilitarism. In the first place, that the current armed groups, like their paramilitary predecessors, have been and continue to be a fragmented phenomenon, strongly tied to their regional logics, which may undertake different efforts at national coordination, as a reaction against processes that are regarded as strong threats to the local and regional orders that those groups have imposed. And, in second place, that the multiform nature of these armed groups, as organizations at the service of drug-trafficking with aims of territorial, political and social control, does not necessarily mean that they have abandoned their war against the guerrilla, although, on certain occasions, strategic calculations may lead them to enter into profitable alliances with the insurgents.

The CNRR identified a total of 34 groups operating in 2007, while the Colombian Police identified 26 for the year 2006. These armed structures based their actions on three aspects which are essential for any understanding of the rearming of the paramilitaries and to which the CNRR called attention: first, the process by which demobilized paramilitaries have regrouped (the rearmed ones); second, the persistence of paramilitary strongholds which did not enter into the negotiations between the paramilitaries and the Colombian government (the dissident ones); and third, the emergence of new apparatuses of coercion at the service of the interests of drug-traffickers (the emerging ones).[200] However, these distinctions do not cover the armed groups that have resulted from the partial demobilization of the structures that agreed to and participated in the negotiations with the Uribe government.

According to the CNRR, the territorial spread of the rearmed paramilitaries was concentrated in the north of the country (La Guajira, Magdalena, Cesar, Bolívar and Córdoba), the northeast (Santander and Norte de Santander), the southeast (Meta, Guaviare and Vichada) and the southwest (Valle del Cauca, Cauca and Nariño).

All of this territorial configuration was marked by fights and changes in the armed structures, which led many of them to disappear and others to change their name. The multiplication of labels that characterized the emergence of paramilitary rearming between 2006 and 2007 was followed, between 2011 and 2012, by a smaller number of groups that were more consolidated. The Colombian Police identified six criminal structures that were operating in 2012, among which there stood out the Urabeños and the Rastrojos in the northwest, northeast and southwest, as well as the Revolutionary Anti-Subversive Army of Colombia in the southeast (Ejército Revolucionario Antisubversivo de Colombia – ERPAC). As of March 2011, the Corporación Nuevo Arco Iris reported, these armed groups are present in 209 municipalities, which amount to 18.3% of Colombian territory.

The reshaping of the paramilitaries in this period of the armed conflict has largely become possible because of their convergence with regions where illegal crops are grown, without their presence there being new, since, from the start of 2000, some fronts and blocs of the AUC had wrested broad swathes of such territories from the FARC.[201]

Now, the influence of drug-trafficking is different to what it was in the previous period, because a decline in the areas sown with coca is reported (from 163,300 hectares in 2000 to 61,183 in 2010) and there has been a growing shift of coca crops to other places due to the State´s recovery of the territory, a situation that means that the rivalry between the paramilitary and guerrilla groups for control of drug-trafficking has become more difficult and competitive. To that is added the volatility of the organizations and networks of drug-trafficking due to persecution

Reparation and Reconciliation – CNRRR, from Rodrigo Tovar Pulpo, alias 'Jorge 40´." Visited February 22, 2009, http://www.verdadabierta.com/component/content/article/47-extraditados/969-traicion-del-gobiernoa-los-paras-ha-provocado-rearme-jorge-40

200. MAPP-OEA, *Sexto informe trimestral* (Sixth quarterly report), 7-8.

201. MAPP-OEA, *Octavo informe trimestral del secretario general al consejo permanente sobre la misión de apoyo al proceso de paz en Colombia* (Eighth quarterly report by the general secretary to the permanent council on the mission to support peace in Colombia). (Bogotá: MAPP-OEA, 2007), 8-12.

by the police, which killed a number of their main capos and handed others over to the U.S. judicial system.

But drug-trafficking is not enough to explain the development of the phenomenon. One of the most important changes seen in the most recent period is the new cycle of the mining boom, which has strengthened that sector´s emergence in Colombia since the second half of the 1980s. According to the long-term statistics of the National Planning Department, the mining sector grew during the whole of the 1990´s and first half of the 2000´s, with a 5% share of the GDP that did not show significant variations in the same period. However, since 2004 there has been a breaking point that marks an accelerated growth of the sector, evidenced by its reaching 7% of the GDP in 2008. According to the Report on Human Development for 2011:

> […] The mining boom is reflected in the dynamics of the granting of licenses. Between 2000 and November 2010, the Ministry of Mines granted 7,264 mining titles and handled 17,479 applications covering the whole of the country, while surface area under exploitation surpassed 5.8 million hectares, which is larger than the area devoted to agricultural activities in the country.[202]

This mining boom has turned into a new factor that fuels the war, insofar as it represents the opening of a new front for revenues that the armed agents may capture. This relationship has largely become possible because of the growing convergence of the mining areas and those of the armed conflict, which is seen in cases like the south of Bolívar, the lower Cauca and northeast Antioquia, the south of Córdoba, the Catatumbo, Cauca and Nariño.

Nevertheless, it is worth pointing out that the underlying motivations for the disputes between the paramilitary factions and between them and the guerrilla groups show important variations, in accordance with the regional contexts. On the Caribbean coast, for example, while the phenomenon would seem to be more linked to the regional elites´ need to maintain their place in the social order than paramilitarism, it did help to strengthen and defend them from the assaults of the guerrilla. In the southwest of the country, on the other hand, specifically, in the departments of Cauca, Nariño and the Valle del Cauca, the restructuring of the paramilitaries has revolved around the regional economies of coca and drug-trafficking and the mining boom.

Nor should we ignore the persistence of links between the rearming of the paramilitaries and members of the Armed Forces, which has begun to be revealed with the capture of members of the Colombian Police at the services of those criminal gangs. Former president Uribe himself acknowledged the survival of such alliances on the occasion of the armed strike of Los Urabeños in January 2012. In a public statement on May 13, 2013, the head of the Public Prosecutor´s Office (Fiscal General de la Nación), Eduardo Montealegre said that one of the hypotheses in the investigations of the "false positives" is that they were not only due to incentives and pressures within the Armed Forces, but there might have been a plan in several regions to disguise the victims of murders committed by the paramilitaries as *guerrilleros* killed in combat.

The phenomenon of the rearming of the paramilitaries that has persisted for more than six years has gone through a further development since 2010, due to a new political context that has served as a lesson for it and at the same time made it more rebellious. This change was introduced by the government of Juan Manuel Santos (2010-2014) that, while it has decided to continue the military offensive against the guerrilla groups, has shifted governmental policy to make its two banners the victims and political solution of the conflict. In the first case, its commitment towards them is revalidated with the adoption and implementation of the Law on Victims and the Restitution of Lands (July 2011) and, in the second, it is seen in its peace negotiations with the FARC in Havana, which started in October 2012. The policy for the restitution of lands has turned into an open challenge to the rearmed paramilitary powers on the part of State institutions, which the former have responded to

202. PNUD/UNDP Colombia, "*Colombia rural: razones para la esperanza*", (Rural Colombia: reasons for hope), 97-98.

with an escalation of their violence, particularly against the victims who are reclaiming their lands. In that regard, a report by the People´s Defender´s office (Defensoría del Pueblo) in 2012 stated that no fewer than 71 leaders of land restitution movements had been assassinated during the previous six years.[203] This is one of the main challenges that the implementation of Law of Victims faces today.

2.4.5. State control of the center of the country and the presence of the guerrilla on the peripheries

Alongside the vicissitudes of the rearming of the paramilitaries, there were obvious contrasts in the territorial control exercised by the Armed Forces under the government of Álvaro Uribe: during his two terms (2002-2206 and 2006-2010), the number of municipalities affected by the armed conflict notably fell, from 561 in 2002 to 361 in 2006 and 284 in 2009.[204] However, this reduction in the geographical coverage of the conflict has not been the same throughout the country, insofar as the regions affected by the conflict went through changes caused by the strategic transformations and adaptations of the armed groups. The result has been the fragmentation of the two macro-regional scenarios of the war: in the north and the Caribbean coast the strategic defeat of the guerrilla has become more pronounced, since what had been started by the AUC in the previous period was then completed by the Armed Forces during the eight years of Uribe´s presidency. In contrast with the control attained in the center and the north of the country, the macro-region of the south turned into the main scenario of the national conflict.

These two scenarios correspond to very different historical processes: on the Caribbean coast, not even at its height did the FARC manage to advance beyond the Sierra Nevada de Santa Marta, the Serranía del Perijá and the Montes de María, where they were defeated by paramilitarism, which succeeded in imposing its social, economic and political project. Later, this defeat was consolidated by the Armed Forces which, thanks to improvements in the coordination of its forces, the intensive use of military information or intelligence and the permanent presence of the Army in the territory,[205] dismantled the 37th Front of the FARC in the Montes de María and weakened the 19th Front in the Sierra Nevada de Santa Marta, which was forced to shift to the serranía del Perijá, on the frontier with Venezuela.

However, in this first scenario, made up of sub-regions on the border between the Andean and Caribbean regions – which had lost importance as part of the strategic definitions of the armed groups on a national scale, the guerrilla still have a certain presence in the traditional zones of influence they have retreated to, even though it is fractured and reduced. That is why the neo-paramilitaries, who are known as the "emerging bands" (*bandas emergentes*) intensified their violence there, with the aim of regulating the political and social life of those areas, or getting control of the revenues of legal or illegal activities, as is the case in the bajo Cauca antioqueño or the south of Córdoba, with coca plantations, drug-trafficking routes and mining.

In the south of the country, by contrast, the FARC still have a large margin of maneuver, thanks to their ability to adapt to the State´s efforts to recover the military control of the territory and the support and refuge they enjoy in their traditional rearguard areas.

The FARC´s most recent insertion into the coca-growing economy, which is taking place in the Pacific platform, has enabled that group to continue to reproduce its social bases and even expand the economy of the war, due to the way it operates on the fringes and interstices of the regions which have not been fully integrated into the legal market and political community of the nation as a whole. This capacity to move around is explained by the conjunction of two simultaneous

203. "*Asesinan a hijo de reclamante de tierras de Bolívar*" ("Son of a claimant of lands in Bolívar murdered") Verdad Abierta (May 29, 2003), downloaded July 1, 2013, http://www.verdadabierta.com/component/content/article/48-despojo-detierras/4609-asesinan-a-hijo-de-reclamante-de-tierras-enbolivar/

204. CINEP, GMH, *Actores y dinámicas del conflicto (1990-2009).* (Agents and dynamics of the conflict (1990-2009)).

205. Vicepresidencia de la República. *Impactos de la Política de Seguridad Democrática* (Impacts of the Democratic Security Policy). Bogotá: Observatorio del Programa Presidencial de Derechos humanos y Derecho Internacional Humanitario, 2008).

developments: on the one hand, the constant shifting of coca cultivations from one area to another, and, on the other, the FARC´s long experience of the armed colonization of wilderness zones. This insertion led them to form a new corridor which is under dispute since it revolves around the coca-production complex in the following sub-regions: the macizo colombiano (Colombian Massif), the Patía, the foothills of the western cordillera in Nariño and the south Pacific region of Nariño and Cauca, and Buenaventura in the Valle del Cauca. All of the armed groups that are fighting for or sharing out the territory in accordance with their economic and military interests are to be found there.[206]

Nevertheless, although coca provides the FARC with economic advantages and possibilities for spreading their social and political influence, it has brought about a loss of political legitimacy in the eyes of a variety of sectors in the country and the international community, and, in the end, it has weakened their political wager. Furthermore, former president Uribe´s Defense and Democratic Security Policy, aimed at recovering State control of the territory,[207] managed to stop the FARC from reaching their aim of advancing to a new stage of the war and thus break the years-long stalemate between the guerrilla and the State. The policy resulted in a tactical and strategic setback for the FARC, which has not only been weakened militarily but also find themselves increasingly isolated on an international level and rejected by important sectors of opinion.

In the case of paramilitarism, with its turbulent negotiations and the reshaping of some of its structures in several regions of the country as a result, we note the flaws and limitations of the government when it comes to confronting it in a dimension that is social, economic and political as well as military. From 2006 onwards, the operations of the paramilitaries increased, above all, around the former strongholds of the United Self-defense Forces of Colombia, and the government was unable to restructure the political and economic orders which these groups had strengthened during more than a decade of hegemony and which the re-armed groups are currently striving to maintain.

But perhaps the most profound, although unexpected, result of the demobilization process was the event which unveiled the scandal of para[military] politics: the capture of Édgar Ignacio Fierro Flórez, alias *Don Antonio*, on March 11, 2006, nearly at the end of the disarming process, which revealed the extent to which the tentacles of paramilitarism had permeated the State, since this paramilitary leader had in his possession the computer of Rodrigo Tovar Pulpo, alias Jorge 40, commander of the Northern Bloc of the AUC.[208] The resulting revelations were the starting point for the public knowledge of the agreements that some regional political elites had signed with members of paramilitary groups, which showed the degree to which the latter had infiltrated the State in a number of areas of the country (The Pact of Ralito and Pact of Chivolo, to name a few). It thus showed the sincerity of the warning the paramilitary leaders had made when they demanded the right to openly participate in politics as a mechanism to break the deadlock in the peace process and pointed out the implications for governability of meeting the commitment to tell the truth laid on them by the Law of Justice and Peace.[209]

In fact, once the voluntary testimonies at the hearings established by that law began, the whole nation learned the truth that was already plain and painful in the regions: the deep links between the paramilitaries, businessmen, members of the military and politicians. The crisis spilled over the borders of the country to such extent that the prestigious British

206. Teófilo Vásquez. Jorge Restrepo and Andrés Vargas. *Una vieja guerra en un nuevo contexto.* (An old war in a new context).

207. These three points are a summary of the discussion in: Presidencia de la República, Ministerio de Defensa, *Política de Defensa y Seguridad Democrática e informes al Congreso sobre la Seguridad Democrática*, *2008-2010* (The Defense Policy and Democratic Security and reports to the Congress on Democratic Security, 2008-2010), downloaded June 22, 2013, www.mindefensa.gov.co

208. In this respect, the Corporación Nuevo Arcoíris and other institutions have undertaken important investigations of the subject, found in: ed. Mauricio Romero, *Parapolítica: la ruta de la expansión paramilitar y los acuerdos politicos* (Para[military]politics: the route of paramilitary expansion and the political agreements) ; and Claudia López and Ariel Ávila, *Y refundaron la patria… De cómo mafiosos y políticos reconfiguraron el Estado colombiano* (And they refounded the fatherland… How mafiosos and politicians reshaped the Colombian State). (Bogotá: Corporación Nuevo Arcoíris, 2010).

209. *El Tiempo* newspaper, April 3, 2009, 1-4.

magazine, *The Economist,* wrote that: "Colombia has been plunged into one of the biggest political scandals in decades as new revelations emerge about the collaboration and corruption arising from links between official authorities and politicians, and irregular forces of the right".[210] In the United States, the scandal had repercussions on the congressional debates about the approbation of the pending Free Trade Agreement between the two countries, because it strengthened the arguments of the Democrats who were opposed to the measure or conditioned it to certain guarantees in view of scandals similar to the para[military]politics one, like the illegal phone-tapping undertaken by the DAS and the "false positives", which coincided, in turn, with growing criticisms of the unlimited war on terrorism declared by the government of George W. Bush and renewed concerns about the protection of human rights.

At the same time that president Uribe´s government refused to acknowledge the existence of an armed conflict in the country and called the FARC a "terrorist threat" to Colombian democracy, that guerrilla showed no signs of renouncing its determination to overthrow the State. When Uribe´s presidency ended in 2010, the war against the FARC, the negotiations with the AUC and a certain passivity on the part of the government towards the rearming of the paramilitaries had created a situation where the outcome of the armed conflict was as uncertain as before.

The balance sheet of the armed conflict was still inscribed in a context of economic reactivation and growth, which was an important reason for the popular support that the Uribe government received during his two terms. But behind that growth the structural factors that nourished the armed conflict tended more to deepen than to reverse themselves. Colombia turned into one of the most unequal countries in the world and the breach between the urban and rural countries in terms of development and poverty widened.

This partly explains why the objectives of the Democratic Security policies are not only military and political but also have an economic correlative which implies strengthening the export sector consisting of hydrocarbons and other minerals, agro-fuels produced from plantations of African Palm and sugar cane, and complementary products like cacao, rubber, fruits and tourism.[211]

According to the World Bank, in the case of Colombia, the GINI coefficient, which measures the economic inequality of a society, registered an index of 59.1 in 1980, which fell to 51.3 in 1990 and has gone through a vertiginous rise after that, reaching 60.1 in 2002, as a result of the economic crisis and the worsening of the armed conflict. With the reactivation of the Colombian economy and the recovery of the country´s territory by the State, that inequality was not reversed, since the country has continued to show indexes higher than those reported for the period before its cycle of escalation in 1996. In 2004, the GINI coefficient was 58.3, which rose to 58.9 in 2007 and registered 55.9 in 2010.[212] The overall GINI coefficients evidence strong contrasts between the urban and rural sectors of the country, since, according to the 2011 *Report on Human Development*, the GINI index for the distribution of land ownership is 87.5, which means that Colombia is one of the countries with the greatest inequality in the ownership of rural property in the world.[213]

This trend responds to the failure to intervene in the kind of development promoted by elites and paramilitary groups in rural areas, revise public policies for rural development or reverse the counter-agrarian reform of the paramilitaries. On the contrary, the State chose to radicalize the liberalization of the rural economy, reduce State intervention, provide incentives for competitive agro-industrial projects

210. *El Nuevo Siglo* newspaper, April 20, 2007, 4.

211. Teófilo Vásquez. "*Recursos, política, territorios y conflicto armado*", ("Resources, politics, territories and armed conflict"), in: *Una vieja guerra en un nuevo contexto. Conflicto y territorio en el Sur de Colombia* (An old war in a new context. Conflict and territory in the South of Colombia). (Bogotá: Universidad Javeriana, CERAC y ODECOFI, 2011) 367-428.

212. The GINI index is a measurement of the spread of a distribution and it is used to measure inequality in the distribution of wealth, incomes or land. The closer it approaches 100, the higher the inequality.

213. PNUD-UNDP, Colombia, "*Colombia rural: razones para la esperanza*", ("Rural Colombia: reasons for hope"), 197.

(forestry and bio-fuels) and continue to expand large cattle-rearing estates. The perverse result of all that was the massive purchase of lands on the part of businessmen, who saw that the abandonment of rural properties caused by the war was a market opportunity, as was the legalization of forcibly seized lands through agro-industrial projects like African palm and the expansion of large cattle-rearing estates.

Working on the basis of a precarious social and economic situation, heightened by the exhaustion of the democratic security policy, the government of Juan Manuel Santos confronted the armed conflict at a time when the guerrilla groups were rearranging their military strategy and the rearming of the paramilitary was fragmented and volatile. In that context, the policy of his government has combined a continuation of an armed response with a revision of the policy of democratic security (better suited to a war of guerrillas), the social and political acknowledgment of the victims of the armed conflict with the Law of Victims as its banner and the opening of peace talks with the FARC on the understanding that the new conditions mean that the war may go on indefinitely and a political solution is irreversible in the face of the proven insufficiency and high costs of the military solution.

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This chapter has set out to illustrate the reasons why there has been an armed conflict in the country, as well as its dynamics, changes and different attempts to overcome it. It is a long story which is difficult to explain, not only because it has been so prolonged but also because, in contrast with armed conflicts and wars in other countries, the one in Colombia has been nourished by the emergence and interweaving of a variety of factors. On the one hand, there are economic factors, for example, those related to the tenure and use of lands, the benefits of agricultural, mining and energy exploitations and the capture of revenues from illegal activities like the trade in contraband goods and drug-trafficking.

On the other hand, there are political factors: the closing off of opportunities to participate in politics; the persistent rejection, exploitation, harassment and assault on legitimate forms of social organization, opposition and protest; or the co-opting and exploitation of the framework of public institutions in favor of private interests or to protect illegal activities.

The variety of interests that are fighting each other also explains the multiplicity of powers, groups and armies that are involved in the armed conflict. They, in turn, have gone through changes with the passage of time: they not only alter their discourses, strategies and forms of violence but also their alliances, means of treating the civilian population and presence in or domination of territories.

Despite the strong dynamism of the armed conflict, there are recurring tendencies. They have shaped the continuities of the war and repeatedly appear in the analyses that explain them. Among other factors, there is the concentration of land ownership, which prevents the agrarian problem from being solved; the uneven presence of the State in the peripheries of the country, added to a precarious territorial integration and the growing abandonment of rural lands; the prevalence of an extractive economy which not only ignores the rights of the legitimate owners of the lands where those resources are found but also damages and razes the land and accumulates money without bringing about a sustainable social development.

The problems have persisted to such a degree that in the history of the armed conflict we find repeated efforts to deal with them. Many of them have failed because they have been fragmented and residual. Others have been frustrated by the ironclad opposition of political and economic sectors, among them segments of the national elites and many regional powers, some traditional and others emerging, which have succeeded in thwarting the transformation of discriminatory and inequitable anti-democratic structures. In addition, there are initiatives that have been incorporated into and exploited by the strategies of war. In consequence, the history of the conflict in Colombia shows a repertory of solutions that have been postponed in a permanent manner.



Plaza de Bolívar, Bogotá, 2008. Photograph: Jesús Abad Colorado ©.

However, as this chapter shows, the war is not only owed to internal factors. International tensions, the agendas of what are known as the world powers, revolutionary movements and the dynamics of legal and illegal markets as well have influenced not only the country´s ideological reference points and governmental policies, but also the resource s and economy which have nourished the conflict.

Added to the above is the explosive role of drug-trafficking, which irrigated the armed conflict not only with new and abundant resources, or new agents and more armies, but also caused the profound social changes associated with a rapid social ascent. Its unlimited power to corrupt permeated politics and co-opted the State, and found in the armed conflict an opportunity to perpetuate itself and attain a political recognition under different banners. Drug-trafficking was not a mere external factor which added to the armed conflict. On the contrary, it reinvented itself and persisted in the same geographical, social and economic conditions where the armed conflict was taking place. It came to infiltrate itself so deeply into these conditions that some analysts have said that the expansion of illegal crops is only most critical sign of an agrarian problem which has never been solved, or that the concentration of land ownership cannot be understood without taking into account the counter-agrarian reform caused by the massive purchase of lands by drug-traffickers.

Furthermore, the history of the war in Colombia reveals a systematic effort to find a negotiated political settlement of the violence. These efforts have led to commitments and illusions on the part of a broad sector of the country about the possibility of scenario, free of war and violent adjustments, that will allow the country to set out on the path of building a lasting peace. Constitutional reforms, truces, amnesties, subjections to justice and humanitarian gestures, among others, form part of the inventory of efforts to find solutions to the war. The balance sheet is a series of failures, achievements and above all, lessons that have been learned and must not be forgotten in the current scenario of peace talks, which hopefully may set Colombia on the path towards reinventing its democracy.



The Palace of Justice siege. Photograph: Archive Fundación Carlos Pizarro.

CHAPTER III

War and Justice in Colombian Society

One of the most notorious particularities of the Colombian conflict is the enormous importance that analyzing the relationship between war and justice has. This is a complex and crucial relationship for three reasons: 1) the Colombian legalist tradition, 2) the tradition of a relatively independent judicial branch, and 3) the different ways in which the judicial institutions have made their presence felt on a territorial level.

By legalist tradition, we mean the weight that juridical formalities have historically had, as well as the judicial language used in the social interactions – whether violent or not – among the inhabitants of the country. Paradoxically, this tradition combines a respect for legal formalities with social customs which entail a repeated failure to follow the rules on a large scale, ones which are often regarded as a manipulative device of official institutions and of judicial language for non-legal purposes. Legalism has also sometimes been used as a sort of ideological disguise for intolerable practices of discrimination and impunity, which are effective when the time comes to divert social demands and struggles from their true transformative potential. Finally, and despite these tensions, the legalist tradition has also been an asset for the democratic system of Colombia, which, in contrast with other Latin American countries, has enabled Colombia to avoid authoritarian and autocratic regimes. An example of this has been the more active intervention of the Colombian high courts in the protection of rights – incipient before the 1991 Constitution, and very important thereafter – that, in turn, despite certain risks and contradictions, has led to progressive transformations of our democratic institutions.

A second aspect is the relative independence that the judicial branch maintains from other branches of public authority, at least when compared to the precarious independence of the judiciary in most of Latin America. This is related to the long history in Colombia of judicial control of legislative measures, and was reinforced — although ambiguously, since it laid the foundation for perverse clientelistic practices in the branch – by the 1957 referendum, which established the mechanism of appointment by co-option of officials of the judicial branch. Partly due to this tradition of independence, the judicial system has occasionally been able to resist autocratic (*caudillista*) tendencies that threatened democracy, as well as macro-criminal practices that have partly infiltrated other State institutions. It is important, however, not to overestimate the importance of this relative judicial independence. The truth is that judicial weakness, an equally long tradition – due at certain times to inadequate investigatory resources and at others to the insecure conditions in which its officials work, or corrupt practices that prevent the judicial system from fulfilling its purpose – condemns the judiciary to suffer grave problems of effectiveness in the face of the multiple challenges that a degraded war like the one in Colombia presents. The high figures for impunity and the overwhelming variety of methods used to achieve it that have been documented by the GMH in relation to high impact crimes, such as grave violations of human rights and International Humanitarian Law which have been committed in the internal armed conflict in Colombia, illustrate the precariousness of the judicial system in the field of effectiveness.[1]

At any rate, the serious problems facing criminal justice in terms of efficacy do not mean that it is irrelevant. Proof of this are the continuous and widespread attacks on its officials, meant to prevent them from

1. On analyzing the effectiveness of the penal system in dealing with grave crimes like homicide, the Advisory Commission on Criminal Policy concluded that the percentage of convictions for reported homicides were 5.9% in 2005, 3.8% in 2006, 3.3% in 2007 and 2.7% in 2008, which amount to an impunity rate of nearly 95% for a crime that grave (Comisión Asesora de Política Criminal, paragraph 89).

carrying out rigorous investigations and issue fair judgments. If, as it has sometimes been suggested, the reason for maintaining an independent judiciary is that no one believes it is capable of carrying out its mission, there would be no reason for the brutal attacks to which judicial officials have been subjected at times. Therefore, a relatively independent justice system paradoxically exists side by side with high levels of impunity, due, in good measure, to traditional problems of effectiveness and the more or less visible – and more or less hidden—interference of legal and illegal armed agents who have attempted—sometimes successfully— to limit its scope, manipulate it, or make it irrelevant for the resolution of conflicts in communities.

The third aspect, characteristic of Colombia, is how justice is exercised in different ways in different regions of the country, which is evident in the existence of a more or less incoherent and unstable group of judicial orders, at times linked by violent and discriminatory practices, which are spread throughout the nation. This means that in order to understand how the justice system functions, it is fundamental to reconstruct the regional echoes of normative changes, that is, the way that general normative guidelines have been interpreted, transformed and even at times disputed or openly rejected by local judicial officials in accordance with their interests, beliefs and contextual limitations.

Thus, for example, one can say that from a normative point of view, Colombia has a national legal system set out in its Constitution, laws and jurisprudence, one which is now highly liberal and more and more humanitarian, even though it had authoritarian traits in the past. This system, nonetheless, operates in a varied manner, in accordance with the many diverse interpretations which are made at the regional and local levels.[2] These agreements and disagreements between the national and regional levels are crucial aspects in understanding not only the complexity of our justice system, but also the unfolding of the armed conflict and its relationship with State-building in the outlying regions.

But just as justice in these outlying regions has changed, the relationship between justice and the war has also changed over time. On the one hand, it is unquestionable that justice has had differentiated impacts on the dynamics of the armed conflict over time. Due to changes in the criteria for prosecution (which framework is a person judged under?)[3] and the actual patterns of prosecution (who is really judged, and how?), justice has created incentives which either help to spread the armed conflict (for example, the high impunity for high-impact crimes committed in the war zones, which means that the probability of being punished is very low and thus many people choose illegality) or to halt some of its dynamics, as in the case of the judicial investigations of the alliances between politicians and paramilitaries by the Supreme Court, which aim, among other objectives, to end one of the mechanisms that have been responsible for the long duration of the war.

2. Before the 1991 Constitution and with regard to the legislation on public order found in such measures as Legislative Decree 3398 of 1965 (which was adopted as a permanent legislation under Law 48 of 1968) and the Colombian Army´s Manuals on Anti-subversive Combat, the national framework of norms in that field, interpreted in the light of the National Security Doctrine, allowed and encouraged "the formation of self-defense groups that degenerated until they turned into paramilitary ones". GMH, *La Rochela. Memorias de un crimen contra la justicia* (La Rochela. Memories of a crime against justice), 51. Bogotá: Taurus: *Semana,* 2011. In that sense, the local juridical bodies came up with their own interpretation of the norms, which allowed the use of repressive forces found in a model for dealing with the political crisis. After the 1991 Constitution came into effect and the discourse on Human Rights began to be incorporated into the norms, the regional judicial authorities continued, on the contrary, to tolerate the mechanisms of domination and capture that the illegal agents employed, either because those agents directly seized control of them (as in the case of the sectional directorate of the Office of the Attorney-General in Medellín at the time of Guillermo León Valencia, which was deeply infiltrated by men at the command of alias Don Berna (see: file no. 30.690 of March 9, 2011, guilty verdict of the Criminal Appeals section of the Supreme Court of Justice, against Guillermo León Valencia Cossio, presiding magistrate, Jorge Luis Quintero Millanes), or the illegal agents used the power of their arms to ensure that the judiciary only dealt with matters of no importance to them.

3. By "the framework in which one is judged", we refer to certain aspects of the norms currently in force, such as the kind of actions that are regarded as legal or criminal, which agents are acknowledged to be legitimate participants in the conflict and under what circumstances, which of them are or are not granted a political status, among other matters found in the framework of the Constitution and laws.

Justice has also had impacts on the strategic behavior of the armed groups. In this respect, it is worth recalling what was discussed in Chapter 1, the fact that the patterns of violence as well as the use of cruel practices sometimes are adjusted to judicial standards. Thus, for example, in the case of the repertory of paramilitary violence, the shift from large-scale massacres to more selective actions of a smaller scope was not only better suited to their interest in consolidating a territory that was already relatively under their control, but it was also in line with their efforts to conceal the violence they practiced, given the inclusion of the provisions of International Criminal Law in the Criminal Code established in the year 2000. That partial invisibility thwarted the work of the judiciary, since it is one thing to investigate massacres and quite another to investigate isolated murders. At the same time, it softened the negative image the country had on an international level for not prosecuting violations of human rights effectively. In general terms then, the exercise of justice may wind up strengthening, shaping or weakening the armed conflict or it may simply allow it to continue, with its dynamics undisturbed.

In the opposite way, on the other hand, the dynamics of the armed conflict has also had different impacts on the judicial system at different times. In some periods, it is evident that certain armed groups, some more intensely than others, have chosen the strategy of attacking judicial officials, either because they belong to the judicial system as such (cases of an indiscriminate violence against the judicial branch), or due to the specific cases in which they are involved (a selective violence against members of the judiciary). On other occasions, the actions of the armed groups or the complex development of the conflict have shaped the way in which the judicial system works, both in undertaking normative and institutional reforms (like an increasingly punitive approach or the normalization of exceptional measures seen in such innovations as faceless justice) and in the functioning of the system (creating, for example, biases in the administration of justice).

Of course, in the relationship between war and justice, multiple factors intervene which make it difficult to establish direct or strictly causal links between one and the other. In the course of this chapter, we will present examples of this complex interaction. Even though they are not the only cases, and may even be questionable examples in terms of the significance given to them (that is, whether they were the result of an action which originated in the judicial system or in the dynamics of the armed conflict), they illustrate the type of relationships which have been interwoven between justice and the war in Colombia.

This chapter has three parts. The first one analyzes the relationship between war and justice prior to 1987. This was a period when the relationship between war and justice was framed in a context of a resort to exceptional or emergency judicial measures to deal with problems of public order, which, in practice, meant that cases regarded as a threat to public order and security were delegated to the military justice system. That period began when the Criminal Procedure Code was issued in 1971, which created the Criminal Investigation Directorate within the judicial branch, and ended with the Supreme Court's ruling that declares the judging of civilians by military courts unconstitutional.

The second period, described in the second part of this chapter, took place between 1987 and 1992, the latter being the year in which the Office of the Attorney-General [Fiscalía General de la Nación] was created. In many aspects, this period laid the foundations for a very dynamic and major reform of the judicial system in general, and in the judicial-criminal system in particular. This happened in the context of the debates at the National Constituent Assembly that drafted the 1991 Constitution and the failed negotiations with drug cartels that led the government to openly attack the Medellín Cartel.

The third period, which closes this chapter, extends from 1992 to the present, one which has been marked by the inauguration of the Office of the Attorney-General, the implementation of important reforms in 2000 (the Mixed System) and 2004 (the Adversarial System of Criminal Justice)[4] and current discussions on transitional justice, among other changes which distinguish this stage from the previous ones to a certain extent, characterized, as has it been, by the gradual application of technological tools

4. Law 600 of 2000 introduced a mixed procedural system for criminal law, which was followed by the implementation of an accusatory-type system under Law 906 of 2004.

in criminal investigations, the establishment of a career structure in the judicial branch, the growing intervention of judges in political matters and an overwhelming backlog of unresolved cases caused by very high levels of violence, which far surpass those observed in any previous stage of our war.

3.1. The system of justice inherited from the National Front (1971-1987)

In the late 1970s, under the influence of the National Security Doctrine, the military approach to fighting insurgency was prevalent in Latin America. According to this idea, the need to preserve order and national interests entailed redefining the role of the army as the institution responsible for playing a leading role in managing public affairs when security was threatened by the "communist enemy".[5]

The Colombian State was not an exception: in order to respond to the threat of the guerrillas and the organized mobilization of different social sectors, the administration of Julio César Turbay Ayala, instead of making the political system more open, issued a harsh Security Statute in 1978, under the declaration of a State of Emergency, which gave the Security Forces the authority to detain, investigate and judge civilians. This led to systematic violations of human rights and a fierce persecution not only of members of the guerrilla, but also members of social movements that struggled for their demands in a legitimate way.

Fighting the war while closing the doors to social demands by using states of emergency to weaken constitutional rights or increasing the scope of the military´s power to judge civilians was not a new practice. It was, in fact, an old habit.[6] Even though the National Front was conceived of as a joint agreement to exercise power and guarantee a return to institutional channels broken by the dictatorship of Rojas Pinilla, the reality is that it could never escape from the use of exceptional measures characteristic of a dictatorship and instead of abandoning them once and for all, it chose to institutionalize some of those mechanisms. Nevertheless, the resort to exceptional devices was no longer used to deal with the resentments of a partisan violence, but laid the foundations for an intense classist, counterinsurgent and anti-communist violence, fuelled by the geopolitical tensions of the Cold War.

In fact, many legacies from the military government of Rojas Pinilla remained intact. Just to mention an example, the Military Criminal Code that extended military jurisdiction when there were grave threats to public order was approved by the Military Junta before turning power over to the civilian two-party system,[7] which converted it into a substantive law applicable in normal situations through Law 141 of 1961. It was under this code and its later reforms that the military´s jurisdiction over criminal matter was extended as far as the power to judge, by the late 1970s, about 30% of the crimes defined in the Criminal Code. Thus, under the inquisitive procedural system of the Councils of War, not only *guerrilleros* were tried, but also trade unionists, students, workers and political opponents.[8] Thus, repression through the military´s criminal justice was a continuous practice in the late phase of the dictatorship and the practices of the civilian governments up to the late 1980s.

5. Mario Carranza, *Fuerzas Armadas y estados de excepción en América Latina* (The Armed Forces and states of emergency in Latin America). Mexico City. Siglo XXI Editores, 1978.
6. The earliest precedent for the judging of civilians by military courts is found in extraordinary decrees 1640 and 1962 of 1944, which were aimed at the civilians who participated in a failed military coup against the second administration of president Alfonso López. Law 3 of 1945 established the legal development of the authorization for the military courts to judge civilians. Martha Perdomo Chamucero, "De la Violencia al Frente Nacional: evolución de la justicia penal militar como instrumento de represión política y sanción de la protesta social" (Tesis de Maestría para optar por el título de Magíster en Estudios Políticos, Universidad Nacional de Colombia, 2010) [From Violence to National Front: evolution of military penal justice as an instrument of political repression and sanction to social protest, MSc in Political Studies Thesis, National University of Colombia, 2010].
7. Referring to Extraordinary Decree 0250 of 1958, which was issued by the Military Junta which then ruled the country eight days before the sessions of the legislative chambers were resumed. Perdomo, "*De la Violencia"* (From Violence).
8. Rodrigo Uprimny, "*Las transformaciones de la administración de justicia en Colombia*" ("Changes in the administration of justice in Colombia"), in: *El caleidoscopio de las justicias en Colombia* (The kaleidoscope of judicial systems in Colombia) (Bogotá: Siglo del Hombre, 2001), 277.

During the government of Rojas Pinilla, the military were assigned the role of confronting the problems of public order, taking over a good part of ordinary criminal jurisdiction. According to Gallón, the administrations of the National Front tacitly accepted that the military could continue in this role as long as the public administration would remain under the control of the political parties.[9] Powerful business associations later became part of this share-out of roles among the dominant sectors of society, and assumed the responsibility for managing the economy to thus secure a relative political stability that nevertheless wound up causing more and more division among the different institutions.[10]

This segmentation was corrected, in part, by the Constitutional Reform of 1968, which modernized the State and equipped the executive branch with tools for economic management. Restricting the Army's excessive autonomy in the control of security and judgment of crimes that threatened public order had to wait until the late 1980s and early 1990s, when judicial control over states of emergency was tightened and constitutional changes reduced the military's interference in criminal justice.

Colombia was under a "state of siege" (*estado de sitio*) that lasted for more than 30 years, from 1949 to 1991. In the 21 years between 1970 and 1991, Colombia spent 206 months, or 17 years, under a state of emergency (*estado de excepción*), which represents 82% of that time.[11] The fact that the exception became the rule during this period had very negative impacts on justice, the State of Law and democracy.

In the first place, because it entailed the loss of many lives and massive violations of human rights, due to the permanent weakening of constitutional guarantees and public liberties. Second, because it brought about a legal instability that was hard for the judicial system to assimilate and significantly harmed its effectiveness. Third, the use of criminal law as the main tool to resolve conflicts devalued the resort to consensual measures, which was aggravated by the fact that, far from ending such conflicts, it perpetuated the cycles of violence due to the discriminatory nature of the political regime, so that the more the repressive apparatus grew, the more crime grew as well and thus worsened the conflict that the same system wanted to resolve.[12]

Fourth, it weakened the ordinary justice system by relegating it to a secondary role and stripping it of the capacity to resolve routine conflicts. It was a vicious circle because those who wanted to continue to strengthen the intervention of the military in criminal justice claimed that the ordinary justice system was ineffective and too slow in comparison with the military justice system, which in turn weakened the legitimacy of and political support for the former, and meant that it was not reinforced and acknowledged as an adequate tool to prevent the armed conflict.[13] Finally, due to its exceptional nature, the emergency regime

9. Gustavo Gallón, *La república de las armas. Relaciones entre fuerzas armadas y estado en Colombia 1960-1980* (The republic of arms. Relations between the armed forces and the State in Colombia 1960-1980), Bogotá: CINEP, 1983.
10. Rodrigo Uprimny, "*Las transformaciones de la administración de justicia*" ("Changes in the administration of justice", 266 and following pages.
11. Mauricio García Villegas, "*Constitucionalismo perverso. Normalidad y anormalidad constitucional en Colombia: 1957-1997*" ("A perverse Constitutionalism. Constitutional normality and abnormality in Colombia: 1957-1997"). In: *El caleidoscopio de las justicias en Colombia* (The kaleidoscope of judicial systems in Colombia), 317-370.
12. García Villegas, "*Constitucionalismo perverso*" ("A perverse Constitutionalism").
13. Perdomo, "*De la Violencia*" ("From Violence"). The judiciary was the favorite target of attacks by presidents with very different policies. Three cases illustrate the judiciary´s vulnerability to attacks by other branches of the government. President Laureano Gómez made the following statement at the opening session of the Congress in 1951: "The Administration of Justice is more of a source of political spoils than a field of action for equity and ethics. The Judges are appointed in terms of the votes each party wins, and from the lowest rank to the most meritorious Magistrates, each judge must pay the price levied on him by his party, its leaders and the slogans they impose on him. The leader of the military government, general Rojas Pinilla, also made a harsh attack on the judiciary in his public speeches, where he called it "the most shameful deceit", "the biggest obstacle to the peaceful coexistence of the country" and "a permanent discredit to the main branches of the government". Finally, the Liberal Party did not escape this skepticism about the judiciary either, since it seemed to have more faith in the Army than the judicial branch when it came to solving social conflicts: "the only barrier against disorder is that of a legitimacy loyally upheld by the Armed Forces. One day the miners´ strike, another day it´s the bank employees or the shopkeepers or the university

led its successive governments to adopt short-term measures in response to changes in the ongoing conflict and that limited their possibilities for establishing a consistent criminal policy subject to democratic debate.

That said, the institutional weakness of the justice system under these circumstances was accompanied by regulations designed to guarantee its political independence. In fact, the 1957 referendum that gave birth to the National Front established the mechanism for the appointment by cooption of judicial officials, a measure of autonomy demanded by the Military Junta as a guarantee that the political parties would not be able to control appointments to the courts that might later lead to post-hoc trials of members of the Junta on the charge of criminal irresponsibility.[14] The previous system, established by the constitutional reform of 1945, had stipulated that the magistrates of the Supreme Court were to be chosen by the two houses of the legislature from short-listed candidates presented by the president. Those high dignitaries thus appointed the justices of the Supreme Court, in accordance with their representation in the legislature.

Those magistrates, in turn, choose the municipal judges. The system created by the National Front conserved the joint appointment of members of the Supreme Court of Justice and with that, the two parties´ sharing out of bureaucratic posts extended to the judicial branch, a characteristic of what Jonathan Hartlyn has called a *consociational democracy,*[15] with the difference that the Court itself would now appoint its members and the self-shaping of the branch would be maintained without any political considerations, formally speaking, though there might be de facto ones. By means of Decree 251 of 1957, this cooption regime was extended to the Council of State.[16]

The autonomy gained by the Judicial Branch with this new structure was, however, paradoxical, because due to its precarious administrative situation and the dependence of its budget on the executive branch, it did not have a real autonomy. In addition, the cooption system was subject to criticism because it encouraged a tendency towards corporatism and judicial clientelism. It is worth noting that, because the Supreme Court appointed the magistrates and the judges of the high courts, there existed a system of strict controls which prevented jurisprudence from evolving in accordance with changing times, insofar as the appointment of judicial officials and their continuance in their posts depended on their superiors in the hierarchy, and, as was to be expected, people who were critical of the jurisprudence of the high courts were not likely to be appointed as judges.[17]

Three further factors added to the institutional dependence and weakness of the judicial branch and made the crisis it was in apparent by the late 1970s and more so, the second half of the 1980s. First, a sort of perverse juridical pluralism arose, characterized by the development of parallel systems of justice, so that in areas affected by the armed conflict, the justice of the guerrilla or the paramilitary ruled, while in urban areas, the emergency regime of justice, described above, displaced ordinary criminal justice and repeatedly imposed harsher penalties and ignored political rights and the rights of unions;[18] second, there was the impact the conflict had on judicial officials, since it directly affected them as

professors or the employees of the transport industry: a thousand separate tens of May that jeopardize the stability of all the governments, whose only point of support is the Army´s oath to uphold the Constitution".

14. Mauricio García Villegas, César Rodríguez and Rodrigo Uprimny, ¿Justicia para todos? Sistema judicial, derechos sociales y democracia en Colombia (Justice for all? The judicial system, social rights and democracy in Colombia). Bogotá: Editorial Norma, 2006).

15. Jonathan Hartlyn, *La política del régimen de coalición. La experiencia del frente Nacional en Colombia* (The policy of the coalition regime. The experience of the National Front in Colombia). Bogotá: Tercer Mundo Editores, 1993).

16. Carlos Ariel Sánchez, "*La administración de justicia en Colombia en el Siglo XX. Desde la Constitución de 1886 a la Carta Política de 1991*" ("The administration of justice in Colombia in the 20th century. From the 1886 Constitution to the 1991 Constitution"). *Revista Credencial Historia* (*Credencial* History Magazine), 136 (2000), downloaded June 3, 2013, http://www.banrepcultural.org/blaavirtual/revistas/credencial/abril2001/136sxx.htm

17. García, Rodríguez and Uprimny, *¿Justicia para todos*? (Justice for all?)

18. García, Rodríguez and Uprimny, *¿Justicia para todos*? (Justice for all?)

victims[19] and their judicial decisions were influenced by the fear of threats.[20] And third, the general perception of impunity and the problems of congestion and delays in the administration of justice.[21] For these reasons, during this period the problems facing the justice system were one of the main topics of public debate. Various attempts to reform it were made, but none progressed until the period that coincides with the preambles of the 1991 Constitution,[22] a stage that we will analyze later.

It is worth noting that in 1982, with the arrival of the administration of Belisario Betancur, there was a structural shift in the way the government began to confront the armed conflict. The authoritarian strategy to combat subversion was somewhat worn out, while peace, initially promoted by the Liberals and later the M-19, became an increasingly important concern. This encouraged President Betancur to adopt a strategy of democratic openness that sometimes wavered back to the traditional militaristic approach, starting a period that Pardo defines as the *war within the peace talks*.[23]

The changes that Betancur implemented by replacing the most punitive aspects of the security doctrine with a process of "extending a hand to the armed groups" brought about a point of no return, to the extent that when an offensive posture on the conflict was taken again, the changes in the previous juridical framework had ended the conditions for doing so with the emergency measures characteristic of the previous approach. That is when the foundation of the paramilitary counterinsurgency strategy was established, as well as the dirty war that would intensify during that decade. In this way "disappearances increased along with threats and murders for political reasons, while official detentions decreased".[24] The instruments and methods used in the confrontation had shifted.

19. According to the figures of the Andean Commission of Jurists, nearly 2980 judicial officials were murdered between 1970 and 1991. Comisión Andina de Juristas, Justicia para la Justicia. *Violencia contra jueces y abogados en Colombia: 1979-1991* (The violence against judges and lawyers in Colombia: 1979-1991). Bogotá: Comisión Andina de Juristas, Seccional Colombiana, 1992). For an analysis of the periods when the judiciary has been violently attacked, see: GMH, *La Rochela*, chapter 6.

20. The threat against the State posed by the large drug cartels was of such a magnitude that they came to intimidate the highest levels of the judiciary. See: Mauricio García Villegas and Javier Revelo, *Estado alterado. Clientelismo, mafias y debilidad institucional en Colombia* (The altered State. Clientelism, mafias and institutional weakness in Colombia). Bogotá: Dejusticia, 2010). A glaring example of it was the effect of the violent pressure they exerted on the Supreme Court of Justice to invalidate the inclusion in domestic legislation of the extradition treaty signed with the United States on two occasions (through the rulings of December 12, 1986 and June 25, 1987).

21. "According to the figures of Tirado Mejía (1989), in the mid-1980´s only 20% of the crimes which were committed came to the knowledge of the authorities and of that 20% only 4% led to a judicial sentence, though that did not necessarily imply that the guilty parties were sanctioned. At the beginning of 1982 the backlog of penal cases the judiciary was responsible reached 1,300,000 […] According to Fernando Gaitán (1995: 328), the probability that someone would be accused of a crime in 1990 was 3.2% and that the person would be convicted, 2.6%". García, Rodríguez and Uprimny, ¿Justicia para todos? (Justice for all?), 273-274.

22. The first attempt was made during the administration of president Alfonso López under Legislative Act 2 of 1977 (also known as the "little constituent assembly"), whose aim was to reform the Office of the Attorney-General, the Council of State, the Judiciary and the jurisdiction of the Constitution. That summons for the holding of a Constituent Assembly was declared invalid by the Supreme Court of Justice under the ruling of May 5, 1978. The second attempt was made by the administration of president Turbay, under Legislative Act 1 of 1979, which the Supreme Court of Justice declared invalid under the ruling of November 3, 1981. That reform was meant to grant the president powers to reorganize the Judicial Districts and to create and eliminate certain courts. It was also aimed to create the Office of the Attorney-General (Fiscal General de la Nación) and the Higher Council of the Judiciary, to limit the terms of the magistrates of the high courts and to extend administrative careers to the rest of the judicial branch. The rulings of non-enforceability against these two reforms might be interpreted as a sign of the Supreme Court´s independence of the executive branch, by virtue of the 1957 reform. However, for Nemogá, on the other hand, declaring the second measure to be invalid halted the effort to modernize the judicial system for sticking to excessively legalistic criteria and for protecting the power that the political parties had to appoint officials in certain municipal courts. Gabriel Nemogá Soto, "*Contexto social y político de las transformaciones de la administración de justicia en Colombia*" ("The social and political context of the transformations of the administration of justice in Colombia"), in: *El caleidoscopio de las justicias en Colombia* (The kaleidoscope of judicial systems in Colombia).

23. Rafael Pardo Rueda, *La historia de las guerras* (History of the wars). Bogotá: Ediciones B, 2004).

24. Rodrigo Uprimny and Alfredo Vargas, "*La palabra y la sangre: violencia, legalidad y guerra sucia*" ("The word and blood: violence, legality and dirty war"), in: *La irrupción del paraestado* (The irruption of the para[military]State) comp. Germán Palacio (Bogotá: CEREC, 1990).



DOMINGO

EL TIEMPO

Informe del Procurador

El MAS no es una organización

Hay miembros de las FF. AA. vinculados

Es inaplazable la emergencia social

El diálogo por la paz

Las Farc quieren la paz, pero temen represalias

Tres altos comisionados para la paz

Article in the newspaper El Tiempo about the existence of the "MAS" (Muerte A Secuestradores "Death to Kidnappers"). Photograph: El Tiempo ©

Finally, it is necessary to mention that despite the structural weakness of the justice system in facing massive violations of human rights and the subordination of criminal justice to security policies and military law, during this period the first outbreaks of judicial independence took place, characterized by some as judicial activism, which were initially opposed by the executive branch. Officials in the Public Prosecutor's Office also began to denounce the participation of the military in the dirty war, despite the threats made against them. As an example of this increasing judicial independence, we can mention the Supreme Court rulings that declared several constitutional reforms as inapplicable or the modification of a previous decision, which the Court itself had made, insofar as the Court now ruled that it was unconstitutional for civilians to be judged under military law.[25] It is also worth highlighting a report from the Office of the Procurator-General of the Nation (Procuraduría) that officially recognized the existence of paramilitary groups — at that time represented by the counterinsurgency group called "Death to Kidnappers" (Muerte a Secuestradores) — and their close relationship with the Security Forces and drug cartels. All these would serve as the foundation for the subsequent period in which the justice system, by means of a series of reforms, would try to overcome the logic of "friend-or-foe" and the transformation of criminal law from an abstract and generalized code to a body of selective strategies to fight subversion and repress social movements.[26]

3.1.1. A hybrid criminal justice: criminal investigation and military law

We shall now examine some concrete examples of the way justice was exercised in this context and the norms that were used. The Criminal Procedure Code of 1971 was a set of norms with an inquisitive slant in which the roles of investigation and judgment were not wholly and clearly distinguished and all such functions were undertaken by judges. At that time, in accordance with the stipulations of that Code, the activities of the criminal proceedings were organized in the following manner: the work of investigation was done by the examining magistrates (*jueces de instrucción*) or in some cases, by "prosecutors" (*fiscales*) from the Office of the Procurator-General, while sentencing was done by trial judges (*jueces de conocimiento*). Only in exceptional circumstances did an examining magistrate rule on cases he had prepared, since in most cases a superior judge was the only one authorized to issue a ruling.

The examining magistrate, then, was responsible for opening the formal investigation or file once the crime was reported. He had the power to call for proofs and assess the indictment (to determine whether there was enough proof for an accusation or to drop the charges). In the current legal system, his role is more that of a prosecutor, except that in criminal cases the examining magistrate then had many more judicial powers than any prosecutor does today, under the adversarial system of criminal justice that has since come into force. Those judges, however, worked in an isolated and uncoordinated manner and did not form part of a major institution, like the current Office of the Attorney-General (Fiscalía).

25. Ruling of March 5, 1987, Supreme Court of Justice, Plenary Session.

26. García, Rodríguez and Uprimny, ¿Justicia para todos? (Justice for all?)



"In that period, since there were not the means, like a desk or a portable table to put the typewriter on in the countryside, you had to find a stone or sit down, as in that photograph. I sat down and put the machine on my legs and did the investigation, a sort of reconstruction. I received some statements there and a reconstruction of those occurrences was made". Belisario Poveda, July 2009. Photograph: Archive of Belisario Poveda ©.

Examining magistrates at that time also had more authority than current examining magistrates; they were not limited to evaluating what the parties in the proceedings alleged, but could request, on their own initiative, any evidences they considered to be necessary. To summarize, while examining magistrates then worked in the context of a criminal system of a more inquisitive nature, judges and prosecutors now work in a context of a criminal justice where accusatory tendencies are becoming stronger.[27]

A detailed examination of some of the files that were handled by the criminal justice system based on examining magistrates allows us to make at least three remarks about its efficiency and limitations.[28]

First, in a good number of cases the investigation seemed to be independently conducted by examining judges and prosecutors from the Procuraduría. It was not unusual for ordinary justice to quickly link military personnel to serious human rights violations when it was reasonable to do so, even if this meant risking their own security or facing obstacles in the investigative process (at that time the judicial police was part of the executive branch, not the judicial branch. For that reason the investigative judge had serious technical difficulties when it came to an

27. The differences between the inquisitive, accusatory and mixed criminal systems have been the subject of endless debates by theoreticians. In general terms, it is possible to establish two things at least. The first is that in an inquisitive system the functions of the investigating magistrate are not clearly separated from the one who has to rule on the case. At times, the judge who investigates is also the one who rules on the case. In a strictly accusatory system, the judge and the investigative official are two completely different personages, to the point that the investigative official faces certain limits in obtaining evidences, like, for example, the need to be authorized by a judge responsible for overseeing judicial guarantees. Thus, there is an external and independent judicial control of the work of the prosecutors who are liable to affect the rights of the accused. Additionally, in a system of the accusatory kind, the only proof is that which is decided on at the trial, while in an inquisitive one the examining magistrate, who is also the judge, may obtain evidence. The second difference is that in the accusatory system the principle of oral testimony predominates in procedural terms that, it is supposed, offers the best guarantee of a public knowledge of the proceedings. By contrast, a detailed examination of the written instructions made in the privacy of the judges´ chambers predominates in the inquisitive system.

28. We refer here to the files consulted when the GMH was preparing its reports.

independent collection of evidence, especially when the cases involved members of the Security Forces).

Second, criminal investigation suffered tremendously from technical and investigative deficiencies. Three of those deficiencies were particularly notorious: on the one hand, due to the particular conditions in which they had to work, it was very difficult for these judges to gather evidence other than testimonies. Additionally, criminal examiners did not have an effective witness protection program. Since those two deficiencies reinforced one another, the judges could only use the testimonies of people who were susceptible to intimidation, which meant that any investigations based on such testimonies were likely to fail. Finally, the examining magistrate´s lack of expertise and the fact that they generally worked on their own did not allow them to tackle the complex criminal structures which were behind the serious human rights violations they were investigating.

The third deficiency was more a matter of context: the resort to exceptional legal measures in itself encouraged mechanisms of impunity. A military control over public order was not conducive to an adequate functioning of the judicial system because of its restrictions on criminal investigations, and also because the judicial police was reluctant to cooperate with investigations that involved members of the Security Forces.

Concurrent with the 1971 Code of Criminal Procedure, which, despite its limitations, was supposed to be the law in force under normal circumstances, exceptional judicial norms were also put into force whenever the governments of this period declared a state of siege. As was mentioned before, these declarations were very frequent because those administrations saw them as an opportunity to use criminal law as a tool to tackle problems of public order. They were particularly used to remove prerogatives from civil justice and assign them to military justice. This was made evident by the reestablishment of the Councils of War and the increase in the number of felonies under the jurisdiction of military justice.

The emergency regimes of justice gradually widened the scope of military criminal justice. As with the military´s autonomy in judging the crimes of its own members (*fuero penal*), this norm was based on the 1886 Constitution. Article 170 stipulated that courts martial or military courts had the jurisdiction over trials for crimes committed by the military on active duty, in accordance with the Military Criminal Code. It was therefore understood that there was an exception to the principle of equality before the law, and that gave a constitutional support to the exclusive jurisdiction of the military in such matters. As we will explain in detail below, the *fuero* was understood to be a prerogative of the military, which gave its members the right to be tried by judges who specialized in military law and courts created for that purpose.

Military justice, understood as a special jurisdiction for judging crimes that the military may have committed during active duty, was mentioned in the 1886 Constitution as exclusively meant for judging members of military. Following the assassination of Jorge Eliécer Gaitan and the subsequent rioting on April 9, 1948, the Supreme Court of Justice ruled that when military law was violated by civilians, they should be subject to the sanctions laid down in that law.

The resort to military law was restored by Decree 1290 of May 21, 1965, issued by the administration of President Guillermo León Valencia, which, after the declaration of a state of siege through Decree 1288 of the same year, gave "criminal military justice the power to investigate and punish, by means of Oral Councils of War, a number of crimes and anti-social behaviors defined and sanctioned by ordinary criminal law, in order to quickly and severely repress these illegal actions that have frequently caused a grave and justifiable social alarm", as stipulated in Decree 1886, likewise issued in 1965. The latter decree created measures to ensure that the military criminal justice system would have sufficient specialized investigators to fulfill the responsibilities given to it by the abovementioned Decree 1290.

Two tendencies are to be noted in the government´s assignation to the military of the power to try civilians by means of such exceptional

decrees. To start with, as Cabarcas points out, the Councils of War were given jurisdiction over trials for a wide variety of acts that included political crimes, petty crimes, kidnapping and extortion, the carrying of firearms, theft and trespassing.[29] That tendency changed in 1984, however, when the crimes for which civilians could be judged by the military criminal justice system were reduced. Regardless of the crimes for which the military had been assigned jurisdiction, the system of trying civilians by military courts was in itself a threat to due process with the right to an effective defense. In the third section, we will discuss the final chapters of that story.

Extending military criminal justice over many crimes, especially those related to social conflicts like strikes and student riots, was troublesome because it seriously affected due process, given that military judges were, and still are, part of a hierarchical military structure, and thus lack the impartiality and independence required for the administration of justice. Additionally, the procedural regulations of the Oral Councils of War restricted the right of the accused to an effective defense.

This situation lasted until 1987, when the Supreme Court of Justice, in the aforementioned sentence, ruled that investigating and judging civilians in military courts is unconstitutional. This ruling has been seen as one of the first examples of the political independence of the justice system from the executive branch, since it was one of the first exercises of rigorous constitutional control, in contrast with the excessively complaisant role of the Court up to then, which had allowed the state of emergency to last indefinitely.[30]

Subsequently, the 1991 Constitution permanently closed that chapter with Article 213, which states that "under no circumstances may civilians be prosecuted or judged by military criminal justice", and thus limited the scope of the *fuero penal* to military personnel. After this, the jurisdiction that had once been in the hands of military judges was transferred to the ordinary justice system and to special jurisdictions.

3.1.2. The judicial treatment of political crimes

Along with this hybrid and limited functioning of the justice system, important changes happened during this period in the judicial treatment of political crimes, following the ups and downs of the intensification of the war and possibilities of a peace agreement, which at times seemed close and at times distant. Probably the best way to understand the tense discussions about political crime is by considering a widely debated and publicized case.

In 1980 a group of university students took to the streets to protest the visit of the Vice President of the United States to Colombia. In the middle of the demonstration the students set an official car on fire, killing one of its three passengers. The students were arrested and brought before a military judge who, finding them guilty at an Oral Council of War, sentenced them to 24 years in prison for violating Article 5 of Decree 1923 of the year 1978, widely known as the Security Statute. In 1982, an appeal against the sentence was brought before the Superior Tribunal of Medellín: In that same year President Belisario Betancur took office, and he encouraged the promulgation of Law 35 of 1982, which decreed a general and unconditional amnesty for those who committed, concealed or were accomplices in acts regarded as political crimes that had been committed before that law entered into force, only excluding murders committed outside of combat that involved brutality or putting the victim in a state of helplessness or subjection, or taking advantage of such circumstances. In view of this new normative context, the Tribunal proceeded to hear the case of the students in the light of the amnesty law. Dissenting from the ruling of the military court, the Tribunal decided that the students' acts fell under the category of the political crime of

29. Gina Cabarcas, *Militares, política y derecho. Sobre los silencios de la Constituyente de 1991* (Military forces, politics and law. On the silences of the 1991 Constituent Assembly). Bogotá: Universidad de los Andes, 2012).
30. Uprimny, "*Las transformaciones de la administración de justicia en Colombia*", ("Changes in the administration of justice in Colombia"), 280.

rioting and had involved the related crimes of homicide, uprising, arson and terrorism, none of which was regarded as an exception in the amnesty law. The Medellín Court granted the students an amnesty.[31]

This case has the virtue of synthesizing the features of the juridical treatment of the war in the 1970s and 1980s and the extension of its logic to the field of social conflicts. Those two decades were characterized by a duality that is well represented in this case: on one hand, the war expanded into the legal sphere by using criminal law to condemn the enemy as a criminal, not only in the case of armed insurgents but also certain social agents; and on the other, there was a search for negotiated solutions to the conflict by giving those who committed political crimes a special treatment.

The Security Statute of Turbay Ayala's administration, issued during the state of siege, is the best example of the first feature. The Statute not only increased the sentence for the crime of rebellion — it went from five to nine years for those who participated in uprisings, and from eight to twelve years for those who led it — but, as we have seen, it also gave jurisdiction over this and other political crimes to the military criminal justice system through the Oral Councils of War. But, on the other hand, under the same Turbay administration a conditional amnesty that benefited those responsible for political and politically-related crimes was approved, which conserved the idea of the war as a political problem and was associated with a privileged treatment of political criminals. This tendency was reinforced during the first year of the Betancur administration when the state of siege was lifted, a peace commission was created, and a wide-ranging amnesty law was promulgated. These events created the necessary conditions for signing peace agreements with most of the armed groups in 1984.

For a decade, members of the guerrilla as well as political and social activists had appeared before military courts to be tried for the crime of rebellion. On occasions those who admitted to being members of a guerrilla group were not tried as political criminals but as common criminals responsible for crimes like carrying firearms reserved for "the exclusive use" of the Security Forces.[32] In those days, it was possible for agents of the judicial police affiliated with army brigades — sometimes along with members of the counterinsurgency companies — to search the houses of alleged members of guerrilla groups with warrants issued by the military judges who were responsible for hearing such cases.

This situation was originally endorsed by the Supreme Court of Justice when it issued a ruling on October 30, 1978 which declared that there was nothing unconstitutional in the Statute of Security and approved some of the decisions made by military judges in the light of the abovementioned Statute.[33] But after almost nine years of military tribunals judging civilians, the Court changed its initial jurisprudence and declared this mechanism to be unconstitutional, transferring all trials for rebellion back to the ordinary justice system.[34] The Court thus played a double role, initially approving an exceptional mechanism that followed the rationale of applying the criminal code to the enemy, only to eliminate that approach some years later.

But at the same time that the Court was in agreement with the use of an exceptional instrument that, to a large extent, turned criminal law into a legal arm of the war, it also facilitated the application of judicial mechanisms aimed at encouraging the demobilization of members of the guerrilla groups and thus promoting the search for a negotiated settlement of the conflict. During the 1980s four statutes of amnesty and pardon were promulgated for political crimes and associated ones, two under the Turbay administration and two under that of President Betancur.[35] These were not general amnesties, since they excluded offenses that

31. Decision of December 3, 1982, Higher Tribunal of Medellín, Presiding Judge, Juan Fernández Carrasquilla. In: *Nuevo Foro Penal 520* (1983): 525.

32. See: Ruling of September 20, 1988, Supreme Court of Justice, Criminal Appellate Division, Presiding Judge, Jorge Carreño Luengas.

33. See: Ruling of September 20, 1988, Supreme Court of Justice.

34. Referring to the Ruling of March 5, 1987 of the Supreme Court of Justice that was mentioned above.

35. Law 37 of 1981, Legislative Decree 474 of 1982, Law 35 of 1982 and Law 49 of 1985.



Activists from the M-19 guerrilla sing the national anthem at the start of the Oral War Councils held by court martials at the church in La Picota prison in Bogotá. Photograph: Jorge Torres. El Espectador ©. November 22, 1979.

could not be considered political or politically-related crimes. The biggest amnesty was the first one issued by President Betancur, which only excluded murders committed outside of combat that involved the use of brutality or putting the victim in a state of helplessness or subjection, or taking advantage of such circumstances. But the others excluded such crimes as abduction and extortion.

Judges were the only ones responsible for hearing the amnesty petitions made by the possible beneficiaries and implementing them when applicable. They played a key role, especially when their decision-making power was increased. This was the case of the first amnesty of the Turbay administration. This amnesty excluded "ruthless and barbaric" acts, but these crimes were not defined by the legal codes, giving judges the responsibility of interpreting and applying this exception. The case that probably most revealed the tradition of treating members of the guerrilla within the legal framework of armed conflicts[36] was when the Supreme Court defined this concept.

According to the recurrent definition of the Court, these acts were understood as "those condemned by International Humanitarian Law (IHL) or international law (*derecho de gentes*), precisely because the unnecessary use of cruelty is evident in the procedures or the means used, or they entail hostile actions that cause suffering and fear, or expose women, children, weak or helpless people and civilians in general to unnecessary harm".[37] The Supreme Court also clarified that not all crimes committed during combat (personal injuries and the killing of soldiers or damages to properties regarded as military targets in accordance with IHL) could be considered as an "inescapably barbaric, ruthless or terrorist acts".[38] According to the jurisprudence of the Court, the amnesty did not apply when actions against civilians, or even actions that only affected the soldiers involved in the fighting, showed cruel and unnecessary procedures or means.

The Supreme Court of Justice favored applying amnesties under the terms proposed by the successive governments. Thus, the Court ruled that the first amnesty of the Turbay administration was constitutional, acknowledging the right of the legislative branch to determine the scope of its benefits. To quote the Court: "the general principle defined by the Constitution for amnesties cannot be understood as a condition that constrains the legislator to always extending the law to all sorts of political and politically-related crimes".[39]

Additionally, the Court's jurisprudence highlighted the validity of the concept of political crimes in the face of the tendency of some lower courts to define the acts of guerrilla members as common crimes, which in practice impeded the application of the amnesties. For example, when members of the guerrilla were apprehended carrying firearms and subversive propaganda, some judges would only try them for the illegal bearing of arms, without linking that offense to a political crime and hence denying the right to amnesty. In those cases, the Court overturned the decisions and accepted the amnesty plea on the basis that the crime of carrying a weapon was related to the crime of rebellion.[40]

36. See: Iván Orozco, "*Elementos para una fundamentación del delito político en Colombia*" ("Aspects of establishing a basis for political crime in Colombia"), in: *Combatientes, rebeldes y terroristas. Guerra y derecho en Colombia* (Combatants, rebels and terrorists. War and the law in Colombia). Bogotá: Temis, 2006).
37. File number 12051 of September 25, 1996, Supreme Court of Justice, Criminal Appellate Division, Presiding Judge, Dr. Jorge Aníbal Gómez Gallego.
38. File number 98910 of February 1983, Supreme Court of Justice, Plenary session, Presiding Judge, Manuel Gaona Cruz.
39. Ruling of October 22 1981, Supreme Court of Justice, Presiding Judge, Carlos Medellín.
40. See: Ruling of May 6, 1986, Supreme Court of Justice, Presiding Judge, Jorge Carreño Luengas; Ruling of May 26, 1986, Supreme Court of Justice, Presiding Judge, Lisandro Martínez Z.

3.2. Readjusting the justice system and the birth of the 1991 Constitution (1987-1992)

This period is distinctive for witnessing, on the one hand, the most serious crisis the justice system faced as it became the target of a selective violence and, on the other, the most important political and judicial occurrence in recent Colombian history: the promulgation of a new Constitution in 1991. In this section we shall discuss 1) the environment for reform in judicial institutions, partly as a response to the violence perpetrated by the Medellín Cartel, 2) the parallel process of forming the National Constituent Assembly that drafted and approved the Constitution which still governs Colombia today, and 3) the measures taken after the new Constitution was issued that had to do with the threats the judicial system faced from drug-trafficking in a normative framework that was partly novel.

3.2.1. The transformations of a judicial system confronted by the war

The intensification of the war in general, and particularly the war waged by the drug cartels and their private security forces, had a strong impact on all levels of the judicial system, and partly explains the dynamic thrust towards transforming the judiciary between 1987 and 1992.

Many of these reforms had already been prepared for some time. In fact, within the framework of the state of emergency declared the day after the assassination of Justice Minister Lara Bonilla, President Betancur's administration issued Decrees 1042, 1056 and 1058 of 1984, which granted the military criminal justice system the power to judge crimes related to drug-trafficking. Thus, the drug-traffickers began to be treated as a problem of public order, as had been done with dissidents and members of guerrilla groups in previous administrations, as we have seen.

Grouped under the category of "threats to public order", dissidents, *guerrilleros* and drug-traffickers tended to be regarded as the same and treated similarly. This meant that the treatment given to political dissidents, armed or not, became more and more criminalized. In addition, it implied that drug-traffickers, although they were not familiar with the idea, were gradually inscribed within a model of the country different from that of the traditional elites.[41]

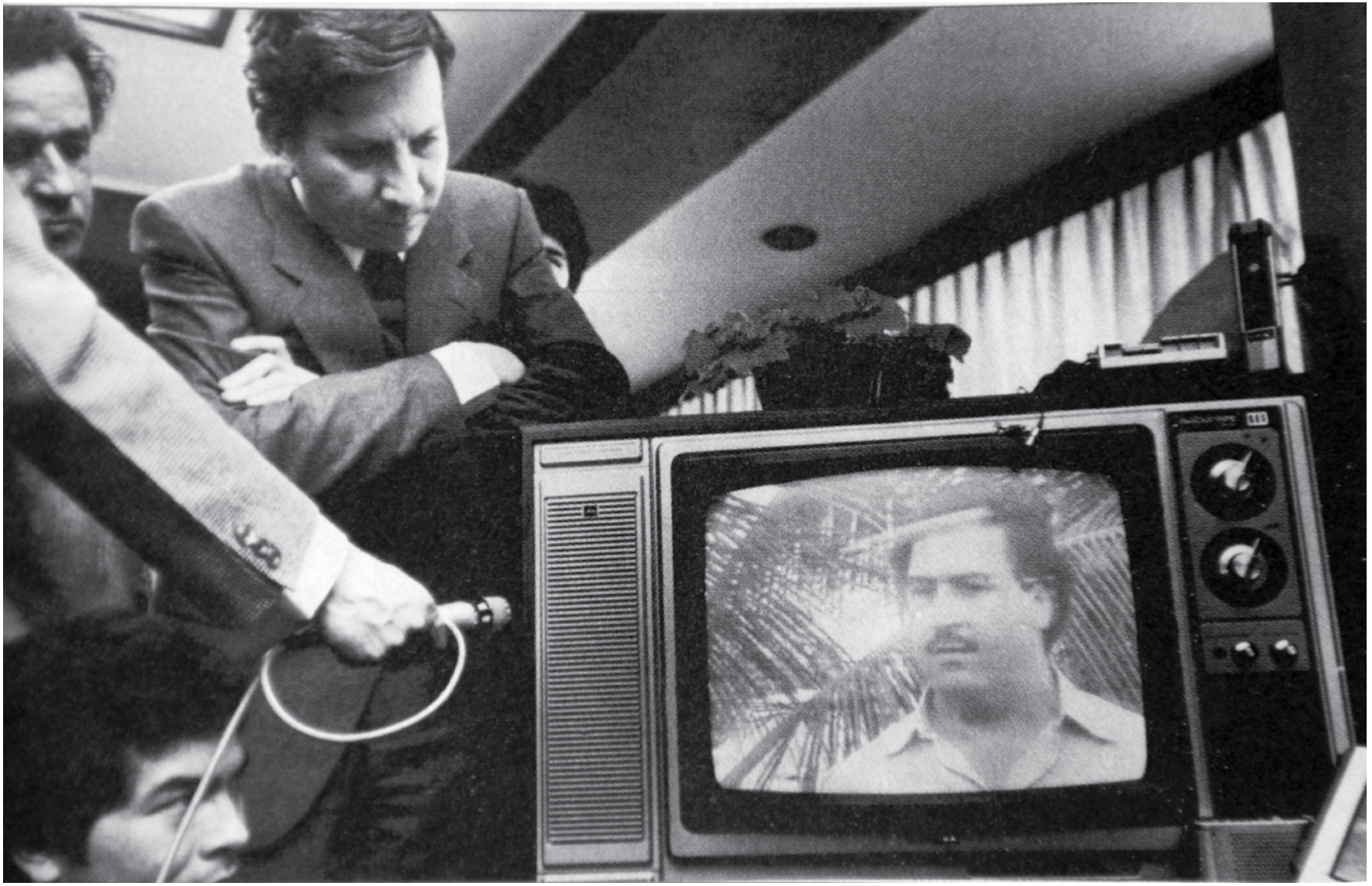
In this way, the increasingly fierce fight against drug-trafficking led to a heightening of the punitive tendencies in the Colombian criminal justice system. With the argument that the State could not afford a lukewarm response to the threat of drug-trafficking, the scope of the military jurisdiction over crime was widened, including the creation of new offenses called "threats to public order", and the idea of putting more and more civilians under military jurisdiction became more radical.[42] In a way, the war against drug-trafficking rehabilitated and reinforced the use of exceptional measures to control public order —previously aimed at political dissent — in the context of the intensification of the dirty war.

Faced with this situation, and after the profound blow to the justice system represented by the seizure of the Justice Palace by the M-19 guerrilla and its ensuing takeover by the armed forces in November 1985, in the rulings handed down on March 1987, referred to in the previous section, the Supreme Court of Justice declared the decrees that gave the military criminal justice system the power to judge civilians unconstitutional —whether by means of Oral Counsels of War or by special procedure — arguing that such measures violated due process.

In response to the ruling of the Court and the deep wound which the events of November 1985 left on the Justice System, the executive

41. See: Iván Orozco, "*Los diálogos con el narcotráfico. Historia de una transformación fallida de un delincuente común a un delincuente político*" (The talks with drug-trafficking. History of a failed change from a common criminal to a political criminal"). In: *Combatientes, rebeldes y terroristas* (Combatants, rebels and terrorists).

42. The broadening of the military courts´ power to try civilians did not only arise from the assignment of specific powers. It also was caused by the absence of clear definitions in the penal legislation. As a result, acknowledging the jurisdictional authority of the military courts was the rule at that time and that meant that jurisdictional conflicts were easily decided in favor of the military courts.



After months of engaging in a head-on war against drug-trafficking, Justice Minister Rodrigo Lara Bonilla was assassinated. In the photograph, he shows some journalists a video in which Pablo Escobar Gaviria appears, who had been forced to leave the Nuevo Liberalismo party. Photograph: Lope Medina. Revista Semana©. 1985.

branch created the new judicial posts of examining magistrates for specialized justice[43] and, subsequently, by means of Decree 1631 of 1987, created the Directorate of Public Order (Dirección de Orden Público)[44] to deal with a series of assassinations of public figures who were defenders of human rights which occurred in Medellín. This office thus inherited the proceedings against civilians which had been previously handled by military tribunals, and although it was part of the National Council of Criminal Investigation and its judges were chosen by the Superior Tribunals of the Judicial District, it was directed by the executive branch and, like the entire justice system before the creation of the Superior Council of Justice, it depended financially on the Rotating Fund of the Justice System, administrated by the Ministry of Justice and Law.

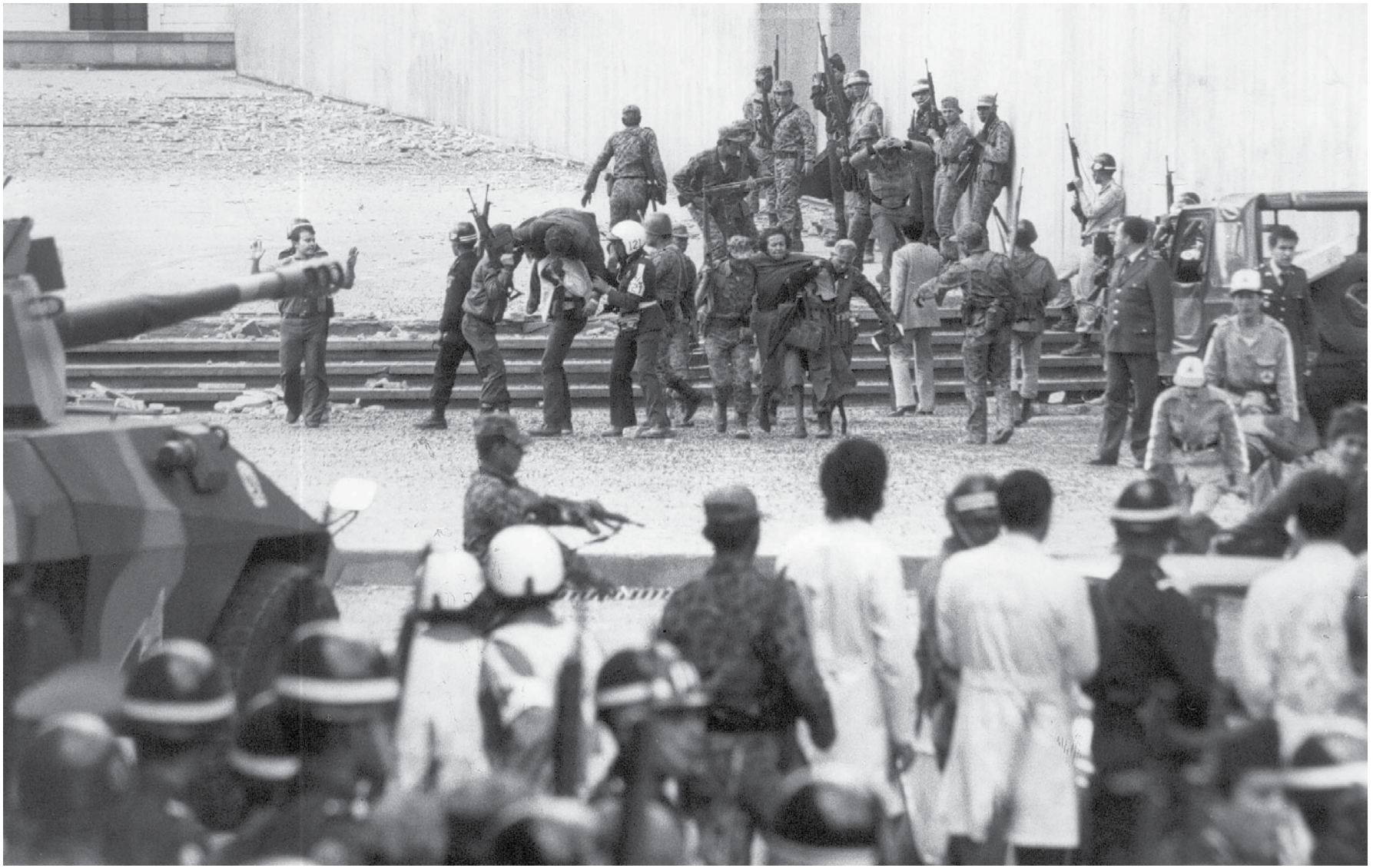
For these reasons, some believe that creating this system for managing public order was a strategy to put a civil varnish over a justice system that continued to hold an important place in the war strategy. Those who are less critical say that it was the way the government tried to harmonize the constitutional obligation to try these types of cases under the jurisdiction of the civil courts with the implementation of the mechanism of plea bargaining which arose from peace talks with the drug-traffickers. Without some degree of control by the executive branch, it might have been impossible for the judicial apparatus to grant any concessions to drug-traffickers.

A particular dynamism in transforming the justice system in general and criminal justice in particular was seen in 1987 and 1988. In addition to the creation of the jurisdiction for public order, those years saw the issuance of the National Narcotics Statute (Law 30 of 1986); a new Criminal Procedure Code (Decree 50 of 1987), which expanded the role of the criminal investigatory judge and established that conflicts of jurisdiction between the military criminal courts and ordinary ones would be settled by the Criminal Division of the Supreme Court; a Statute for the Defense of Democracy (Decrees 180, 181 and 182 of 1988), which seemed harsher than President Turbay's Security Statute; and a new Military Criminal Code (Decree 2550 of 1988).

The aims of these changes were not necessarily complementary. In a certain way, as Uprimny and Vargas have noted, what was at stake in the Statute for the Defense of Democracy — which, as we have remarked, widened the jurisdiction of the judge of public order— was to regain control over "an apparent subversion by the extreme right" which had subjected entire regions to the rule of fear and lawlessness.[45] The way to recover that control was to return to the harshest forms of exceptional measures and in that manner try to break down the coexistence between exceptional justice and the dirty war that the war on drugs had made possible. But also, as Andreu has noted, the idea behind these changes was that justice should be yet another weapon in the war against the internal enemy, which would also help reduce the political cost that the military had to pay for having jurisdiction over civilians.[46] And, as Orozco has shown, the objective was to provide a set of conditions for possible negotiations both with the guerrilla and drug-trafficking organizations, a subject we will discuss in the following section on the submission policy of the Gaviria administration.[47]

In any case, it was the public order judges who were assigned to investigate the Segovia and La Cruzada massacres that took place on November 11, 1988,[48] and the massacres in Honduras and La Negra that took place in March of the same year.[49] Initially, the investigation of the massacre in La Rochela (perpetrated in January 1989) was likewise placed in the

43. Decree 466 of 1987.
44. The prominent defenders of Human Rights whose assassination led to the issuance of the Decree were Héctor Abad Gómez, Leonardo Betancur Taborda, Pedro Luis Valencia Giraldo and Luis Fernando Vélez Vélez.
45. Uprimny and Vargas, "*La palabra y la sangre*" ("The word and blood").
46. Federico Andreu-Guzmán, *Sistema judicial y derechos humanos en Colombia* (The judicial system and human rights in Colombia). Bogotá: Comisión Andina de Juristas, Seccional Colombiana, 1990.
47. See: Iván Orozco, "*Los diálogos con el narcotráfico*" (The talks with drug-trafficking). In: *Combatientes, rebeldes y terroristas* (Combatants, rebels and terrorists).
48. Eighth public order judge of Bogotá.
49. Second public order judge of Medellín.



89 people died in the assault on the Justice Palace on November 6, 1985. 11 of them were sitting judges and 23 assistant judges and lawyers affiliated with the High Courts and the Council of Justice. Photograph: Archive El Tiempo.

hands of a special judicial commission made up of three public order judges from the judicial district of Bucaramanga. The special attention this massacre received seems to be explained by the fact that the victims were members of the judicial system. The work of these examining magistrates, at least in the abovementioned cases, deserves a special recognition, because in the midst of serious budget limitations, threats against their lives and precarious investigatory resources, their investigations often managed to focus attention on the complexity of the growing phenomenon of dirty war and the privatization of repression in Colombia.

At the other extreme, the Trujillo massacre in 1990 illustrates the limited investigative capacity of this recently created jurisdiction, as well as its dependence on other State bodies. Hence, the automatic and poorly argued discrediting of the only eyewitness to the occurrences at the Villa Paola farm[50] and the failure to consider other evidences ended in the acquittal of the accused.

Despite the initial energy displayed, the investigations of the Segovia and La Rochela cases ended up as examples of the weakness of the jurisdiction of public order. In addition to an excessive reliance on testimonial evidence (as they themselves stated, there were few other options) and difficulties in finding juridical figures to adequately categorize the patterns of the violent deeds and the kinds of criminal responsibilities deriving from them, changes in the filing of the charges, the violence directed against judicial officials and the more or less constant interference of the military – either by demanding that the case be sent to a military court or by not cooperating in the gathering of evidence ordered by the judges — meant, in general terms, that the results of this jurisdiction were very limited, despite the personal commitment and efforts of the judicial officials.

Additionally, according to Nemogá Soto, who bases himself on a study published by the Ministry of Justice in April 1990, the jurisdiction of the court of public order did not have a special focus on the crimes that represented a grave threat to public order, nor did they obtain enough convictions of the responsible parties, nor could they ensure that those who were convicted served time in a prison. Thus, by April 1990:

> […] 69% of the cases in second instance were for the fabrication and trafficking of firearms and ammunition, illegal use of military uniforms and insignia and threats to individuals or their relatives; 64% of the cases in the Public Order Courts were for the fabrication and trafficking of firearms and ammunition, illegal use of military uniforms and insignia and threats to individuals or their relatives. Only 15% of the cases in second instance courts were related to terrorism, crimes against the constitutional order and homicide for terrorist purposes. And only 22% of the cases in the public order courts were related to terrorism, criminal conspiracy, homicide for terrorist purposes and instigation to terrorism.[51]

It seems then that the public order courts focused on low impact cases that were easier to try. The Criminal Procedure Code of 1987 encouraged this approach by prioritizing cases that had a "known defendant" in order to decongest the judicial system. It was to be expected that complex criminal organizations like the ones then emerging would easily escape from a justice system that was focused on solving cases in which the accused could be quickly identified.[52]

50. Referring to Daniel Arcila Neira, who was later murdered, apparently because of his willingness to inform on his confederates. See: GMH, *Trujillo, una tragedia que no cesa* (Trujillo, a tragedy which never ends). Bogotá: Planeta, 2008.

51. Gabriel Ricardo Nemogá Soto, "*Reforma a la Justicia*" ("The reform of justice"), in: *Justicia, derechos humanos e impunidad* (Justice, human rights and impunity). Bogotá: Presidency of the Republic, Office for the Defense, Protection and Promotion of Human Rights, 1991, 149.

52. For an in-depth analysis of the perverse effects of priority in the cases where the investigation of the crime points to a "known culprit" (*sindicado conocido*), see: Mauricio Rubio, "*La justicia penal. Juicio sin sumario*" ("Criminal justice. Trial without indictment), in: *El caleidoscopio de las justicias en Colombia* (The kaleidoscope of judicial systems in Colombia).



Daniel Arcila, who is shirtless, was an informant for the Police who testified at the investigation into the murder of Father Tiberio Fernández Mafla, parish priest of Trujillo in the Valle de Cauca and three people who accompanied him. Daniel Arcila was murdered in 1991. His testimony was invalidated by the courts. Photograph: Revista Noche y Niebla. CINEP ©

Additionally, "of the 2,640 cases heard by the public order courts, 530 resulted in sentences. A total of 1,069 people had court hearings, 475 (44%) of whom were convicted, and 594 (56%) were acquitted".[53] Thus, only one out of every five cases at the hearing stage (when an investigation had already been conducted) received a court ruling, and more than half of those were acquittals. In addition, the unit faced difficulties in apprehending those who had been convicted: by January 1990 only 23 were in prison.

The public order jurisdiction was replaced by faceless justice, also known as regional justice. Faceless justice can be regarded a new chapter in the history, perhaps the most important one, of standardizing the public order jurisdiction, taking into account the throwbacks in procedural matters we have discussed and the inclusion of other, novel ones. In fact, in addition to the restrictions on due process inherited from the specialized justice scheme under Decrees 1191 and 1196 of 1989, the executive branch authorized the use of secret witnesses in cases under the public order jurisdiction and ensured that the magistrates would have no contact with the accused during the trial stage.

In addition to faceless justice, the Statute for the Defense of Justice[54] promulgated by the then president, Cesar Gaviria, included procedural innovations set into motion by the public order courts and amounted to an evident backward step in terms of investigative independence. This statute granted broad powers of judicial police to the Security Forces, while it reduced the capacity of the Judicial Police´s Technical Force to act independently. While the former could carry out preliminary investigations at will, the latter could only do so if instructed by a public order judge. Additionally, the Statute for the Defense of Justice created mechanisms for plea bargains that were used to deal with serious threats from organized crime, such as those related to drug- trafficking, the nature and effects of which will be explained later.

Later on, and despite its limited results in fighting grave threats to public order, the legal provisions for faceless justice were standardized through the transitory powers granted by the 1991 Constitution. An evaluation made by the Center for Judicial Investigations of the Faculty of Law of the Universidad Nacional (the UNIJUS of the National University of Colombia] concluded that first, faceless justice had a limited capacity to investigate and judge the perpetrators of crimes;[55] second, that the mechanism for plea bargains laid down in the decree did not have any real impact;[56] and third, just as happened in the public order courts, faceless justice focused on offenses and criminals that did not really represent a grave threat to public order. The serious deficiencies in terms of due process that affected the faceless justice system were not offset by a greater effectiveness in the fight against organized crime.[57]

53. Nemogá, "*Reforma a la Justicia*" (The Reform of Justice), 149.
54. Legislative Decree 2790 of 1990.

55. The study breaks down the limitations on the preliminary investigations into those that pertain to the procedures of the examining magistrates and those that are seen in the procedures of the trial stage. It accordingly finds the following: the regional branches of the judiciary can only deal with 16.5% of all the preliminary investigations that are underway and only 7.2% of those are brought before an examining magistrate. After the proceedings reach that stage, the regional branches of the judiciary can only clear 13.4% of the pending investigations and of the total that are cleared at this stage, they can only find a body of evidence sufficient to dictate formal accusations for 3.4%. Finally, the system can only clear 55% of the proceedings that reach the trial stage (of which only 38.5% result in sentences). In line with these figures, the regional judiciary´s capacity to investigate and judge crimes is less than 5% of the demands put on it.
56. In the case of plea bargaining and the special hearing, the conviction of people on the basis of weak evidence became common (in that the accusation itself would usually lead the judiciary to convict the accused). In the case of the benefits granted for effectively collaborating with the judicial system, of the petitions for such benefits handled between November 1993 and January 1995, only 25% involved crimes under the jurisdiction of the regional judiciary. In summary, the mechanisms for plea bargaining did not help to dismantle organized crime, but, on the contrary, turned into mechanisms that allowed the drug lords to manipulate the legal framework in their favor by diverting the judiciary´s attention from themselves and their accomplices.
57. According to Mauricio Rubio, in 1999, in trials without indictment, the probability that a person who committed a murder would actually be tried and convicted was not more than 5%, which means that in general terms approximately one in twenty homicides was prosecuted in the period when "faceless" justice was in force.

The 1991 Constitution, however, the origins of which will be discussed next, introduced such profound changes in criminal law that it is necessary to analyze their antecedents and the response to them in detail. Even though the Office of the Attorney-General was created by the new Constitution to resolve the judicial crisis, one should not forget that the objective of the Fiscalía was not to improve what existed but to introduce radical changes in the criminal system in Colombia.

3.2.2. The birth of the 1991 Constitution

The deliberations of the Constituent Assembly that drafted the Constitution were both an attempt to achieve peace and a continuance of the war. In fact, it was widely thought at the time that the aim of the Constitution was peace, because it might serve as a sort of peace treaty among Colombians. However, on December 9, 1990, the same day that Colombians elected the members of the Constituent Assembly, the armed forces bombed the Casa Verde, the FARC's main base, which showed that the widening democracy that the new Constitution sought to achieve had to coexist with the continuation of war.

The 1991 Constitution was an effort to accomplish peace and democracy, since, in contrast with the fifteen Colombian constitutions promulgated between 1811 and 1886 and the more than 60 constitutional reforms that the text of Caro and Núñez, who drafted the latter one, went through, the constitutional process of the late 1980s and early 1990s was motivated by the idea that a profound renovation of the country´s political practices would end the perverse coexistence of war and democracy in Colombia. In fact, in the light of the debates at the Constituent Assembly, the constitutions of the nineteenth century were now seen to have been pacts made among the winners, whose exclusionary measures created the conditions for future conflicts,[58] or as partial armistices that prevented the wars from ending due to the political power of factions of the elite.[59]

At the same time, the constitutional reforms of the 20th century were seen as merely formal changes meant to legitimize a State whose actual capacity to arbitrate conflicts and check violence was increasingly limited. In contrast with the past, the Constituent Assembly was conceived of as a tool for inclusion that would end the war and free politics from its authoritarian and rigidly centralist slant through deep-rooted rather than merely formal changes.[60]

Whatever the case, and confronting the peculiarities of its time, the Constituent Assembly had to face a double challenge. On one hand, as we have seen, the State´s battle with the Medellín Cartel had become more acute. The assassinations of the senator and presidential candidate Luis Carlos Galán, the Procurator-General Carlos Mauro Hoyos and the Magistrate Carlos Valencia; the bombing of the DAS; and the kidnapping of Andrés Pastrana and Álvaro Gómez, among others, helped

58. In the words of Julieta Lemaitre: "over and over again, the speeches insisted that this would be the first constitution that was written not only for the winners but for the losers as well, that it would no longer be the ´battle card´. This would be the first fair constitution, because it would be the first that did not exclude the possibility of talking with the enemy and taking his interests into account; the first constitution that was not partisan, not the work of a single faction or party". Julieta Lemaitre Ripoll, "*La Constitución de 1991 y el fin de la violencia*" ("The 1991 Constitution and the end of the violence"), in: *El derecho como conjuro. Fetichismo legal, violencia y movimientos sociales* (The law as a conjuring trick. Legal fetishism, violence and social movements). Bogotá: Siglo del Hombre Editores, Universidad de los Andes), 124-125.

59. For more about this subject, see: Gonzalo Sánchez, *Guerra y política en la sociedad colombiana* (War and politics in Colombian society). (Bogotá: El Áncora Editores, 2008), 15-24.

60. These changes were meant to give form to a new constitutional text that would respond to the vitality, creativity and dearest longings of the social movements which had served as its base. In the testimonial evidence we have reviewed, it is relatively common to find the conviction, at the time of the Constituent Assembly, that its proceedings and discussions were more important than the Constitution itself. It was hoped that the Constitution would reflect the wealth of practical ideas seen in the movement that called for the Constituent Assembly. See: Humberto De la Calle, *Contra todas las apuestas. Historia íntima de la Constituyente de 1991* (Against all the odds. An intimate history of the 1991 Constituent Assembly). Bogotá: Editorial Planeta, 2004 and Lemaitre, "*La Constitución de 1991*" ("The 1991 Constitution").

to strengthen the idea that this confrontation had brought Colombia, its institutions and its entire population *to the brink*.

On the other hand, the routes to constitutional reform seemed to be closed. If its awareness of a historic moment had led the Constituent Assembly to regard itself as a rupture from its past, its awareness of the then present crisis showed it that a rhetoric of rupture only seemed possible outside of the institutional framework.[61] But the Constituent Assembly was essentially a civil and civilist process, related to the above-mentioned legalist tradition, born from the rejection of an armed solution and convinced that the country´s institutions could be modified in a way that would end the war.

And it was also an extraordinarily creative movement. As we have seen, ever since the assassination of the then Minister of Justice, Rodrigo Lara Bonilla, in April 1984, the country had been in a state of siege declared by President Betancur. From then on, the exceptional measures taken in order to control disturbances of public order were dictated by means of legally-binding decrees signed by the president and reviewed by the Supreme Court of Justice.

The state of emergency being in force, there was an alternative to resorting to a legislative decree that would convoke the assembly, instead of submitting a legislative bill to the cumbersome process of congressional discussion, which would surely have condemned it to failure. The president at that time, César Gaviria, who, in some ways, shared the outlook of those in favor of a Constituent Assembly and had supported it since his presidential campaign, approved the idea, so long as it would solve a basic juridical problem: for the decree to pass the review of the Supreme Court, the measures to be taken should be clearly tied to the motives that led the president to decree the state of emergency.

The connection was not clear, since it was not obvious that convoking a popular assembly to discuss the agreed-upon subject of possible constitutional reforms would be an adequate response to the situation that had led to the declaration of a state of emergency six years earlier.[62] Those who argued against the possibility of resorting to the decree thought that the ideal path to constitutional reform was through the Congress and that a series of subjects ranging from changes in electoral constituencies to the transformation of the criminal justice system could not be related to the threat of drug-traffickers, an issue which many believed was the main threat to Colombian institutions.

Against that argument, and inspired by the Italian jurist Norberto Bobbio,[63] the justification which the Gaviria administration presented was that constitutions are also peace treaties and therefore, while the immediate relationship between constitutional reform and the terrorist threat was not clear, what the reform was meant to do was to create conditions to make a definitive peace possible. It was even said that the proposal was a truly structural response, not just a partial or reactive one, to the crisis produced by the violence. This argument triumphed with one modification.

61. From the time of the 1957 Plebiscite that gave rise to the National Front, it was understood that the only way to reform the Constitution without the risk of strong-man politics (*caudillismo*) was through the Congress. Given that panorama, it was logical to foresee that presenting a bill for constitutional reform with the aim of a radical transformation of corrupt political practices – assuming it was possible to get an initial agreement on the agenda and the measures which needed to be taken – would be doomed to failure if those who had to decide were precisely the same politicians who were benefiting from those traditional political practices. See: De la Calle, *Contra todas las apuestas. Historia íntima de la Constituyente de 1991* (Against all the odds. An intimate history of the 1991 Constituent Assembly), 69-76.

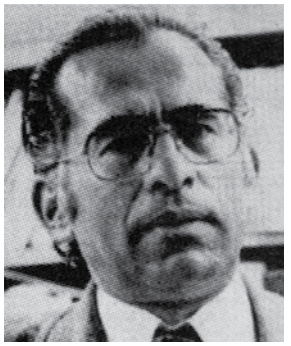
62. It should not be forgotten that the proposal that was initially agreed on was that of an agenda as the basis for a discussion of eventual constitutional reforms. That explains why, at the start, the discussions revolved around the possibility of summoning an assembly to reform the constitution. Curiously, it was its passage through the Supreme Court, which had been accused of blocking any attempt at reform, that turned it into the Constituent Assembly that the student movement had demanded from the start. See: De la Calle, *Contra todas las apuestas. Historia íntima de la Constituyente de 1991* (Against all the odds. An intimate history of the 1991 Constituent Assembly), 77-100.

63. See: Norberto Bobbio*, El futuro de la democracia* (The future of democracy). (Mexico City, FCE, 1984), quoted by De la Calle, *Contra todas las apuestas* (Against all the odds), 93.

These are some of the victims who inspired the issuance of the Statute for the Defense of Justice, November 20, 1990.



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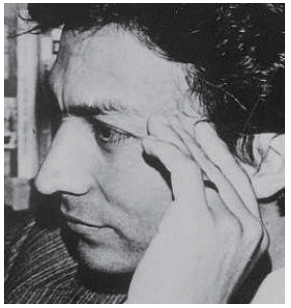
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1. Carlos Valencia
2. Alfonso Reyes Echandía
3. Carlos Medellín Forero
4. Manuel Gaona Cruz
5. Alfonso Patiño Rosselli
6. José Eduardo Gnneco Correa
7. Darío Velásquez Gaviria
8. Fabio Calderón Botero
9. Carlos Horacio Urán Rojas
10. Horacio Montoya Gil
11. Ricardo Medina Moyano
12. Pedro Elías Serrano Abadía
13. Fanny González Franco



11



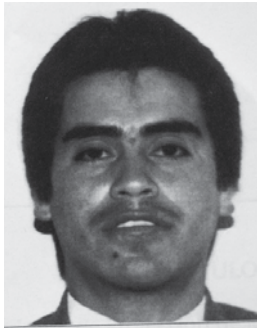
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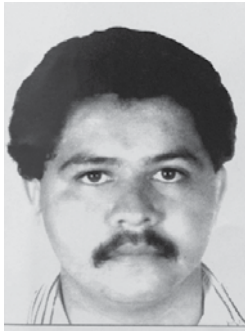
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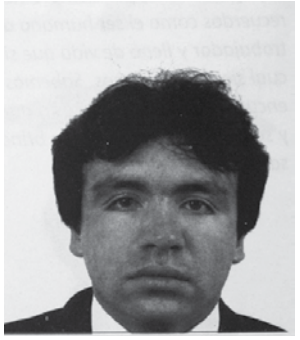
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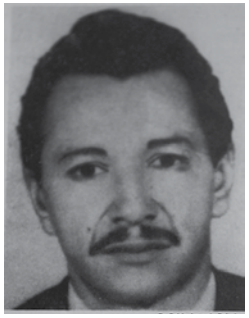
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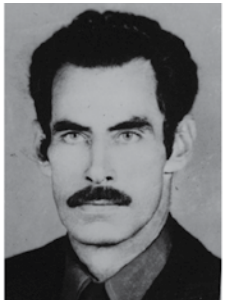
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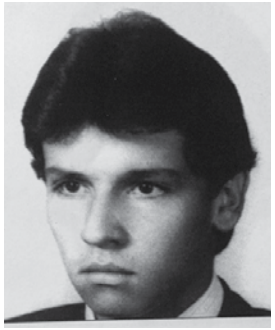
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14. Carlos Mauro Hoyos
15. Luis Orlando Hernández Muñoz
16. Arnulfo Mejía Duarte
17. Gabriel Enrique Vesga Fonseca
18. Cesar Augusto Morales Cepeda
19. Benhur Iván Guasca Castro
20. Mariela Morales Cano
21. Pablo Antonio Beltrán
22. Virgilio Hernández Serrano
23. Orlando Morales Cárdenas
24. Carlos Fernando Castíllo Zapata
25. Yul Germán Monroy Ramírez
26. Samuel Vargas Páez



Final of the National Constituent Assembly. In the picture the three presidents of the Assembly with the president Cesar Gaviria. 1991.
Photograph: Luz Helena Castro.

The Court agreed that constitutions were a peace treaty and to that extent the proposal was linked to the motives of the declaration of a state of emergency, but that there was no reason to limit the agenda to the exercise of those functions. Once the agenda was removed, the decree was reviewed by the Supreme Court. The voting was very close (14 votes in favor, 12 against) and the result was paradoxical: by following the route of exceptional measures (Decree 1926 of 1990), the social movements had secured an institutional space for a true National Constituent Assembly that would draft a new Constitution for the nation.

This quick review of the constitutional moment is a good illustration of some important tensions. The first is that violence, and in particular the violence used by the drugs cartels, was one of the factors that triggered the movement that led to the Constituent Assembly. The second, however, is that a process of such an enormous depth as the Constituent Assembly found a place in the institutional structure due to the crisis caused by the violence. Although it was true that the political regime had serious limitations in terms of inclusion, if there had been no war and exceptional circumstances, the story would have been completely different. Because the country was at war and exceptional measures were used to confront it, the Constitution was born in the way it was born in the country which called for it, faithfully respecting its abovementioned legalist tradition and focusing on its truly *constituent* rather than merely constitutional character, as the government had sought, thanks to the relative independence of the judicial branch.

The third one is that, despite of having been conceived of as a peace treaty, intended to modify the structures in which the violence was rooted, the Constituent Assembly was silent about the measures that would have to be taken to confront the violence and wound up leaving untouched such institutions as the faceless judges, which clearly violated the minimum procedural guarantees which had been designed for exceptional situations that called for a response to threats to public order. In fact, it did not seem that the deep need for peace, in the midst of the intimidating violence of the drug-traffickers, would open the way for a profound assessment of the exceptional strategies which were meant to contain the serious threats that hung over public security.

The manner in which the judicial system has responded to the violence associated with the internal armed conflict since the adoption of the Constitution in 1991 reveals ongoing contradictions between progressive tendencies and others that are less progressive in interpreting the Constitution. With the increasing activism of the judges, the gradual inclusion of the concept of a "constitutional block", or body of Constitutional law which grants Human Rights treaties a constitutional status, has allowed the high courts to incorporate the principles of international Human Rights Law into the interpretation of criminal norms. This tendency, however, exists along with the persistence of, and at times even reinforces, less progressive and decidedly authoritarian tendencies.

3.2.3. The Gaviria administration's strategy of submission

A clear example of the coexistence of progressive tendencies with other authoritarian ones in the period following the adoption of the new Constitution was the so-called *submission policy* from César Gaviria's administration. With it, the government faced the unprecedented challenge of the *war* that the large drug cartels had declared on the State in order to defeat extradition. Using the justification that it was a battle against narco-terrorism, the first government under the new Constitution continued to use legal exceptions to make sentences tougher and introduce procedural innovations that went against the most basic principles of criminal guarantees, and employed the Antiterrorist Statute (approved by Virgilio Barco's administration) to curtail public liberties in social sectors other than those of drugs-traffickers, which significantly affected the principle of equality before the law in criminal cases.[64]

Gaviria was the only presidential candidate – of those that hadn´t been assassinated before the 1990 elections – who defended extradition and

64. Rodrigo Uprimny, "*El 'laboratorio' colombiano: narcotráfico, poder y administración de justicia*" ("The Colombian ´laboratory´: narcotics-trafficking, power and the administration of justice"). In: *El caleidoscopio de las justicias en Colombia* (The kaleidoscope of judicial systems in Colombia).

its administrative implementation, and he was therefore the number-one target of threats and attacks from the Medellín Cartel. But he also argued that that policy should be combined with the use of the alternative of plea bargaining by those who were subject to extradition and the strengthening of the judicial system to dismantle a war which had gradually degraded and in which the drug-traffickers had been increasing their destructive capacity.[65]

His proposal was initially set out in Decree 2047 of 1990 and was later made more flexible in Decrees 2147 and 3030 of the same year, promulgated under the state of siege.[66] The policy consisted of reducing sentences by half and guaranteeing there would be no extradition (in addition to granting additional benefits when properties were surrendered and accomplices were denounced) for drug-traffickers and paramilitary members who gave themselves up and confessed their crimes.[67] It was not an amnesty policy like those previously used with the guerrilla, but a strategy to bring them to justice under a lax application of criminal law, since what was at stake here was not a political negotiation but dismantling the most organized crime faction in the history of Colombia.

When, following the surrender of other members of the Medellín Cartel, like Fabio Ochoa Vásquez, Pablo Escobar gave himself up to the authorities on the same afternoon that the National Constituent Assembly approved the non-extradition of native-born Colombians, the policy seemed to have had a major success. The checkmate that the drug trafficking cartels had put the country in had a significant influence on the configuration of the new institutional structure at its highest level, which, along with the creation of the Fiscalía and the granting of the status of law to the norms issued under the state of emergency, among other things, enabled the Gaviria administration to win a juridical-constitutional support for its main wager.



Terror in the air. The Avianca 727 jet with registration number HK 1803 exploded into a thousand pieces after taking off from El Dorado airport in Bogotá on its way to the city of Cali, the work of Pablo Escobar, whose henchman placed a briefcase with explosives just above one of the fuel tanks. 107 passengers were killed. 1989. Photograph: Lope Medina. Revista Semana ©.

65. In the words of Pardo: "in a crisis of justice and violence, like the one imposed by narcotics-terrorism, counting on alternatives turned out to be fundamental". Pardo, *La historia de las guerras* (History of the wars), 602.
66. These decrees were later incorporated into the judicial framework through the Legislative Committee appointed by the Constituent Assembly.
67. Pardo, *La historia de las guerras* (History of the wars).

However, in the months that followed, the contradictions in the government's strategy became evident. This policy was based on the following premises: 1) that the executive branch had the capacity to handle the international and internal pressures stemming from a policy whose lax standards of sentencing were beginning to lead many to regard it as a surrender of the State to the narcos and 2) that the legal system had the capacity to adequately judge and sanction the drug-traffickers and prevent impunity, even for the most important drug lords.[68]

In any case, the lack of cooperation and support from the authorities of the United States once extradition was prohibited had a significant impact on the effectiveness of and flow of resources to the policy.[69] Also, as the practice of kidnapping continued and worsened, the effectiveness of the judicial system became more and more questionable, insofar as its weak investigation of crimes seemed, in practice, to have resulted in very short sentences, and, as a graver matter, the disorganization and corruption of the prison system were benefiting drugs-traffickers, evidenced by its failure to stop them from committing crimes from within the jails or prevent the escape of Pablo Escobar and other members of the Medellín Cartel from La Catedral prison. All of this set off an enormous public scandal that sapped the government's legitimacy and the credibility of its policy of submission.

Although the persecution of the Medellín Cartel after the escape from La Catedral presented an enormous challenge to the Colombian State that strengthened it in certain respects, it also weakened it in others. In juridical terms, one of the structural weaknesses the State faced when fighting the drug-traffickers was the difficulty of undertaking legal proceedings when the evidences needed to convict them was very weak or non-existent. The policy of submission was based on recognizing this fact and assumed a coordinated strategy between the Office of the Attorney-General, the Army, the Police and the DAS – under the supervision of the Office of the Procurator-General – using the structure, known as the "search bloc", which ultimately tracked down and killed Escobar. This teamwork guaranteed the maximum use of all the available means and intelligence available, both to dismantle the cartel as well as to open legal proceedings to investigate and judge its members.

The fight against the drug-traffickers turned into a challenge that often put the Colombian State in check, but it also meant that the institutional and juridical means that were available to the State apparatus evolved as the threats from drug-trafficking became more complex. In that respect, the manner in which the different stage of the war influenced the institutional dynamics of the judicial system was clear. In the words of Rafael Pardo, Minister of Defense at the time:

> The attacks on the justice system, assassinations of judges and investigators and weaknesses in the judicial system led to the need, first, to abolish jury duty, since the citizens called to this duty were vulnerable and there was no way to protect them. Later, special courts for investigation and sentencing were established in which the identity of the officials involved was kept secret. This device was called faceless judges. Later, the Office of the Attorney-General, created under the 1991 Constitution, applied mechanisms for collaboration, denunciation, and surrender to disband the gangs and armed groups that were integral to the Medellín Cartel. The war was waged from within the law, while before 1991 on many occasions the state of emergency was invoked to issue legislative decrees.[70]

On the other hand, according to Uprimny, the war against drug-trafficking had many negative effects on the Colombian justice system. In the first place, the military slant that the war against drug-trafficking acquired — which followed the U.S. discourse of a war on drugs and adopted its focus — combined, in a single strategy, a military aspect with others which by their nature were policing and/or judicial ones (the repression of illegal acts), as was the punishment of drugs consumption.[71]

68. Uprimny, "*El 'laboratorio' colombiano*" ("The Colombian ´laboratory´").
69. Pardo, *La historia de las guerras* (History of the wars).
70. Pardo, *La historia de las guerras* (History of the wars), 609.
71. Uprimny, "*El 'laboratorio' colombiano*" ("The Colombian ´laboratory´").

This implied a stronger influence of the Security Forces in the State apparatus and a military treatment of social problems for which there would have been less harmful solutions that would guarantee civil rights. In the second place, the war on drugs entailed the risk of internationalizing an internal conflict, since a large amount of the resources from foreign sources was aimed at combating subversion rather than drug-trafficking.[72] Additionally, the influence of the U.S. discourse on the war on drugs eroded the country´s autonomy in adopting anti-drugs policies that were less detrimental. And finally, since no anti-drugs policy existed that would transcend changes of government and overcome the reactive character of the State´s war on drugs, the Colombian State strengthened its tendency to constantly turn to exceptional norms, with the instability and loss of independence that it meant for the judicial system and the effects on constitutional guarantees it implied.[73]

3.3. Between siege and resistance: the judicial system in the framework of the armed conflict of the past two decades (1992-2013)

The past twenty years of this brief history of justice and its relationship to the armed conflict correspond to the two decades in which the 1991 Constitution has been in effect, which without a doubt marks a turning point in our existence as a Republic. The Constitution has consolidated the importance and leading role given to constitutional justice, both in guaranteeing a long list of rights that are consecrated in the Constitution and securing a stricter control over politics and the economy. However, efforts to bring about democracy and peace have faced serious obstacles, like the persistence of the armed conflict itself. In this context, justice has wavered between, on the one side, attempts to modernize itself in order to better face the problems of criminality and violations of human rights arising from the conflict and circumscribe the war with humanitarian limits and, on the other hand, the resurgence of exceptional juridical measures which have counteracted this trend.

However, the task seems to have to exceeded the possibilities of the judicial system, not only due to the massive amount of violations, but also due to the interweaving of legal and illegal aspects which has resulted from an ongoing conflict . In fact, the "parapolitics" stage, which made the enormous limitations of the democratizing plan of the 1991 Constitution evident, also brought a new challenge for the judicial system: it revealed a complex phenomenon in which official institutions were infiltrated by illegal forces and thus a procedural and judicial truth seemed, in principle, to be limited.

Furthermore, during the past decade we witnessed the implementation of a new model of justice, aimed at overcoming the conflict: transitional justice. For the first time in the country, an attempt is being made to employ a procedure of collective demobilization under the banner of "truth, justice and reparation", one in which the role of the judicial system has become unusually important. Never before had the justice system been given such a decisive, not only in defining the success or failure of a process of this nature, but also in shaping it. As we shall see, the intervention of the high courts in the demobilization of paramilitary forces was decisive in forming the legal framework. In a similar sense, the efforts to massively restitute lands are an enormous challenge for the judicial system, which is responsible for processing all the applications and establishing juridical conditions to reverse the effects of illegal land seizures.

72. According to García-Villegas, Rodríguez and Uprimny, who base themselves on the report of the U.S. Congress´s Committee on Governmental Affairs, even though the Police had been responsible for more 80% of the anti-narcotics operations, it only received 16% of that aid. The rest was destined for the Armed Forces, which, according to its own statements, largely used it for the fight against the guerrilla in areas where cocaine was not being produced. García-Villegas, Rodríguez and Uprimny, "*Justicia, democracia y violencia en Colombia*" ("Justice, democracy and violence in Colombia").

73. Uprimny points out that, with the pretext of the State´s urgent need to confront the war waged by the drug-traffickers, the government justified such dangerous measures as the ones that gave the authorities the function of the judicial police in detaining persons suspected of violating the Anti-terrorist Statute or the norms against the trafficking of narcotics, and holding them incommunicado for seven working days, which facilitated human rights abuses and the repression of social protest. The arrests could be extended to 27 days for procedural reasons. Uprimny, "*El 'laboratorio' colombiano*" ("The Colombian 'laboratory'"), 391 and following pages.



Demobilization of the Catatumbo Bloc, 2004. Photograph: Jesús Abad Colorado ©.

To explain this context, this final section will present the general outline of the judicial system's position on the dynamics of war and peace during this period. To do so, we will first consider the changes in the criminal justice system and their relationship to changes in the military criminal justice system. As we saw, it would be difficult to understand the workings of the judicial branch before the reforms that were made at the end of the 1980s without taking into account its relatively independent but enormously weak place in a political regime that directly or indirectly gave a leading role to the military in matters of public order.

Since one of the reasons for the National Constituent Assembly was to put an end to the authoritarian legacy of the National Front, seen in, among other things, the central role of the military and the subordinate position of the judiciary, it was predictable that the relations between ordinary criminal justice and military justice would be subjected to profound transformations. Let us examine, then, how that expectation was fulfilled and in what manner, in the light of the creation and setting into motion of the Fiscalía and the ongoing debate about the *fuero* or autonomous jurisdiction of military courts in criminal matters.

Secondly, we will discuss some general tendencies related to the prosecution of the illegal armed agents, and single out certain shifts in jurisprudence and variations in the position of the judicial apparatus in accordance with the dynamics of the changing conflict. Thirdly, we will consider the implementation of transitional justice by examining both the model of Justice and Peace in a special criminal justice system, of a transitory nature, and the mechanism of transitional justice in civil matters aimed at the restitution of lands.

Fourthly, we will discuss the role the judiciary has played in confronting parapolitics, and finally, we will close by presenting the Juridical Framework for Peace that has laid the foundations for remodeling the incipient form of transitional justice in our country.

3.3.1. Between modernization as a weapon against impunity and the resurgence of exceptional measures : transforming the criminal justice system and the criminal jurisdiction of military courts

One of the most important changes introduced by the 1991 Constitution was the creation of the Office of the Attorney-General to consolidate a criminal system that would end the judicial crisis of the 1980s and early 1990s. It is an ambiguous institution, since, in contrast with other countries which have an accusatory criminal system, the Office of the Attorney-General was designed to conserve its investigative independence as an examining body and it is thus part of the judicial rather than the executive branch of the State and the Attorney-General (*fiscal general*) is appointed by the Supreme Court from a short list presented by the President of the Republic.[74]

This ambiguity was also present in its original design, since the Fiscalía, in addition to its investigative functions, was also given some judicial functions, such as the issuance of search warrants, prudential measures (*medidas cautelares*), etc., without requiring the approval of a judge. To a large extent, this ambiguity was cleared up with the criminal procedural reform in 2004, which implemented an accusatory criminal system that strictly separated the functions of investigation and judgment.[75]

74. The reason why the Office of the Attorney-General belongs to the executive branch in other countries, rather than the judicial one, is to ensure an institutional separation of the body that brings the charges (the prosecutor) from the one which judges the case (the judiciary), a separation, that is, of the investigation from the weighing of the evidence. In the case of Colombia, taking into account the tendency to manipulate the justice system, subordinate it to military courts when there were threats to public order and the traditionally strong power of the presidency, it was thought that the best way to guarantee the independence of the investigatory function was to place it within the judicial branch, where it would be more or less protected by the traditional independence of the judiciary.

75. Under Law 906, these measures have to be approved by a judge responsible for procedural safeguards (*juez de garantías*). Some of them, however, only require approval after they have been implemented, which means that the prosecutors still have judicial functions but only within strict limits.

Thus, the Fiscalía is responsible for initiating and conducting criminal investigations. In order to do this, the Technical Unit of the Judicial Police, created in 1987, under the Directorate of Criminal Investigation, was transformed into the Technical Investigative Unit and transferred to the Fiscalía General de la Nación. In this way, it was hoped that the Office of the Attorney-General would strengthen its investigative capacity and stop depending on the Security Forces for the gathering of evidence, since that dependence had often prevented it from prosecuting grave violations of Human Rights, despite the valiant efforts of some of its officials.

Once it began to function, specialized units were created within the Office of the Attorney-General to overcome the limited technical expertise of the examining magistrates in a number of criminal matters. The Human Rights Unit, created in 1994, was among the most important in the fight against impunity, and was partly a response to recommendations made in the reports of the United Nations´ Working Group for Forced and Involuntary Disappearances and the Special Rapporteur on Summary or Arbitrary Executions. Ever since it was created, this Unit has received technical and financial resources from international cooperation agencies as well as the Colombian State. The drive to equip it with the needed technical and financial resources has been so strong that according to a survey published in 2005, it was the *showpiece* of the Office of the Attorney-General.[76] In any case, it should nevertheless be acknowledged that the massive violations of human rights which occur in Colombia have greatly overwhelmed the investigative capacity of the Unit.

In 2001, six years after being established, with Luis Camilo Osorio as attorney-general, the structure of the Unit was decentralized and fifteen regional support units were created. The reforms introduced by Osorio were severely criticized because this decentralization was done but no effective protection program was provided for witnesses, victims, officials and others involved in criminal proceedings. This exposed the judicial officials to the violence of an intensified war.[77] Additionally, this decentralization happened at a time when a good part of the Unit's staff, which had been trained by programs financed by international cooperation, were dismissed by Osorio with the argument that they were part of an international campaign to discredit Colombian institutions.[78] However, several of the officials removed were investigating cases in which there was the alleged participation of members of the Security Forces.

This apparently wrongful interference was made possible by the structure of the Office of the Attorney-General itself, which has been the subject of severe criticism since its start. In fact, the fact that the president is the one who proposes the shortlist of candidates from which the Fiscal is elected has caused constant, and at times serious, suspicions about the independence of that official. Additionally, given that the Attorney-General (and even more so since the reform introduced by Legislative Act 3 of 2002) can "at his own discretion not only assign (and re-assign) his officials to different cases, but also determine the legal position that these officials should assume in them, the definition

76. Danilo Rojas, *Balance crítico de la Unidad de Derechos Humanos y DIH de la Fiscalía General de la Nación* (Critical assessment on the Human Rights and International Humanitarian Law Unit of the Office of the Attorney-General). Bogotá: Dejusticia, going to press.

77. The constant failure to protect judicial officials was especially alarming throughout the whole period in question. It also allowed for the main mechanisms of impunity in the Colombian context. According to the figures in the GMH´s report on the massacre of La Rochela, investigators are the ones most vulnerable to violence in the judiciary. In the case of the paramilitaries and the Army (which the report on Rochela calls the "pro-system agents"), their violence seems to be selectively aimed at investigators with the aim of thwarting any proceedings. In the case of the *guerrilleros* (the "anti-system agents"), whose use of violence is less selective and seems to target the judiciary because it is an arm of the State, the investigators are likewise the officials most affected by the violence against the judiciary precisely because of the lack of protection they face when they work in areas with grave problems of public security. The drug-traffickers are the only and very notable exception to this trend: their violence tends to be focused on judges rather than judicial investigators.

78. Rojas, *Balance crítico de la Unidad de Derechos Humanos* (Critical assessment on the Human Rights Unit).

of all criminal investigations may depend on the criteria of the *fiscal general*".[79]

According to the annual report of the Office of the High Commissioner for Human Rights of the United Nations OHCHR/UN, which started to work in Colombia at the same time that the Human Rights Unit (HRU) was created, the performance of this unit, which was quite dynamic in its early years, has faced problems of independence, security, resources and the interference of the military criminal courts in some periods.

In the massacres that the GMH studied, investigations had been conducted by the Office of the Attorney-General. Among these are: the ones in La Paz and El Tigrito, villages in the municipality of Segovia, Antioquia, on April 22, 1996, as well as the one in Remedios, Antioquia, on August 2, 1997; the one in El Tigre, at the police inspection in the Valle del Guamués in the lower Putumayo, which occurred on January 9, 1999; the one in El Salado, Carmen de Bolívar, which occurred between February 16 and 21, 2000; the one in Bojayá, municipality of Bellavista, Chocó, that occurred on May 2, 2002; and the one in Bahía Portete, Guajira, that occurred on April 18, 2004.

Looking at the work done by the Fiscalía, and in particular that of the Human Rights Unit that should have investigated all of those massacres, it is possible to make some general remarks about its effectiveness and limitations. On the one hand, the greater investigative capacity of the Office of the Attorney-General is a marked improvement compared to the work done by the former Criminal Investigation directorate. Its depends much less on testimonial evidence, for example – although this dependence is still worrisome – and even if it is marginal, the inclusion of new categories of offences which pertain to International Human Rights Law and the International Humanitarian Law has enabled it to undertake more intelligent investigations into acts committed by individuals belonging to warring armed groups.[80]

On the other hand, in spite of notable improvements in investigation, the establishment and permanent functioning of the Fiscalía has made the absence of a coherent criminal policy in the Colombian State particularly evident. In its stead, the radical inefficiency of the State´s resort to traditional palliative measures, which consist of procedural reforms which are progressive at times and at other times restrictive and authoritarian, was perhaps more evident in this period than in any other. The fact is that, as was shown in other chapters, the strengthening of the investigative capacity of the judicial system coincided with the most tragic degradation and proliferation of violence in the country´s history, whether it was associated with the internal armed conflict or not.

Despite the above, it must nevertheless be acknowledged that the present [at the time of writing] Attorney-General of the Nation, Eduardo Montealegre Lynett, has implemented some changes in the Fiscalía that may be regarded as attempts to structure a coherent criminal policy. First, he implemented a strategy for prioritizing cases as a new management technique for criminal investigations, which seeks to ensure that the attention given to crimes that are reported to the Fiscalía is done in an orderly manner that follows previously established criteria for priorities.[81]

Despite fears which have arisen in some sectors about the use of a prioritization system – particularly because they believe that it might prevent some victims of the armed conflict from acceding to justice — it is an effort that might have valuable results in terms of a more efficient use of the institution´s resources and would probably be a better guarantee of the right to access to the administration of justice than the current system in which certain cases are given a *de facto* priority.

79. García, Rodríguez and Uprimny, ¿Justicia para todos? (Justice for all?), 287. To this should be added the lack of clear criteria for the assigning of files to the units of the Office of the Attorney-General. This problem has still not been solved. And it is a problem because the absence of strictly juridical criteria in that field opens the way for outside interests (political or economic) to decide on the assignment of cases.

80. Without ignoring, in any case, that there are still important obstacles, to do with both the norms and the training of judicial officials, to making use of the juridical categories that are best suited to and most effective in the fight against organized crime.

81. This strategy was adopted by means of Directive 0001 of October 4, 2012.

Secondly, the Office of the Attorney-General has also been working to create a Unit of Analysis and Contexts[82] to study situations in which organized crime is responsible for many cases which need to be investigated and, in turn, use that information to formulate concrete strategies for prosecuting them. At the moment, the manner in which such objectives will be met is still not completely clear, but the new structure is based on an intuitive feel for the difficulties which are being faced which seems to be valid. It will be necessary to let at least some months go by to be able to assess the relevance and results of this prioritization policy of the Unit of Analysis and Contexts.

Finally, coordination, both internal and with other institutions, continues to be a major problem for the Fiscalía. The lack of coordination between its units, and between those units and the judicial investigation agencies, as well as faults in its data system, all continue to impede efficient investigations. Also, relationships with other institutions have been problematic.

In particular, one recent investigation about to be published by the Dejusticia Research Center[83] highlights the Fiscalía´s troubled relationships with the National Penitentiary and Prison Institute (INPEC), several entities which are responsible for attending to victims, and above all, with the Security Forces. In fact, according to a good number of the Fiscalía´s prosecutors who were interviewed, one of the main political and institutional obstacles in their work is the strong influence members of the Security Forces have on the handling of investigations and the risks such officials face when it is matter of "messing with them" (*meterse con ellos*).[84]

To a large extent, this last difficulty is also related to the debate about the autonomous jurisdiction of the military in criminal cases (*fuero penal militar*) and, in particular, the Security Forces´ refusal to subject itself to the restrictions of that jurisdiction laid down by the Constitutional Court. As we shall see, in several cases this resistance occasioned procedural controversies that wound up delaying the investigations of grave violations of human rights. The controversy ended in the approbation of the constitutional reform of 2012, which, counter to the limits established by constitutional jurisprudence, expanded the jurisdiction of the military courts.

The "*fuero militar*" that is "the right which members of the Security Forces have, by virtue of belonging to that institution, to be judged by a judge other than those who ordinarily have the power that purpose",[85] has been a constant feature of the Colombian judicial system, even before the 1886 Constitution. In this summary of the past two decades of justice and its relation to the conflict, this is important not only because it was also left almost intact in the 1991 Constitution, but also because in the recent history of the country – that is, the period under analysis – multiple cases have shown that the *fuero penal militar* has been very clearly linked with grave violations of human rights.

The above is explained by, among other reasons, the decisions taken by judicial officials who are responsible for resolving jurisdictional conflicts between ordinary justice and military criminal justice in serious human rights violations involving State agents. In particular, the problem exists when military criminal courts are given the power to examine criminal

82. This unit was created under Resolution 01820 of October 4, 2012, downloaded June 4, 2013, http://www.fiscalia.gov.co/colombia/wp-content/uploads/2013/02/0-1810-12-1.pdf

83. Diana Guzmán, Miguel La Rota and Rodrigo Uprimny, *Factores de impunidad frente a violaciones graves de los derechos humanos ocurridas en el contexto del conflicto armado* (Factors of immunity in the face of the grave violations of human rights that occurred in the context of the armed conflict). Bogotá: Dejusticia, going to press.

84. In a letter dated March 16, 2009 and addressed to the sectional prosecutor, no. 216, of the Judicial District of Bogotá, Father Javier Giraldo, *S. J.,* a well-known defender of human rights, explains the reasons which led him to declare that, on moral grounds, he was unable to participate in a judicial proceeding. The letter mentions the ways in which the 17th Army Brigade sabotaged any judicial effort, with measures ranging from falsifying evidence, obstructing attempts to obtain further proofs, using false testimonies and intimidating judicial officials and possible witnesses through "interviews" prior to the judicial interrogations, etc. Incidentally, this document is one of the most revealing and moving when it comes to the mechanisms of impunity that cover grave violations of Human Rights in Colombia. Javier Giraldo, S. J., "*Carta de objeción de Conciencia*" ("Letter of conscientious objection"), downloaded June 3, 2013, http://www.cinep.org.co/index.php?option=com_docman&task=doc_details&gid=20&Itemid=79.

85. Ruling C-399/95, Constitutional Court of Colombia, downloaded May 30, 2013, http://www.corteconstitucional.gov.co/relatoria/1995/C-399-95.htm

proceedings against active members of the armed forced linked to acts or conducts which represent grave violations of human rights, since there are many precedents in Colombia which indicate that military criminal justice is not sufficiently independent of the high command, and, due to its *esprit de corps*, does not rigorously investigate these acts.[86]

The problem outlined here ultimately amounts to another example of how the armed conflict affects the justice system. Human rights violations committed by State agents – likewise in the framework of the armed conflict, and even using methods similar to those of the illegal armed groups –, along with the strategic use of the favorable conditions of judgments in military installations, affect the judicial system in many serious ways. Some of the most evident are: 1) the sole fact that State agents act as victimizers outside the law affects the confidence which society has in State authorities; 2) the strategic exploitation of *fuero militar* to evade responsibilities and hide the truth about harms caused to society creates a system of impunity within the same State apparatus; 3) the use of the autonomous military jurisdiction may cast doubt on the judicial system's ability to handle serious human rights violations, since many cases in which military justice has concealed the responsibility of State agents are brought before the Inter-American System of Human Rights in search of the justice which the Colombian judicial system could not offer to them. Examples of this are: the Mapiripán massacre; the assassination of 19 businessmen in the Magdalena Medio; the multiple and systematic homicides in the river port of Barrancabermeja between 1981 and 1983; the disappearance of Nidia Erika Bautista de Arellana; the case of Isidro Caballero Delgado, and the case of Las Palmeras.[87]

86. For more on this subject, one may consult: Inter-American Commission on Human Rights, Organization of American States, *Second report on the situation of Human Rights in Colombia,* doc. 39v (October 14 1993): 93, 237-238; Inter-American Commission on Human Rights, Organization of American States, "The military penal justice system", *Third report on the situation of Human Rights in Colombia*, doc. 9 (February 26, 1999).
87. All of these cases have resulted in convictions against the Colombian State in the Inter-American Court on Human Rights.

However, the possibility that members of the armed forces can strategically use military criminal justice is partly determined by the way the regulatory framework for criminal proceedings establishes the way that the *fuero militar* functions. Thus, the reforms in the Military Criminal Codes of 1956 (Decree Law 250), 1988 (Decree 2550), 1999, (Law 522) and 2010 (Law 1407) have changed the possibilities of taking advantage of that autonomous jurisdiction.

Thus, the last two times that the concept of military law was authorized in the Military Criminal Codes, they stated that, in accordance with the terms of Article 221 of the 1991 Constitution, "the crimes committed by members of the Security Forces on active duty, and which are related to that same service, shall be brought before court-martials or military courts in accordance with the stipulations of this Code. Those courts shall be made up of members of the Security Forces in active service or retirement".

This definition in itself indicates that the law only operates in an exceptional and restrictive way – and with it military justice – in cases with the following characteristics: 1) that the defendants are members in active service of the Security Forces (military or police); and 2) that the crime for which the defendant is charged is related to his service, and in no case involves torture, genocide, forced disappearance, or crimes against humanity or against International Humanitarian Law.

Similarly, the evolving jurisprudence of the Constitutional Court has played a key role in outlining the scope of the military jurisdiction and the possibilities for the crimes that are committed by members of the armed forces to be judged under military justice. Sentence C-358 of 1997 was a milestone in this sense, since it laid down the basic rules for determining who has the power to investigate and judge in each case, ordinary justice or criminal military justice. In summary, this sentence indicated that cases that meet the following three requisites fall within the jurisdiction of military criminal courts: 1) that the crime is the result of an extra-limitation or abuse of power by a military or police agent in the explicit context of an activity related to a constitutionally-authorized

function of members of the public armed; 2) that it is not a crime of unusual gravity, for example, a crime against humanity, since in those cases it is understood as a breaking of the link between the conduct of the agent and the line of duty; and 3) that the relationship of the crime to the line of duty is established in a clear, sharp and transparent way from the evidence of the proceedings, and that in case any doubt exists about the jurisdiction which is competent to hear the case, ordinary justice shall always be chosen, since it is understood that military criminal justice is an exception to the constitutional principle of the natural judge.

Additionally, in the case of the Mapiripán massacre, the abovementioned jurisprudence[88] set forth another principle about the nature of the line of duty: that it could be an act of omission as well as commission. It is important to remember how that massacre occurred to understand the origin of that rule. Between July 15 and 20, 1997 a group of armed men in military uniforms arrived in the municipality of Mapiripán, in Meta. This group of men belonged to the Peasant-Farmer Self-Defense Groups of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá), at that time commanded by the paramilitary leader Carlos Castaño. These men took control of the town of Mapiripán and retained, tortured and murdered 49 people, whom they later quartered and threw in the Guaviare River. Later, it was shown that two members of the Security Forces (Brigadier General Jaime Humberto Uscátegui Ramírez and Lieutenant Colonel Hernán Orozco Castro) had decided not to come to the aid of the community, in spite of the fact that as representatives of the State and guarantors of security, they had the material, functional and territorial power to do so in that area. Both officials had been opportunely informed of the occurrence of these acts, but they refused to intervene. For this reason, the Court ruled that the agents had incurred in a grave omission. Based on these findings, the Court stated that in certain situations – such as in the case of Mapiripán – the omission of the Security Forces could be understood as an act committed outside of the line of duty.[89]

By means of Sentences C-358 of 1997 and SU-1184 of 2001, the Constitutional Court did an important job of limiting the scope of military law. That, in turn, amounted to the response of the judicial system, arising in one of the high courts, to the complexities of the Colombian conflict, with the aim of preventing impunity in cases like that of Mapiripán. These sentences marked an important milestone in interpreting the scope of military law, and were effective for a time. However, as will be explained below, a constitutional change in 2012 annulled many of the limits that had been placed on the use of military law, and on the contrary, extended its reach.

The definition of the jurisdiction that entails the power to carry out criminal investigations in many of the cases involving members of the Security Forces, especially the most powerful ones, is far from being unanimous. One of the clearest examples of the tensions that arise from the definition of that power is found in the proceedings against Colonel Luis Alfonso Plazas Vega. The Office of the Attorney-General initiated criminal proceedings in 2005 against Plazas Vega for his responsibility in the disappearance of eleven people during the retaking of the Palace of Justice in 1985.

88. Ruling SU-1184/01, Constitutional Court of Colombia, Presiding Judge, Eduardo Montealegre Lynett, downloaded May 30, 2013, http://www.corteconstitucional.gov.co/relatoria/2001/SU1184-01.htm

89. In a more concrete manner, the Constitutional Court, in Ruling SU-1184 stated that it was understood that an omission was not relevant to the service in the following cases: 1) when the omission resulted in the context of an operation that, from the beginning, had aims contrary to the values, principles or rights consecrated in the Constitution; 2) when it arises in the midst of an operation which begins in a legitimate way but, in the course of its development, shows an essential deviation from the purpose of the activity; 3) when it does not avoid grave violations of Human Rights or International Humanitarian Law; for example, when a member of the Armed Forces who has the duty to avoid causing harms to the civilian population does not prevent the harm that results from the operation. The Court clarified that in these cases it is always necessary that the supervisory official has the concrete duty of preventing the operation from resulting in the violation of fundamental rights.

A trial involving a military officer of Plazas' rank caused a commotion among the more conservative sectors of society and among the members of the military itself. Although it was relatively clear that the case should be heard before ordinary justice (because it was a crime of unusual gravity, and in any case, because the proceedings were already being handled by ordinary justice) the First Divisional Judge of the Army, retired Major Mauricio Cujar Gutiérrez, insisted on promoting the conflict of fields of competence. Later, in February 2012, the Office of the Attorney-General initiated proceedings for malfeasance on the part of the judge, retired Major Cujar, due to his insistence in claiming jurisdiction over this case.[90]

Another example that produced a lot of controversy was the case of extrajudicial executions, known as the scandal of the *false positives*. At the beginning of 2006 Philip Alston, a rapporteur of the United Nations for extrajudicial executions, along with the Mayor's Office of Medellín, Antioquia, the Office of the Attorney-General and other Colombian State bodies denounced the IV Brigade of the Colombian Army for having presented the corpses of 30 civilians as *guerrilleros* killed in combat in different municipalities of the department of Antioquia.[91] Following this news, the media continued to report frequent cases of civilians who had been killed and passed off as insurgents killed in combat.

One of the initial reactions of the Colombian public was that, unfortunate as the occurrences were, they might be isolated cases. Some thought of it as the work of a few "rotten apples" in the Army. However, from the beginning there were suspicions that the murders might have resulted from the pressure from the government of President Álvaro Uribe Vélez to show the results or "positives" of the fight against the guerrilla. The lack of institutional control was also evident, since the disciplinary investigations that had been started in the cases of extrajudicial executions known to the Army were suspended due to "lack of merit" for their continuance.[92]

The case that perhaps most shocked the country was that of 23 youths[93] in marginal areas of Bogotá and the municipality of Soacha who, in 2008, were presented as insurgents killed in combat in the department of Norte de Santander. According to the magazine *Semana*, they were young men between the ages of 17 and 32, and "almost all of them were unemployed or worked in such jobs as construction workers or mechanics and, according to the Office of the People's Ombudsman (Defensoría del Pueblo), some had a record for drugs use. They were, in general, poor youngsters who lived in the marginal districts of Ciudad Bolívar, Altos de Cazucá, and Bosa".[94]

90. "Military judge accused of demanding the case against colonel Plazas Vegas". *El Espectador* newspaper, February 22, 2012, downloaded on May 31, 2013, http://www.elespectador.com/noticias/judicial/articulo-328047-acusan-juez-militar-reclamo-proceso-contra-coronelplazas-vega. On April 25, 2013, an Appeals Chamber of the Higher Tribunal convicted retired major Mauricio Cujar of an intentional breach of duty in this case. See: Sentence of April 25, 2013, File number: 110016000092 2009 00037 00, Tribunal Superior de Bogotá.

91. According to the report of the United Nations rapporteur, there was a common pattern in the known cases of "false positives": "the victims were promised jobs, apparently legal or even illegal, which necessitated traveling to towns or departments distant from the places where they resided. In most cases, one or two days after their relatives last saw them, still alive, they were reported to have been killed in combat". See: "The Office in Colombia of the United Nations High Commissioner for Human Rights urges the responsible authorities to coordinate efforts and leaderships to clarify and put an end to the alleged practices of extra-judicial executions". Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, downloaded May 31, 2013, http://www.hchr.org.co/acnudh/index.php?option=com_content&view=article&id=795:blank&catid=45:2008&Itemid=68

92. "*Pecados de guerra*" ("The sins of war"). *Revista Semana* magazine, May 13, 2006, downloaded May 31, 2013, http://www.semana.com/nacion/pecados-guerra/94547-3.aspx

93. "*Ya son 46 los jóvenes desaparecidos que fueron reportados como muertos en combate*" ("There are already 46 disappeared young men who were reported as killed in combat"). *Revista Semana* magazine, September 26, 2008, downloaded May 31, 2013, http://www.semana.com/conflicto-armado/46-jovenes-desaparecidos-fueronreportados-como-muertos-combate/115921-3.aspx

94. "*¿Falsos positivos mortales?*" ("Mortal false positives?") *Revista Semana* magazine, September 27, 2008, downloaded May 31, 2013, http://www.semana.com/nacion/falsos-positivosmortales/115958-3.aspx



Mothers [of victims of the "false positives"] of Soacha. Photograph: Óscar Morales of El Espectador ©.

The president at that time, Álvaro Uribe, insisted that, despite the large number of extrajudicial executions, they were isolated cases and could not be regarded as the result of a policy by the armed forces. For their part, human rights organizations sought to show that the extrajudicial executions might have resulted from a widespread and systematic policy of the Army that might have originated in an internal directive on the incentives and rewards that would be given to officers responsible for high body counts.[95]

The government's concern about the eventual success of that theory rested on the fear that it might open the way for the "false positives" to be regarded as a crime against humanity and bring about the possibility of an investigation in Colombia by the International Criminal Court. Perhaps in order to prevent the Court from acting in those cases, the government undertook at least two purges of high-ranking army officers which resulted in the dismissal of 42 members of the military between July 2006 and October 2008, in addition to initiating hundreds of judicial proceedings.[96] In several of these proceedings, especially those involving high those of high rank, conflicts of jurisprudence arose. This happened because their defense lawyers insisted that the cases should be heard under military criminal justice and not the Fiscalía.

While the courts which ruled on the conflict of jurisdictions wound up rejecting the claims of the defense, the mere raising of objections on the grounds of jurisdiction led to delays in the hearings, to the point where, even though the majority of the investigations began in 2008, many of them were still in course at the time this report was written. A significant number of the members of the Security Forces who were under investigation and detained on the grounds of flight risk had to be freed because of the "expiration of terms" that sets a time limit on the proceedings.

Under these conditions, in 2012 the Congress was presented with a legislative bill[97] that sought to enlarge the military criminal jurisdiction nearly to the point where the trying of criminal cases involving the Security Forces by military courts would nearly become a rule.

Many Colombian and international human rights organizations stated that such a constitutional reform would be inadequate to deal with the difficulties it was meant to resolve and it would also cause an unacceptable harm to human rights. In spite of this, the reform was finally approved by the Colombian Congress on December 11, 2012. As a result of the reform, the conditions which had been so carefully laid down by the jurisprudence of the Constitutional Court were reversed, so that now all crimes allegedly committed by members of the Security Forces on active service are now heard by military courts, except for a limited list of seven offences that must be tried by ordinary judges: crimes against humanity, genocide, forced disappearance, extrajudicial execution, sexual violence, torture and forced displacement. Besides the fact that the list is not complete, since serious violations such as taking hostages are not taken into account, there are technical problems, since the Colombian legal system does not have a criminal classification for extrajudicial execution and that could mean that investigations of crimes like the "false positives" might wind up in the military criminal justice system, since the reform stipulates that any violations of IHL other than the abovenamed seven crimes will be tried by the military courts.

In practice, the above means that in cases of apparent abuses by members of the military, the military justice system will be the first to arrive

95. For an analysis of the directive in question, see: "*¿Tuvo que ver la directive sobre recompensas del ex ministro Ospina con los falsos positivos? Vea el document completo*", ("Did the former minister Ospina´s directive on rewards have to do with the false positives? See the complete document") *La Silla Vacía*, June 9, 2009, downloaded May 31, 2013, http://www.lasillavacia.com/historia/2357

96. For more information on the purges, see: "*Purga en el Ejército*" ("Purge in the Army"), *Revista Semana* magazine, July 6, 2006, downloaded May 31, 2013, http://www.semana.com/on-line/purga-ejercito/95707-3.aspx "*Purga militar, mensaje a 760 investigados*" ("Military purge, message to 760 who are being investigated"), *El Tiempo* newspaper, October 30, 2008, downloaded May 31, 2013, http://www.eltiempo.com/archivo/documento/MAM-3164560

97. The legislative act which reformed the Constitution with respect to the criminal jurisdiction (*fuero penal*) was Legislative Act No. 16 of the Senate, 192 of the House "By which Articles 116, 152 and 221 of the Political Constitution of Colombia are reformed".

on the scene and conduct the preliminary investigations, and it will also determine if the crime is within its jurisdiction or that of ordinary justice. Even in those cases where the preliminary investigation by military justice provides apparent grounds for regarding it as one of the crimes on the list, the Office of the Attorney-General cannot even undertake an informal investigation, but would have to ask the Technical Coordination Commission, which includes representatives of military justice, to determine the jurisdiction.

And even if the Commission decides that the case should be heard by ordinary justice, the defendant could still appeal to the Criminal Guarantees Court created under the same reform. It should be noted that half of the members of this court are retired military or police officers. The suspicions that this reform has raised in a country where military justice has historically been reluctant to operate independently and truthfully are completely justified.

3.3.2. Tendencies in prosecuting illegal armed groups

The past two decades have been a period of ruptures and continuities in the judicial treatment of the illegal armed agents. In historical terms, there have been two major differences in the prosecution of members of the guerrilla and of the paramilitary groups, respectively. The first is that, from its start, the guerrilla have been an enemy of the State and consequently treated as such. For this reason, criminal law has also been used to fight them. The same has not always happened in the case of the paramilitary groups due to their ambiguous relationship with the State. The second difference is that, despite the use of a certain kind of "criminal law of the enemy", the *guerrilleros* have been granted a special status of "political delinquents", which the judiciary has denied to the paramilitaries.

However, during the past two decades, the category of political crime has steadily lost force as one that would apply to the conduct of those who take up arms against the State. The legal boundaries between the judicial treatment given to the guerrilla and paramilitary groups have weakened, even though there were times in the past when they had been more rigid.[98] Although the concept is now diminished and reduced, and despite attempts to remove it from the legal system,[99] political crime refuses to disappear. The strong persistence of this notion is due, among other things, to the inertia of the tendency in jurisprudence to regard membership in guerrilla organizations as the political crime of rebellion; a certain adherence to a liberal tradition which justifies a special treatment for rebels, and above all, the knowledge that it may be useful in eventual peace negotiations.

The fundamental change in the scope and force of political crime took place in 1997 when a sentence of the Constitutional Court suppressed the subsumption in rebellion of ordinary crimes committed by *guerrilleros* in combat.[100] Before 1997, if, in the midst of combat with the guerrilla, soldiers died from an exchange of fire, the *guerrilleros* could not be condemned for homicides, since crimes related to rebellion done in the heat

98. On the trends towards treating the guerrilla groups as criminals in the past two decades, see: Luz María Sánchez, "*Tendencias en la judicialización de las guerrillas entre 1990 y 2010 y perspectivas jurídicas frente a un proceso de paz*" ("Trends towards treating the guerrilla groups as criminals between 1990 and 2010 and juridical prospects in the face of a peace process"). (Thesis for the degree of Master in Law, Universidad Nacional de Colombia, 2011), downloaded June 15, 2013, http://www.bdigital.unal.edu.co/8161/

99. An important point on the agenda of the Democratic Security Policy championed by the two successive administrations of Álvaro Uribe was to eliminate the category of political crime. In 2005, the government expressed its intention to present a bill for constitutional reform to eliminate the special treatment the Constitution grants in the field of conceding amnesties and pardons and waiving extradition and the prohibition of holding public offices for those who have been convicted of political crimes. In the end, however, the proposal was not presented to the legislature, in part due to the unfavorable response of the public, who saw it as a backward step in the area of democratic-liberal values or feared that it would shut off any possibility of a negotiated settlement of the conflict, but the fundamental reason for its failure was the inconsistency of the government itself, which, on the one hand, resorted to the category of political crime to facilitate the demobilization of the paramilitaries, and, on the other, renounced it and called for its elimination in the case of the guerrilla.

100. See: Ruling C-456/97, Constitutional Court of Colombia, downloaded May 31, 2013, http://www.corteconstitucional.gov.co/relatoria/1997/C-456-97.htm

of battle were not punishable unless they were "acts of savagery, barbarism or terrorism". After the Court´s ruling, killing members of the Security Forces in combat became punishable as aggravated homicide, with sentences that, at the time of writing, range from 33-50 years in prison.[101] Thus, the notion of political crime, as it had been understood in the Colombian juridical tradition, was dismantled and the benign punitive treatment of guerrilla fighters came to an end.

Nevertheless, despite of the Court's ruling, something of the notion of political crime remains. Not only do measures for special treatment of political offenders remain valid under the Constitution, but the Criminal Code adopted in 2000 retained the quintessential political crimes: rebellion, sedition and rioting. The Code also included the violations of International Humanitarian Law that, in a certain sense, echo the tradition of using the law of war as a framework to prosecute the violence associated with the conflict.

However, this is not the only focus for prosecuting crimes occurring in the conflict which is possible in the Criminal Code. The assessments of judges and the dynamics of the armed conflict itself have an influence on deciding if acts committed by the *guerrilleros* are criminal; thus, acts of violence may be seen as a matter of public security and judged as the work of organized crime – criminal conspiracy, for example – and terrorism.

By virtue of the gradual weakening of the notion of political crime, the lower court judges have generally tended to favor the latter approach, while the Supreme Court has wavered between the two possibilities found in the Criminal Code. In the case of the lower court judges, there is a tendency to equate all acts of violence committed by the agents of the armed conflict with terrorism. The High Court of Bogotá, for example, condemned a woman member of the FARC guerrilla for the crime of aggravated homicide for terrorist purposes due to her participation, in May 2000, in an incident where a chance encounter with the Army on a highway resulted in fighting that killed one solider and ten *guerrilleros.*

By contrast, the Supreme Court´s decision to overturn that sentence by the Bogotá Tribunal illustrates the first approach. According to the Supreme Court, in the light of IHL´S, "strictly speaking, the concepts of combat and terrorism are mutually exclusive, necessarily",[102] since combat is a military confrontation between persons directly involved in the hostilities, while terrorist acts by definition are committed against civilians. According to the Court, a military act which respects the IHL´S principle of distinction cannot be categorized as a terrorist act.

The Supreme Court of Justice has thus checked the tendency to prosecute all acts of the guerrilla under the logic of the fight against terrorism and has upheld the validity of the IHL´s distinctions as a frame of reference. Thus, the Court has conserved the notion of the armed conflict as a relevant legal category, with the aim of placing it in the context of political violence in Colombia and it has consequently maintained as well the legal acknowledgement of the figure of the combatant/rebel.

But, on the other hand, the Court has also taken steps to weaken the concept of political crime and follow the tendency to characterize the guerrilla groups as ordinary criminal organizations which threaten public security, rather than subversive organizations that seek to transform the State. This trend was already clearly evident in some lower level courts, but the Supreme Court had concurrently upheld a jurisprudential line which checked that equation of political crime with common crime.

That is, up to 2010, the Court had held to the criterion of distinguishing between the political crime of rebellion, used to judge members of the guerrilla groups, and the common crime of criminal conspiracy, which had usually been applied to members of paramilitary organizations. According to the Court, rebellion and conspiracy were mutually exclu-

101. This is the punishment for acts committed after January 1, 2005. For ones previous to that date, the sentence is 25-40 years in prison.

102. See: Edict of February 15, 2006, File no. 21330, Supreme Court of Justice; Criminal Appellate Division, Presiding Judge, Édgar Lombana Trujillo.

sive, because while in the first case the perpetrator pursued social aims, in the second the motives of the perpetrators were merely individual.[103]

This, of course, did not mean that members of guerrilla groups would not be judged for committing common crimes; the essence of the argument was that belonging to a subversive organization cannot be simultaneously classified as a political crime and a common crime, but exclusively as rebellion.

The distinction is important because in 2007 the Court used it as the basis of its refusal to treat members of paramilitary groups as political offenders. Thus, it stopped them from being granted the benefits of amnesty and pardon in the collective demobilization process that took place during the government of Álvaro Uribe.[104] While, with this decision, the Court highlighted the difference between the guerrilla and paramilitary groups by reserving the category of political offenders for the former, in 2010 the Court seemed to take a step in the opposite direction.

The Court heard an appeal on the case of a member of a guerrilla group who had been convicted on charges of conspiracy to commit crimes with the aims of terrorism and rebellion.[105] In this case, the Court diverged from its previous jurisprudence, where the criterion to define the issue was whether the crimes of the *guerrillero* went beyond the guidelines of the subversive group, and held that "the crime of rebellion can compete with the one of criminal conspiracy when certain circumstances occur which may break the association between the criminality pertaining to the armed confrontation with the State and the collective responsibility inherent in the abovementioned punishable assault on public security". Such circumstances, however, did not have to do with whether or not the acts conformed to the strategy of the guerrilla organization, but with the very nature of the acts.

When the Court's stance on criminal conspiracy and rebellion in this case is contrasted with what has happened with the issue of IHL and terrorism, the conclusion is paradoxical. On the one hand, the Court has upheld the central concepts of IHL, such as those about combatants and civilians, and has used them to refine its analysis to more precisely define the aspects which are needed to categorize them as acts of terrorism. All this helps to maintain the relative validity of the legal concept of a rebel fighter. On the other hand, however, the Court has opened a slippery downward slope towards considering political offenses as common crimes.

3.3.2.1. In the meantime, what has happened with judging the paramilitary groups?

Prosecuting the paramilitaries has been very difficult and shaped in different ways. This is because the granting or refusal of a legal status for these groups has varied in different periods, and likewise deciding whether they are legitimate or not. In turn, these changes in status have affected the manner in which the different concerned agents deal with the paramilitary phenomenon, from the military and the government to the judicial branch, which, under pressure from the victims of crimes committed by these groups, has faced various challenges when sentencing them.

We have already seen that the origin of paramilitarism was linked to the regulatory framework issued in the 1960s, which led to the formation of so-called self-defense groups.[106] In addition to the authorization given to civilians to bear arms that were for the exclusive use of the Security Forces, the latter played an important role in the foundation of these groups. Several internal directives of the armed forces show that one of

103. See: Edict of October 23, 1990, Supreme Court of Justice, Presiding Judge, Guillermo Duque Ruiz.
104. See: File N.º 26945 (July 11, 2007), Supreme Court of Justice, Criminal Appellate Division, Presiding Judges, Yesid Ramírez Bastidas and Julio Enrique Socha Salamanca, downloaded May 3, 2013, http://www.citpaxobservatorio.org/archivos_jurisprudencial/26945.pdf
105. File N.º34482 (November 24, 2010), Supreme Court of Justice, Criminal Appellate Division, Presiding Judge, María del Rosario González de Lemos.
106. See chapter 2 of this report.

its objectives was to provide military training to civilians for counterinsurgency work.[107]

In this context, "self-defense committees"[108] were initially considered by some sectors as a legal and legitimate counterinsurgency strategy.[109]

Although there was evidence from the early 1980s of crimes committed by self-defense groups and of the financial, political and military support they were given, a large majority of these acts remained unpunished. At least two factors help to explain why. First, the paramilitary groups received support from powerful agents, and not just private ones but even some government officials who openly acknowledged their sympathies for what they were doing.

These agents regarded the paramilitary groups as a just expression of the legitimate right to self-defense. Secondly, at that time it was still difficult to agree on what the paramilitary phenomenon was. The human rights advocacy community – both national and international – and opposition movements understood the existence and activities of the paramilitary groups to be part of a dirty war promoted by high-ranking military officers as part of plan to exterminate the insurgents and the opposition.

The government, by contrast, blamed dark forces for perpetrating this violence – including insubordinate State agents – but believed that its darkness obscured the work of those with the greatest responsibility for what was happening. The lack of clarity in understanding paramilitarism was a factor that made it difficult to design policies to check its expansion.

In 1989 President Virgilio Barco issued four decrees to confront the paramilitary phenomenon[110] after recognizing that groups of private justice, whose relationship with drug-trafficking was increasingly evident, were disturbing public order under the protection of the legal framework that had enabled them to be created. These decrees : 1) prohibited the participation of civilians in military operations; 2) penalized the promotion, funding of or membership in "self-defense" groups; 3) established an Anti-Hired Killers Committee (Comité Antisicarial) to coordinate the State´s efforts to dismantle the paramilitary groups; and 4) suspended the regulations that were considered to be the legal foundation for the creation of self-defense and paramilitary groups. In May of that year, the Supreme Court of Justice declared paragraph 3 of Article 33 of Decree 3398 of 1965 unconstitutional, ruling that it violated Article 48 of the 1886 Constitution, which stipulated that only the government could introduce, manufacture and possess weapons and munitions of war. And even though it declared Article 25 of the same decree to be constitutional, which established the possibility of creating self-defense boards, it clarified that the interpretation of this regulation should not lead to the conclusion that there was any legal authorization to organize armed civilian groups that would try to replace the legitimate work by State security organizations to restore

107. According to what Father Javier Giraldo states, "Heading no. 183 of Resolution 005 of April 9, 1969 is aimed at 'organizing the civilian population in military form, so that it protects itself against the actions of the guerrilla and supports the execution of combat operations'. Further on, the same Resolution authorizes the formation of 'Self-Defense Juntas'; these are 'an organization of a military kind that is made up of civilian personnel chosen in the zone of combat, which is trained and equipped to undertake actions against groups of guerrilla soldiers that appear in the area or to operate in combat actions in coordination with the army´s troops'. These Self-Defense Juntas will be used to 'prevent the formation of armed groups'. The formation, training and equipping with armament are taken into consideration there. That Resolution was followed by many others that set forth the regulations for contra-guerrilla combat, in which it was taken for granted, as the objective of the troops, the formation of groups of armed civilians and instructions were given to promote them. Cfr. *Manual de Contraguerrillas de 1979* (1979 Counter-guerrilla Manual), *Manual de Combate contra Bandoleros o Guerrilleros* (Manual of Combat against Bandits or Guerrilla fighters).Resol. 0014 of June 25, 1982, EJC-3-101/82; Reglamento de Combate de Contraguerrillas - EJC-3-10/87). "*El paramilitarismo, una política de Estado que devora al país*" ("Paramilitarism, a State policy which devours the country"), downloaded May 31, 2013, http://www.javiergiraldo.org/spip.php?article76

108. The Regulations for counter-guerrilla combat (created by the General Command of the Military Forces and published on April 9, 1969, defines the 'Self-defense Juntas' as groups of civilians armed and trained by the regular military forces with the aim of participating in counter-insurgency operations.

109. Jacobo Grajales, "*El proceso de desmovilización de los paramilitares en Colombia: entre lo político y lo judicial*", ("The process of demobilizing the paramilitaries: between the political and the judicial"), *Desafíos* 23 2 (2011): 158.

110. Decrees 813, 814, 815 and 1194 of 1989.

public order. In spite of the efforts of President Barco, these reforms did not check the advance of the paramilitary groups, since the Anti-Hired Killers Committee was never formed, and the armed forces never made a clear commitment to help dismantle these illegal armed organizations.[111]

Conflicts within the government about its stance on the paramilitary groups also influenced the response of César Gaviria's administration to this phenomenon, first in the context of the National Constituent Assembly and then in the early stages of its implementation. Although this administration made an important effort to define a comprehensive strategy against violence that acknowledged some of the characteristic aspects of the paramilitary groups, in practical terms, it continued to consider the phenomenon as part of narco-terrorism.

On recognizing the continued existence of self-defense groups which went into hiding after Virgilio Barco dismantled the abovementioned regulations in 1989, the Gaviria administration created "special services for surveillance and private security",[112] later known as the "Convivir".[113] According to the government's explanation at that time, these services sought to curb the rise of paramilitary activity by offering a legal alternative that would be monitored by the State.

The fears expressed about the creation of the Convivir by several cabinet ministers, the Office of the High Commissioner for Peace, and the Presidential Council on Human Rights proved well- founded, since these groups not only expanded quickly, but some wound up being involved in paramilitary activities. Three facts contributed to this: 1) the inability of the government to direct and control the Convivir, partly due to internal disagreements; 2) the widely-held notion that the armed forces were ineffective, which had become common due to increased guerrilla attacks; and 3) the authorization for civilian use of weapons reserved for the Security Forces, which had been in force since 1993, when Decree 2535 was issued.[114] Later, two provisions of the Constitutional Court would halt the advance of a legal foundation for paramilitarism: Sentence C-296 of 1995, which declared unconstitutional the authorization to found Security Forces groups other than the Armed Forces and the Police; and Sentence C-572 of 1997, which declared the existence of the Convivir to be constitutional, but limited important factors like the type of weapon their members could use – which could not be the kind used by the Security Forces – and imposed a mandatory control of them by the Superintendency of Surveillance (Superintendencia de Vigiliancia) which would ensure that they did not use techniques and procedures other than those allowed for other surveillance and private security services.

During Ernesto Samper's administration, some measures were taken to prosecute paramilitary groups, progress was made in defining the legal treatment of them, and it began to be understood that analyzing the role of these agents in the peace policy was necessary.[115] To boost the prosecution of paramilitaries, this administration created the Search Bloc for Private Justice Groups by means of Decree 2895 of 1997. For its part, the Office of the Attorney-General, led by Alfonso Gómez Méndez, captured emerald dealer Victor Carranza, one of its greatest successes in this embryonic fight against the paramilitaries

111. See: Daniel García-Peña, "La relación del Estado colombiano con el fenómeno paramilitar: por el esclarecimiento histórico", ("The relation of the Colombian State with the paramilitary phenomenon: in the name of clarifying history"). *Análisis político* 18 53 (2004): 63, downloaded May 31, 2013, http://www.scielo.unal.edu.co/scielo.php?script=sci_arttext&pid=S0121-47052005000100004&lng=es&nrm= ; and Grajales, "*El proceso de desmovilización de los paramilitares*" ("The process of demobilizing the paramilitaries), 162-163.

112. Law Decree 356 of 1994, also known as the Statute on Surveillance and Private Security.

113. Resolution 368 of 1995 of the Superintendency of Surveillance and Private Security. See: Grajales, "*El proceso de desmovilización de los paramilitares*" ("The process of demobilizing the paramilitaries"), 162-163.

114. Comisión Colombiana de Juristas (Colombian Commission of Jurists), "*Documento informativo extraordinario. Extremar los controles en materia de porte y tenencia de armas de fuego*" ("Special informative document. Tightening the controls on the carrying and possession of firearms"), 3-5.

115. García-Peña, "*La relación del Estado colombiano con el fenómeno paramilitar*" ("The relation of the Colombian State with the paramilitary phenomenon"), 63.

However, the Search Bloc was never formed, and Carranza was finally released due to the expiration of terms.[116] During the Samper administration the juridical treatment of the paramilitaries was dealt with in Laws 241 of 1995 and 418 of 1997, which created the possibility of reinserting the paramilitaries into civil society and authorized the government to grant them a political status, which thus extended the one given to guerrilla groups and popular militias. Also, the consideration of alternatives related to the eventual peace negotiations resulted in a greater recognition of the paramilitaries as agents in the armed conflict. Thus, the recommendations of the Exploratory Commission appointed in 1997 by President Samper amounted to the first attempt to include the issue of the paramilitaries in articulating peace policies.[117]

Later, during Andrés Pastrana's administration, the State made further advances in rejecting paramilitarism. However, this rejection was mainly of a political rather than a judicial nature, reflecting pressure from the U.S. State Department. It involved the dismissal of Generals Rito Alejo del Río and Fernando Millán, who had been repeatedly questioned for alleged links to paramilitary groups.[118] Beyond that, prosecutions of members of the paramilitary were rare, even in cases where there were significant evidences that linked the military with self-defense groups and the latter with serious violations of human rights, as the Inter-American Commission on Human Rights, among others, showed.[119]

When Álvaro Uribe Vélez took office, his policy on the treatment of self-defense groups focused on restoring the monopoly of weapons to the State, and thus prompted changes in the regulations affecting them and peace negotiations with three self-defense groups: the United Self-Defense Groups of Colombia (AUC) in 2003, the Central Bolívar Bloc and the Victors of Arauca Bloc in 2004. The regulatory change used to advance negotiations with these groups was an amendment to Law 418 of 1997, which was the legal framework used in previous peace talks with the guerrilla.

This regulation allowed pardons to be granted to members of the illegal groups with whom peace talks were underway and who had been subjected to an enforceable sentence for committing a political crime.[120] However, according to this law, peace talks could only be held with illegal armed organizations which had been granted a political status. And although previous administrations had suggested this alternative in the case of paramilitary groups, the reality is that some of the characteristic features of the origin and actions of these groups sowed doubts about the possibility of giving them this type of recognition.[121]

116. "La ingeniería jurídica permite que uno de los mayores narcotraficantes y paramilitares de Colombia quede en libertad" ("Juridical maneuvers allow one of the biggest drug-traffickers and paramilitaries to be freed"). *El Espectador* newspaper, December 28, 2001, downloaded May 31, 2013, http://www.derechos.org/nizkor/colombia/doc/carranza.html

117. This Commission was made up of José Noé Ríos and Daniel García-Peña and was formed by president Ernesto Samper in 1997 for two purposes: "1. That it inquire into the possibilities of talks with the guerrilla groups, and 2. That it present recommendations about the treatment given to the so-called self-defense groups in the armed conflict in order to achieve the same purpose". García-Peña, "*La relación del Estado colombiano con el fenómeno paramilitar*", ("The relation of the Colombian State with the paramilitary phenomenon"), 63.

118. García-Peña, "*La relación del Estado colombiano con el fenómeno paramilitar*", ("The relation of the Colombian State with the paramilitary phenomenon"), 64.

119. In its third report on the human rights situation in Colombia, published in 1996, the Inter-American Commission on Human Rights denounced the "Convivir" self-defense organizations, having "received many complaints which indicate that the legal status of the Convivir groups has been used by paramilitary groups as a shield against their violent activity. The Commission believes that by creating the Convivir without including a mechanism for adequate control by a supervisory authority, the Colombian State has created the conditions that allow for these kinds of abuses". Comisión Interamericana de Derechos Humanos, Organization of American States, , "*Violencia y la violación del Derecho Internacional de los Derechos Humanos y el Derecho Internacional Humanitario*", ("Violence and the violation of the International Law on Human Rights and International Humanitarian Law"). Third report on the Human Rights situation in Colombia, downloaded June 1, 2013, http://www.cidh.org/countryrep/Colom99sp/capitulo-4e.htm

120. Article 50 of Law 418 of 1997.

121. An example of this, mentioned above, were the recommendations given to the Exploratory Commission that president Samper formed in 1997. According to those recommendations, even though the self-defense groups should be acknowledged as agents in the armed conflict (in the terms of the third common Article of the Geneva Conventions), they should not be granted the status of political agents. Furthermore, the State should undertake a clear and effective demarcation of the paramilitaries and confront them with the same vigor it applies to the guerrilla. See: García-Peña, "*La relación del Estado colombiano con el fenómeno paramilitar*", ("The relation of the Colombian State with the paramilitary phenomenon"), 63.



Silence or the truth. Mothers of La Candelaria. 2009. Photograph: Jesús Abad Colorado ©.

To settle this problem without having to face a political debate, Law 782 of 2002 extended and amended certain provisions of Law 418 of 1997. In particular, it eliminated the requirement that peace talks could only be held with illegal organizations that had been recognized as having a political status.[122] As a result, Law 782 authorized peace talks with the self-defense groups.

These changes, however, did not offer an alternative for paramilitaries accused of committing crimes against humanity and violations of International Humanitarian Law. Therefore, it was not attractive to the paramilitary leaders. As will be explained below, this apparent void led to the issuance of the Law of Justice and Peace (Law 975 of 2005).

3.3.3. The incipient chapter of transitional justice in Colombia

What we know today as the Justice and Peace system in criminal law is the result of, at least, four distinct though related processes:
1) The inconclusive negotiations between Álvaro Uribe Vélez's administration and the self-defense groups; 2) the parliamentary discussions of a regulatory framework for demobilizing and prosecuting organized illegal armed groups; 3) the Constitutional Court's decision to consider Law 975 of 2005 as constitutional (that in the end had the support of the Congress); and 4) the Decrees and Rulings of the Criminal Division of the Supreme Court of Justice that interpreted the scope of that law, specifically its procedures and substantive principles.

The initial discussions in the Congress took place simultaneously with negotiations with the paramilitary groups and were brought about by a bill for alternative criminal sentences (Statutory Bill No. 085 of 2003). This bill was sponsored by the first administration of Álvaro Uribe Vélez and apparently came very close to the agreements reached in the negotiations with the paramilitary groups. After heated debates and strong criticisms from certain political sectors as well as national and international social and public opinion movements, the initial bill was withdrawn by the government and reformulated.[123]

The Justice and Peace Law was conceived with the aim of providing a legal framework for negotiations for which no previous regulatory frameworks seemed adequate. Indeed, if, after Sentence C-456 of 1997, which suppressed the subsumption in rebellion of common crimes committed by combatants in combat, it was difficult to argue that *guerrilleros* deserved a different treatment than that given to any common criminal, it was much more difficult to find a mechanism for negotiating with an agent whose ties to common crime were even closer, and whose *altruistic* concerns were far less clear.

In Laws 418 and 782, granting benefits in criminal matters was still conditional on these ordinary crimes occurring along with political crimes, provided that the first were not, in any case, heinous crimes. If no political status was recognized, negotiation would be possible but no concessions in judicial matters could be made.

In addition to the internal constraints of the regulatory framework and the development of an adequate jurisprudence in Colombia, international human rights standards were being gradually adopted both by Colombian jurisprudence under constitutional provisions and several victims' movements and human rights organizations in the country. Indeed, negotiating with the paramilitaries raised serious suspicions about what was really at stake.

In the opinion of several national and international analysts, the concessions that the government granted in the negotiations with its allies in the fight against the guerrilla were unjustified, in that they appeared to amount to a covert self-amnesty and the consequent legalization of groups

122. Article 20 of Law 782 of 2002, which modified Article 50 of Law 418 of 1997.

123. For a detailed history of the birth of "Justicia y Paz" ("Justice and Peace"), see the third chapter of the report published by the GMH: *Justicia y Paz. Los silencios y los olvidos de la verdad* (Justice and Peace: The silences and things forgotten in the truth). Bogotá: Taurus/ *Semana*, 2012.

that had taken over certain regions with resources obtained by violent means. In the midst of all these tensions and paradoxes, which have profoundly affected it, the system of Justice and Peace has come into being and been subjected to reforms in the course of its short history.

Thus, in essence, Justice and Peace is an attempt to harmonize respect for the rights of victims to truth, justice and reparation with a politically and legally admissible judicial alternative that allows for a definitive conclusion to the negotiations between the government and paramilitary groups. It was thus established that if those responsible for very serious crimes could prove to the government that they had demobilized as a member of any of the groups recognized as parties to the negotiation process – always providing that they submit to justice and maintain an unswerving commitment to tell the truth about their crimes and properties, and to the non-repetition of their illegal acts – they would receive benefits in their trials and sentences for acts committed during and due to their membership in such groups.

In addition to special conditions of confinement, the demobilized soldiers who met such requirements would only have to spend between five and eight years in prison. Prosecutors, investigators and judges were obliged to conduct investigations, file complaints and issue sentences, and only at the end, once this was done, would the decreed sentence be commuted in line with the norms for alternative sentences.

The difficulties facing the system are quite varied, and all are highly complex. On the one hand, from a point of view that is both substantive and procedural, the manner and meaning of the victims' participation in the judicial proceedings has been the subject of extensive debates. A more or less widespread criticism of the Justice and Peace system is the belief that, while the recognition of the rights of victims is among its most elementary principles, the system has not succeeded in turning the judicial arena into a scenario which empowers the voices of the victims to challenge the version of the victimizer.

For many, the lack of clear strategies to include the victims in judicial proceedings, due in part to the adversarial nature of the criminal proceedings, has wound up binding the truths which the system reveals to the interests and self-justifications of the victimizers. However, a closer look at what happens in the Justice and Peace system allows for a more complex interpretation. While it is true that the victims have only had a marginal role in the judicial arena (which depends more on the initiatives of prosecutors and judges than the prevailing normative order), this does not mean that the voices of the perpetrators prevail over others.

A recent report published by the GMH, entitled *Justice and Peace – Judicial Truth or Historical Truth? (Justicia y Paz, ¿verdad judicial o verdad histórica?),* notes how, taken as a whole, the criminalizing tendencies of modern criminal law have defined not only the system of incentives in the law, but also, and what was more doubtful, its empirical operation. Even without the direct participation of victims, the judicial scene sets in motion a series of procedures which successively prevent the accused from presenting heroic self-justifications and former members of paramilitary groups from alleging political motives.

This tension points to another knot in the system: the confusion between the exceptional and the ordinary in transitional justice. Critics of the Justice and Peace system often point out, and rightly so, that both judicial officials, regarded individually, and the judicial branch as a whole, were not prepared to adequately deal with the challenges inherent in a special criminal regime of a transitional nature. Consequently, the only way to respond to the overwhelming burden of work imposed upon them was to make the proceedings *ordinary* by resorting to the Codes of Criminal Procedure, currently in force at that time, which lay at hand. This tendency presents several difficulties. The first is that the regulatory resources of ordinary justice are not adequate for prosecuting systemic crimes, which is what criminal justice usually has to deal with in a transitional scheme. As the abovementioned report warns:

> While the categories of ordinary justice are often useful for describing and punishing the illegal conducts of individuals or small groups of individuals against other individuals, systematic crimes, for their part, insofar as the responsibility for them usually lies with complex and organized apparatuses of power which

> are often entrenched in the State institutions which attempt to judge them and are thus still powerful when they are being tried, frequently place great difficulties in the way of an adequate definition and adequate punishment of the criminal conducts.[124]

But the second difficulty, and perhaps the most important, is the confusion between procedural or judicial truth and historical truth in the judicial arena. Due to the expectations which the Justice and Peace processes have created about determining the truth, the judicial investigators usually face a demand to ensure that the truths which result from their work are, at one and the same time, justifiably procedural and faithful to history, in that such truths are the combined result of the probatory rigor of criminal law and the heuristic amplitude of historical narratives. In the general context of applying the norms of ordinary justice to the proceedings, such a demand has two highly complex effects: on the hand, it leads to an impoverished historical account, due to the constraints imposed by the narrow definitions of the judicial categories which are employed. And the other, the effectiveness of justice is gravely questioned.

After nearly eight years in existence, the Justice and Peace system had been responsible for prosecuting approximately 4,400 cases but has only produced fourteen sentences. At the time this report was written, only nine of them have definitely led to an appeal. Despite this, there is undeniable progress in the system for revealing the truth: 39,546 acts were confessed; 12,869 cases were sent to the ordinary courts, of which 1,124 have gone to the Supreme Court to judge politicians connected with the paramilitaries; and 3,929 graves were exhumed with 4,809 bodies found by December 2012.

These figures give an idea of the mammoth task at hand. Fourteen sentences are very few in comparison to the almost 40,000 crimes confessed. This complex situation explains why some analysts who had accepted



Gloria Milena Aristizábal was disappeared in May 2002. Her mother Rosalba along with some neighbors and friends like Pastora Mira found the place where her body was left by the paramilitaries. Rural district of la Holanda, San Carlos, Antioquia, 2007. Photograph: Jesús Abad Colorado. CNMH.

124. GMH, *Justicia y Paz: ¿verdad judicial o verdad histórica?* (Justice and Peace: judicial truth or historical truth?). Bogotá: Taurus/ *Semana*, 2011), 23.

the Constitutional Court´s opinion, laid down in Sentence C-370 of 2006, that alternative criminal sanctions were not comparable to a pardon or amnesty, wound up stating that it is a *de facto* amnesty: under current conditions it is impossible to adequately prosecute those nominated by the government as beneficiaries of alternative sentences. The most optimistic estimates (that is, by those who expect a marked acceleration of the procedure following the learning of lessons, advances in the investigations and the implementation of the reform)[125] now believe it will take several decades of work to achieve a complete judgment. The less optimistic ones speak of a task that will take centuries.

Serious and numerous doubts also exist about reparations. So far, in the case of Mampuján alone, reparations have been decreed by the courts for an amount reaching 32 billion pesos. This money is destined for a Reparations Fund, made up of properties surrendered by the paramilitaries. According to the Ministry of Justice, that armed group has 96 billion pesos, of which only 60 billion appear as monetized (that is, that do not face legal problems to enter the market).

Making a rough estimate, it can be concluded that the reparations ordered, by judicial means, in the Mampuján sentence, would benefit 0.4% of the pool of total victims identified by the Fiscalía. Those victims would receive 33% of the total resources of the Fund, with more than 50% of the monetized resources. As a subsidy, the government shall have to assume the obligations that are beyond the reach of the Fund. Consequently, an enormous effort by the State will be needed to compensate the victims whom it could not or would not defend.

Indeed, the challenge that faces the Colombian justice system in the midst of a transitional model is not confined to the challenges in the criminal matters we have just discussed. Advancing in the transition towards peace means reversing the factors which the armed conflict set into motion and transcend the strictly criminal sphere. One such phenomenon has to do with the massive land seizures in Colombia, which far from being a side effect of the conflict, have been one of the main reasons for it. This problem has forced the State to consider the need to strengthen and reform the justice system in order to provide solutions for the victims. With Law 1448 of 2011, the Colombian State opted for a mixed mechanism for land restitution that assigns a key role to the judicial branch, and set a challenge for the rest of the country, unprecedented in the world, to design and implement a system of transitional civil justice.[126]

The challenge is immense for several reasons. First, due to the magnitude and complexity of abandoned and dispossessed land.[127] Between

125. In 2012 the Congress passed a reform to Law 975 of 2005 whose fundamental aim is to give more agility to the procedures of the Justice and Peace system, include differentiated focuses in them, regulate the reasons why a petitioner may be excluded and make its investigations more effective (it was presented as Bill 95 of 2011 and authorized by Law 1592 in December, 012). Some significant advances proposed by this reform initiative have to do with the principles of assigning the priorities and selection of tasks by the attorney-general and the judges. In fact, given the volume of work they face, it is evident that if some basic criteria for assigning priorities are not established, the de facto assigning of priorities without any pre-established criterion which favors the protection of the victims´ rights will continue. However, the reform has also been the subject of harsh criticisms, due to the modifications made to the "incident for which there is reparation", a procedure which took place before the ruling was made and whose aim was to identify the harms caused by the deeds the ruling was concerned with and reach an agreement with the victims and their representatives about the best way to provide reparation for those harms. Instead, the reform turned into a procedure which takes place after the judicial proceedings and is of an administrative nature. That change, which drastically limits the possibility of reparation by judicial means, has been harshly criticized by the victims´ movements and analysts who are experts on the subject.

126. According to Camilo Sánchez and Rodrigo Uprimny, transitional civil justice may be regarded as a transitional justice that regulates the relations between individuals in societies which are faced with a legacy of systematic violations and is part of a broader judicial project which seeks to make the guilty parties responsible for their crimes and promote reconciliation. In that regard, transitional civil justice involves the regulation of the relations among individuals – generally covered by the norms of private law – at times of transition or post-conflict, which may include, among other measures, special programs for the restitution of lands and judicial actions of private law. Camilo Sánchez and Rodrigo Uprimny, "*Justicia transicional civil y restitución de tierras*", ("Transitional civil justice and the restitution of lands"). Dejusticia (unpublished draft, 2012): 48.

127. "Abandonment implies the suspension of the use, enjoyment, access to and possession of things or even rights, for a certain period and due to voluntary or involuntary causes; that is, the temporary or permanent deprivation of the things a person has and/or enjoys… With forced seizure [*despojo*], in contrast to abandonment, there is a manifest intention of theft, expropriation and alienation of a property or a right". GMH, *El*

1995 and 2010, at least 266,480 families that had rights – as owners, possessors or occupants – to lands of a geographical area of approximately 6.5 million hectares were victims of forced abandonment or dispossession in Colombia.[128] The methods of land usurpation were varied and refined over time: they range from violent acts that sought to produce forced abandonment and illegal land transfers between individuals to illegal seizures due to the complicity or negligence of administrative or judicial authorities, the usurpation of vacant State property,[129] and dispossession due to distorted land market operations, as occurred in the region of Montes de María.[130]

Second, transitional justice represents a huge challenge because of the implications that not reversing such dispossession would have. To comprehensively repair the harms caused by this scourge and punish the responsible parties is not only an ethical and legal imperative, it is also the way to regain the victims' trust in the State and thus lay the foundation for reconciliation. Anything less would validate the accumulated power and fortunes built at the expense of the suffering and death of the victims, and accept that violence is a legitimate means to take over the ownership of lands.[131]

Third, Colombian transitional justice faces the crucial challenge of addressing the historical exclusion of ethnic communities which have been particularly vulnerable to the violence of the conflict and the perverse indirect effects of the armed confrontation. In this sense, although implementing the right to prior consultation of Afro-Colombian communities faces many difficulties – to the point that a decree (Decree Law 4635 of 2011) was subject to a lawsuit on constitutional grounds which has still not been ruled on by he Court, precisely due to a lack of prior consultation – the implementation of the same process in the case of indigenous peoples and communities can be regarded as an instance of remarkable progress from at least two points of view. On the one hand, the process for reaching an agreement between the indigenous communities and the government made progress in the construction of a consistent methodology for realizing prior consultations that are open, informed, and temporarily adjusted in cases involving legislative measures rather than the economic ambitions of private individuals. On the other hand, and as a result of this agreement, Decree Law 4633 of 2011 established principles that meet the essential demands of indigenous communities and peoples in a relatively satisfactory way.

Among other issues, the decree addresses guarantees for their physical and cultural survival; respect for the Law of Origin, Natural Law, Greater Rights or Personal Rights; the guarantee of their fundamental rights to their territory; the recognition of the particular forms of victimization to which they have been exposed because of their ethnic identity; and the largely but not exclusively collective nature of the harms they suffered and of their current demands. To enforce these principles, new measures to protect territories, communities and the autonomy of indigenous governments have been created. These new guarantees seek to expand the scope of transitional justice, particularly when it involves harms done to historically-excluded ethnic communities.[132]

despojo de tierras y territorios. Aproximación conceptual (The forcible seizure of lands and territories. A conceptual approach). Bogotá: CNRR/ IEPRI, 2009, 25.

128. PPTP, "*Unidades agrícolas familiares*" ("Family agricultural units"), 121.

129. See: Dejusticia, "*Justificaciones, dilemas y estrategias para la restitución de tierras y territorios. Módulo de autoformación para funcionarios de la Unidad Administrativa para la Gestión de la Restitución de Tierras Despojadas*" ("Justifications, dilemmas and strategies for the restitution of lands and territories. Self-training module for officials of the Administrative Unit for the Management of the Restitution of Forcibly Seized Lands"), unpublished draft, 2012); PNUD/UNDP, *Colombia rural. Razones para la esperanza. Informe Nacional de Desarrollo Humano 2011* (Rural Colombia. Reasons for hope. National Report on Human Development, 2011), Bogotá: UNDP/ PNUD, 2011).

130. See: GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la Costa Caribe* (The fight over land. Memories of forcible seizure and peasant-farmer resistance on the Caribbean Coast, 1960-2010). Bogotá: Taurus/ *Semana*, 2010.

131. Alejandro Reyes, "*Restitución de tierras y reordenamiento de la propiedad agraria*", ("The restitution of lands and reordering of agrarian property"). *Razón pública*, downloaded June 1, 2013, http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/

132. Natalia Orduz and César Rodríguez, *La Consulta previa: dilemas y soluciones. Lecciones del proceso de construcción del decreto de reparación y restitución de tierras para pueblos indígenas en Colombia* (Prior consultation: dilemmas and solutions. Lessons learned from the process of creating the decree on reparation and the restitution of lands for indigenous peoples in Colombia). Bogotá: Dejusticia, 2012).

As a fourth point, it is necessary to consider the challenge involved in setting a scheme of civil transitional justice in motion when the justice system already finds it difficult to function properly within the framework of the land restitution policy. There are various complications: institutional, procedural, probatory and support from and coordination between the executive branch and the judiciary.

As for security, the challenge is to ensure that judges, land restitution magistrates, leaders and plaintiffs enjoy the conditions needed to do their work and participate in the procedures without fear of reprisals. It is essential to neutralize the so-called anti-restitution armies.[133]

Regarding institutional capacity, it is necessary to provide regional judicial officials with the tools and support they need to adjudicate the cases with the due deliberation. This would imply strengthening the mechanism for gaining access to information, the technical capabilities of the judges, and channels of communication with other entities.

In procedural matters, the challenge is also immense. The mechanism for judicial restitution outlined in Law 1448 of 2011 redefines some fundamental principles of ordinary civil proceedings and introduces innovations in accordance with the transitional perspective. These new changes are strange when compared with the tradition of civil law in Colombia, since they include: 1) reversing the burden of proof in favor of the victim; 2) an abbreviated procedure in which basic procedural considerations have a different scope in order to deal with the enormous number of cases;[134] 3) the importance of a prior administrative stage to document cases for hearings before judges and a Special Administrative Unit for the Restitution of Dispossessed Lands (UAEGRTD) that would act as a kind of prosecutor on behalf of the victims in such proceedings; 4) the extensive power judges have to give orders – which includes declaring administrative decrees or previous judicial decisions invalid – in order to ensure the material and legal restitution of properties, among others.

Finally, one last challenge in the context of restitution is that the justice system will have to confront its own failings, or at the very least, acknowledge the mistakes in previous judicial decisions that aided dispossession by declaring new possessors to be the owners of properties that were forcibly abandoned.

The initial sentences reveal the challenges which the judiciary faces in restituting lands. In the two years following the passing of Law 1448 of 2011, restitution judges and magistrates have made 176 rulings involving 480 cases and 13,343 hectares of land. The UAEGRTD has received more than 40,000 claims, of which 8,483 have been processed and 2,360 already entered into the Register of Forcibly Dispossessed and Abandoned Lands. Of these, a total of 1,761 have been submitted to judges specializing in restitution. Additionally, to secure restitution for ethnic groups, preventative measures have been ordered to protect the collective territorial rights of three Community Councils and one indigenous community, and progress has been made in cases of other ethnic communities.[135]

The difficulty in recruiting and training judges and magistrates, consolidating the regional presence of the UAEGRTD and the judicial system and dealing with the technical complexities of documenting and studying the cases, among other matters, have hampered the agility of restitution. These are challenges that will require further progress so that the legal system can meet its goals during the ten years in which Law 1448 of 2011 remains in force.

133. See: "*Piden a Santos acciones contra ejércitos anti-restitución*" ("Calls for Santos to act against anti-restitution armies"). *El Espectador* newspaper, November 29, 2012, downloaded June 2, 2013, http://www.elespectador.com/noticias/politica/piden-santos-acciones-concretas-contra-ejercitos-anti-r-articulo-389813

134. Camilo Sánchez and Rodrigo Uprimny, "*Justicia transicional civil y restitución de tierras*", ("Transitional civil justice and the restitution of lands"), 60.

135. Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas (Special Administrative Unit for the Management of the Restitution of Forcibly Seized Lands). Consolidated figures as of June 30, 2013.

3.3.4. Parapolitics: resistance and strengthening of the leading justice system in the face of the criminal co-optation of the State

The process of transitional justice with the paramilitaries opened a chapter in the conflict's history which deserves special comment not only due to the leading role that the Supreme Court of Justice played, but also because it forms part of a history of prosecuting and condemning criminal political conducts, the penultimate chapter of which occurred during the Samper administration with the legal investigation known as the "8,000 File" (Proceso 8.000).

Parapolitics may be defined as the most shameful and widespread example of systematic alliances between politicians, illegal armed groups, and drug traffickers in the whole of Colombia's history.[136] It is a phenomenon that has largely overwhelmed the capacity of the judicial system, since even though a considerable number of trials have been initiated, there is so much evidence of alliances between paramilitaries and politicians that the investigations the justice system has undertaken only cover a small portion of the phenomenon.

Indeed, under Law 975, the National Prosecutors´ Unit for Justice and Peace had certified that, up to December 2012, there 12,869 case files in the hands of the ordinary courts.

They were asked to investigate possible links with paramilitary groups in the case of 1,124 politicians, 1,023 members of the armed forces, 393 public servants and a group of 10,329 people which includes demobilized paramilitary soldiers and third parties (including many local entrepreneurs).[137]

The proceedings involving local politicians and public officials have advanced slowly in comparison with the magnitude of the revelations. According to "Verdad Abierta" (Open Truth), based on a report by the Office of the Attorney-General, as of September 2012 the prosecutors of the Anti-Terrorism Unit who are responsible for investigating local parapolitical cases had accused:

> 19 mayors; eight more were convicted and two were acquitted. Seven local leaders benefited from plea bargains. Regarding councilmen, 19 were charged and another admitted responsibility to the investigating body. Likewise, 23 public officials accepted plea bargains, another 18 are already in jail and 2 were acquitted. Finally, according to the report of the same Fiscalía, 27 former mayors were charged with involvement in parapolitics, nine more voluntarily accepted the charges, 13 were convicted and one was absolved. As for the councilmen, 19 were accused, 81 availed of plea bargains, and 10 were convicted.[138]

What factors can explain this widespread collusion between politicians and criminals which jeopardized the legitimacy of democracy in Colombia? The situation even degenerated to the point that national institutions as important as the Administrative Department of Security (DAS) and others were infiltrated and exploited and thus endangered and severely distorted the application of justice, as in the case of Guillermo Valencia Cossio of the local branch of the Office of the Attorney-General in Antioquia, on behalf of the paramilitaries.

136. While there have been other scandals about the infiltration of politics by organized crime and the mafia in Colombian history, the magnitude of the "para-politics" one surpasses all of them by far. In the words of López and Sevillano, "when Pablo Escobar was elected to the House of Representatives in 1982, his votes and that of his ticket amounted to less than 1% of the total votes in the Senate. When it was discovered that the Cali Cartel had massively infiltrated the 1994 election campaigns, the votes of those who were convicted amounted to 8% of the votes in the Senate and when you add others who were involved in the Process 8,000 investigation, that rose to 12% of the votes in the Senate. By 2006, the seats of those who are being investigated for links to the narco-paramilitary faction were 35% of the ones in the Senate and their votes amounted to 25% of the total. This constant growth indicates that drug-trafficking has refined its methods for infiltrating the institutions of political power and raised their level and success". Claudia López and Óscar Sevillano, "*Balance político de la parapolítica*", ("Political assessment on para[military] politics"). *Arcanos* 14 (2008): 62-87.

137. These figures are constantly updated and may be consulted at the website of the Prosecutors Unit for Justice and Peace (Unidad de Fiscalías para la Justicia y la Paz): http://www.fiscalia.gov.co:8080/justiciapaz/Index.htm

138. See: Prosecutors Unit for Justice and Peace (Unidad de Fiscalías para la Justicia y la Paz): justiciapaz/Index.htm



Graffiti of the AUC in the rural district of El Placer, Bajo Putumayo. Photograph: Jesús Abad Colorado © 2011.

Narco-paramilitarism took advantage of the precarious and weak state[139] of the Colombian electoral system[140] to support or coerce politicians who allowed such illegal groups to appropriate municipal revenues and secure a political power that would reduce their risk of being prosecuted by influencing the laws that were being passed. However, it was not limited to these actions, but went even further. The paramilitary influence altered the map of regional and national politics by sponsoring traditional or emerging politicians, who they then blackmailed with the threat of revealing the help that they had received.

Among other objectives, this strategy sought to: gain control over politics and the revenues of the public sector, ensure the presence of their allies in national institutions who would support them in the counter-insurgency fight, guarantee a favorable legal framework which would safeguard the capital they had acquired from the possible intervention of the State and minimize their exposure to criminal justice, influence laws crucial to the interests of those who financed and supported them; and develop a national political project that would be favorable to their interests and those of their allies.

They were able to amass a political clout that was not only strong in numerical terms, but also reached the highest spheres of national power: seven of the ten presidents of the Senate between 2002 and 2012 have been or are being tried by the Supreme Court for alleged links with the paramilitaries.[141] The parapoliticians were also key players in the government's coalition: eight out of the ten investigated for parapolitics who held a seat in the Congress between 2002 and 2010 belonged to parties of the pro-Uribe coalition.[142]

In addition to the scope of this reconfiguration of the State, academic studies have also suggested the existence of an *inverted capture* of power. This concept describes the phenomenon in which it was not only the paramilitaries who exploited legal political power, but the political class itself which sought out and took advantage of paramilitary violence as well. Proof of this is seen in the events surrounding the origin of the paramilitaries in departments such as Sucre. Some investigations consider that there is sufficient evidence to affirm that the political class itself was responsible for leading and arming the paramilitaries.[143] In some cases, such politicians slipped out of the control of the politicians and even betrayed them; in other cases, the criminals were used and then effectively neutralized by the politicians.

Given the sophistication of this strategic infiltration of politics by the paramilitaries, how did the truth of what happened begin to come out?

139. The phenomena of the capture and co-opted reshaping of the State are facilitated by, among factors, its institutional weakness and the glaring faults in the consolidation of a State of Law. On this subject, see: Luis Jorge Garay, Albarán Salcedo and Isaac de León Beltrán, *De la captura a la reconfiguración cooptada del Estado. Una síntesis analítica* (From the capture to the co-opted reshaping of the State. An analytical synthesis). Bogotá: Grupo Método/ Avina/ Corporación Transparencia por Colombia, 2009. In contexts where institutional weakness is combined with a significant flow of financial resources (as with the royalties local governments receive from the exploitation of natural resources), the local administrations may turn into an easy prey for illegal armed groups that seek to capture them in order to appropriate money from their budgets. The cases where departmental and municipal revenues have been captured by such agents have led to a renewal of the academic and political debate about the convenience of decentralization in the contexts of an armed conflict and precarious State institutions. See: Mauricio Romero Vidal, ed., *La economía de los paramilitares: Redes de corrupción, negocios y política* (The economy of the paramilitaries: Networks of corruption, business deals and politics). Bogotá: *Debate*, 2011); Mauricio García-Villegas, Javier Revelo and José Espinosa, *Los Estados del país* (The States of the country). Bogotá: Colección Dejusticia, 2012).

140. On the characteristics of the electoral system and the Colombian political culture that have facilitated the capture and manipulation of electoral norms by clientelist and criminal interests, see: García-Villegas and Revelo, *Estado alterado* (The altered State).

141. See, "*Cinco años de la parapolítica*" ("Five years of parapolitics"). *Verdad abierta*, downloaded June 2, 2013, http://www.verdadabierta.com/antioquia/index.php?option=com_content&id=4050

142. On this subject, see the chapter "*´Y refundaron la patria´: de la teoría a la práctica*" ("´And they refounded the fatherland´: from theory to practice"), in: Claudia López, *Y refundaron la patria. De cómo mafiosos y políticos refundaron el Estado colombiano* (And they refounded the fatherland: How mafiosos and politicians refounded the Colombian State). Bogotá: Debate, 2010) 29-78. Not even at the most critical moments of the para[military]politics scandal did ex-president Uribe decide to distance himself from such supporters, which shows that perhaps a good part of the government´s initiatives during that period (the U.S.-Colombia Free Trade Agreement and the political reform, among others) would not have been possible without the votes of the representatives in the Congress of the narco/paramilitary faction.

143. López, "*Y refundaron la patria*" ("And they refounded the fatherland"), 53.

Three efforts helped to reveal this scandalous truth.[144] First, researchers like Claudia López made important findings by analyzing irregular patterns of voting. At the same time, political leaders like Senator Gustavo Petro denounced the paramilitary infiltration of politics in debates at the Congress. Since such allegations were made before the 2006 elections, the political parties were pressured to start purging their membership, with the aim of expelling alleged parapoliticians and that led to an important public debate on the subject.

Secondly, the very dynamics that the Justice and Peace process acquired led the same paramilitaries to start revealing the links they had with the political class and pressured some politicians to make similar revelations. There were two key court decisions which strengthened that attitude of the paramilitaries. The first was Sentence C-370 of 2006, in which the Constitutional Court declared the Law of Justice and Peace to be constitutional but strengthened the victims' rights to truth, justice and reparation. Thus, the requirements that the executive and legislative branches had initially stipulated for conceding alternative sanctions were hardened. In particular, the decision decreed that the demobilized paramilitaries would have to confess the whole truth in their first voluntary testimony if they wanted to receive the benefit of an alternative sentence from five to eight years. The second was the Supreme Court's rejection of the possibility of treating crimes committed by paramilitaries as political crimes. Thus, it was no longer possible to receive pardon or be judged for sedition rather than criminal conspiracy.[145]

After these judgments, what had once been a political debate on the status of the paramilitaries and their relationships with the political class gradually shifted towards the judicial arenas. The paramilitaries also changed their strategy for legitimizing themselves before society and the State; they went from presenting themselves as heroes who had saved the country from the guerrilla to appearing as repentant criminals, willing to collaborate with the judiciary. This shift was made in order to obtain a more benign treatment, and appear to the public as secondary actors in a political, economic and social plan in which politicians, businessmen and the military participated – a plan that they were willing to denounce.

In addition to the paramilitary's changed position in the Justice and Peace process, a third, strictly judicial, factor helped to unleash the parapolitics scandal. The computer belonging to Edgar Ignacio Fierro Florez, alias Don Antonio, a paramilitary leader of the Northern Bloc of the AUC, was found, and it revealed information about paramilitary alliances with politicians and State officials. Based on this evidence, the Supreme Court of Justice and the Office of the Attorney-General began inquiries.

Additionally, the revelations of Rafael García, former head of informatics for the DAS, were also essential to unraveling the scope of the cooptation of that institution and the persons who had been responsible. A third source which aided the launching of the parapolitical investigations was the revelation of Senator Miguel de la Espriella regarding the Pact of Ralito, who had apparently been pressured by Salvatore Mancuso,. According to this

144. Grajales, "*El proceso de desmovilización de los paramilitares*" ("The process of demobilizing the paramilitaries"). File number 26945, Colombian Supreme Court of Justice.

145. These decisions provoked a heated attack on the high courts by the Executive branch, which accused the courts of thwarting the demobilization process and slanting their decisions. The tension between the Executive and the Judiciary increased after that with the indictment of the para[military]politicians, since the government, headed by president Uribe himself, chose to defend the members of his coalition who were being tried and to attack the judicial decisions. The tension was so grave that the judiciary is currently investigating evidences of conspiracies organized by the Executive itself that implicate the paramilitaries who sought to discredit the judicial officials who played a key role in the investigation of the para[military]politics scandal, as happened with the auxiliary magistrate of the Supreme Court of Justice, Iván Velásquez. Among the signs of these alleged conspiracies there is a letter written by alias Tasmania to Uribe Vélez in which he confessed that magistrate Velásquez had offered him juridical benefits in exchange for involving the president himself in the parapolitics scandal. Tasmania himself later retracted this confession and made it clear that his lawyer had told him that Santiago and Mario Uribe, the brother and cousin of the president, would help him if he made the confession. Another evidence of these alleged plots was the visit of the paramilitary leader, alias Job, to the presidential palace, which the judiciary is still investigating. There is no doubt that these tensions led the judiciary, which has played a leading role in all this, to understand the threat and stiffen its resistance to the processes of the co-opted reshaping of the State that was then underway. Claudia López and Óscar Sevillano, "*Balance político de la parapolítica*", ("Political assessment on parapolitics"), in: López, *Y refundaron la patria*. (And they refounded the fatherland).

document, more than 32 politicians in the region of Córdoba, including five congressmen, were seriously involved with the paramilitaries.[146]

The parapoliticians used much of their social and economic capital for their defense, which posed enormous challenges for the justice system and wound up strengthening its institutional capacities, particularly its right to a leading role, which has been the most efficient in addressing the phenomenon. In other words, the justice system in Colombia is not the same as it was before parapolitics.

The first challenge to the justice system involved congressmen who attempted to resign in order to avoid being investigated by the Supreme Court instead of the lower courts. This would have allowed them to turn the structural weaknesses of the latter to their favor, as indeed happened in some cases.[147] While the Court initially accepted the possibility of avoiding its jurisdiction by resigning,[148] it later warned of the risks of impunity implied by that decision.

Thus, it modified its jurisprudence by arguing that while the congressmen could resign, the Court would maintain the power to judge them for the crimes they had committed if those had occurred by virtue of their service, because they were occasioned by or inherent to the performance of the duties of their office.[149] With this decision, the Court regained the jurisdiction over the trials of the congressmen who had resigned, a progress of which was slow in the lower courts.[150]

A second challenge facing the Court had to do with probatory difficulties. In cases of organized macro-criminality, a solid legal argument to support the commission of the crime of aggravated conspiracy – which is mainly what the parapoliticians have been tried for – requires, among other things, a thorough analysis of the contexts of punishable acts which are being investigated in order to avoid exposing the Court to the criticism of politicizing justice.

Both the Fiscalía and the Court have developed very thorough methodologies to analyze contexts and that has improved the investigative capacity required by transitional contexts. All of this has led to a virtuous circle which enables them to clarify other cases and open new investigations.[151]

A third challenge the justice system has faced has to do with the defense strategies used by parapoliticians to justify their actions or refute charges. Some of the most frequently used strategies have argued that

146. Grajales, "*El proceso de desmovilización de los paramilitares*" ("The process of demobilizing the paramilitaries").
147. The Supreme Court began to review two sentences that absolved the former congressmen William Montes and Jairo Merlano and convicted the former congressman Luis Humberto Gómez after his case had been shelved. According to Mauricio García-Villegas and Javier Revelo, it would thus not be farfetched to say that the resistance of the judiciary that played a leading role in the parapolitics scandal, is, in part, a result of the adjustment or subjection of the ordinary justice. García-Villegas and Revelo, *Estado alterado* (The altered State), 126.
148. The interpretation that the Court accepted at that time, in the Edict of February 18, 1997, was that the principle underlined in Article 235 of the Constitution – which establishes that when congressmen "have left office, the jurisdiction would be maintained for punishable conducts that are related to the functions they carried out" – should be interpreted in the light of the doctrine of inherent crimes (*delitos propios*), with the understanding that the Court would maintain its power to only judge those crimes that might have been committed on the occasion of the mandate. That caused a wave of mass resignations (nearly half of the congressmen under investigation), with the argument that they would thus attain more procedural guarantees. That argument has been invalidated by the Constitutional Court in ruling C-394 of 2006. Mission to Support the Peace Process, OEA/OAS, *Diagnosis of the process of Justice and Peace*, Bogotá, 2011, downloaded June 2, 2013, http://www.mapp-oea.net/documentos/iniciativas/DiagnosticoJyP.pdf
149. Edict of September 1, 2009, Supreme Court of Justice.
150. 25 of the 30 cases over which the Supreme Court lost its jurisdiction were in the investigation or trial stage and only 5 had reached the sentencing one when the Court modified its jurisprudence. García-Villegas and Revelo, *Estado alterado* (The altered State), 125.
151. […] The cases of Pimiento and Barrera, López Cabrales and Montes Álvarez, who were all linked to the famous "Ralito Pact", had an explosive effect on the other cases. The same has happened with other such agreements (Ñanguma, Puerto Berrío, Barranco de Loba, Chivolo, Pivijai, the Magdalena and Casanera agreements, etc.) that revealed nodes of alliance between those who can only be tried under a special jurisdiction and representatives of the paramilitary structures. Mission to Support the Peace Process, OEA/OAS, *Diagnosis of the process of Justice and Peace*, 195.

the absence of the Security Forces in outlying regions meant that the paramilitaries imposed a new order that left them no choice but to submit to them or lose their lives. They have also appealed to their supposed ignorance of the scope of the pacts they signed: they claim they met with the illegal groups as peace mediators, or that they were unaware they were paramilitaries when they attended certain meetings. In their defense strategies, the defendants have highlighted their previous record of fighting against paramilitarism. They have tried to discredit the witnesses by claiming they are criminals, and the testimonies, for being inconsistent or slanted by the interests of the witness. They have also tried to discredit the overall judicial strategy or the procedures, among other factors. Given how difficult it is to obtain direct evidence of conspiracy, the Court has had to overcome these strategies by using an evidentiary framework specifically developed for this type of case. This framework is governed by general rules, such as the need to have a strong circumstantial foundation to infer the offense; demonstrating the closeness of the accused to the paramilitary power base, and the need to assess such evidences as testimonies or documents, taking into account the ideology and modus operandi of the paramilitaries.

Within this framework, the Supreme Court has developed, among other methods, ways to assess evidence that have made it possible to effectively challenge these defense strategies: Faced with conflicting testimony, comparing it with the rest of the evidence determines the correct version; questioning the character of a witness is not enough to reject his testimony, and there must be a rigorous and sound examination of any interests of the witness that may invalidate his testimony; When testimonies are retracted, they should be subjected to analytical comparison and not automatically discarded, in order to find fragments of the truth; It is necessary to resort to evidentiary principles and innovative techniques that have not been frequently used in legal proceedings, such as analyzing irregular fluctuations of electoral strength, coincidences between electoral peaks and paramilitary expansion, and indications drawn from the relationships between the politician under investigation and convicted persons.[152]

The Supreme Court of Justice has gone through a learning process in procedural and evidentiary matters in accordance with the adjustments which the parapolitical investigations have entailed. This learning process has provided the Court with the strength needed to deal with the challenges of applying justice in transitional contexts. The Court has won battles in interpreting the norms in the face of pressures from other branches of the government and its probatory capacity has become solid enough to withstand attempts to discredit its rulings.

Two prospective conclusions can be drawn from this analysis of parapolitics. The first is that the justice system´s stance on this phenomenon has led to the prosecution, although only up to a point, of the heads of the political power bloc that upheld the rule of paramilitarism in their areas of influence. Thus, the justice system has sent a message to Colombian society that using politics to serve illegal armed groups is a serious crime and warrants sanctions. However, this has not been sufficient to dismantle the paramilitary power structures, since new politicians emerge from the same methods and with the same support that allowed their predecessors to triumph. Totally eliminating the paramilitary influence in political power requires, among other things, a judicial strategy to consistently detect and punish those who form their military, political and economic networks.

The second conclusion is that the case of parapolitics stands as a significant example of the importance of the judicial branch, and particularly of its leading role. These institutions have curbed and sanctioned efforts to seize control of and reshape the co-opted State. However, the judicial system's role was the result of the convergence of a number of crucial factors. The critical question at this point is whether these factors will be sufficiently lasting to permit the judicial system to maintain its role as a key player in building a fairer society.

152. Mission to Support the Peace Process, OEA/OAS, *Diagnosis of the process of Justice and Peace*, 196-209.

3.3.5. The approval of the Legal Framework for Peace: a new chapter in the history of the Colombian justice system in the face of the armed conflict

On July 31, 2012, the Congress passed an amendment to the Constitution, known as the Legal Framework for Peace,[153] which gave transitional justice a constitutional status. The reform gathered elements from laws and constitutional jurisprudence on this type of justice, but also introduced significant changes in its conception and novel approaches to managing it. Some of these changes have been controversial and it is likely that they will continue to be.[154]

On the one hand, the Framework for Peace expressly recognized the rights of victims to truth, justice and reparation, and decreed that these must be ensured "to the maximum extent possible". It also ordered the creation of a Commission for Truth, noting that "in every case, extra-judicial mechanisms will be applied in order to clarify the truth and provide reparation for victims".[155] Additionally, the Framework for Peace set an inviolable limit on the State's duty to investigate and punish serious human rights violations: it may not cease to investigate and punish those most responsible for crimes against humanity, genocide and war crimes which were systematically committed. Thus, the Framework incorporated a key element into the model of transitional justice that had been operating in Colombia over the past decade: the idea that the transition from war to peace cannot be made without a minimal justice being done about the atrocities committed in the past, without any consideration for the rights of victims.

On the other hand, however, the constitutional reform ushered in a model of transitional justice that is less punitive and less oriented to prosecution than the one that had been in operation. An example of this is the authority given to the Congress, through a statutory law that takes into account the severity and representativeness of the cases, to establish a selection process that will focus the efforts of investigation and prosecution on those most responsible for crimes against humanity, genocide and war crimes that were systematically committed.

According to the Framework for Peace, the criteria to prioritize and select cases are inherent in transitional justice, as shown by one of the guidelines of this reform: that not all demobilized soldiers who may eventually be found responsible for serious violations of human rights will go through the court system. For this reason, it is a model less oriented towards prosecution, and relies instead on such extra-judicial methods as the Commission for Truth. It is also less punitive, since it offers the possibility of granting generous criminal benefits to those who are judicially convicted. These benefits include suspending sentences and the application of extrajudicial sanctions, alternative sentencing, or special arrangements to implement and enforce sentences.

The possibility of granting these benefits, however, is subject to conditions that follow a holistic notion of transitional justice. This way of rendering justice allows for a certain compensatory logic in different degrees: for example, a less harsh punishment in exchange for greater truth and reparation for the victims. For this reason, the criminal benefits under the Framework of Peace will only apply to those demobilized soldiers who fulfill at least these requirements: they must lay down their arms; they must recognize their responsibility; they must help clarify the truth; they must cooperate in a comprehensive reparation for victims; and they must provide information leading to the release of hostages and minors who were unlawfully recruited and are held by illegal armed groups.

153. See. Legislative Act 01 of 2012, Congress of the Republic of Colombia, "Which establishes juridical instruments for transitional justice in the framework of Article 22 of the Political Constitution and stipulates other measures", downloaded June 2, 2013 http://wsp.presidencia.gov.co/Normativa/actos-legislativos/Documents/2012/ACTO%20LEGISLATIVO%20N%C2%B0%2001%20DEL%2031%20DE%20JULIO%20DE%202012.pdf

154. For example, at the time of writing of this report, a suit against the Legislative Act had already been brought before the Constitutional Court. The lawsuit was presented by the Colombian Commission of Jurists and claims that the authorization given to the legislative body to cease investigating and sanctioning war crimes that are not committed in a systematic way, as well as demobilized combatants who are not in the category of major offenders, violates an essential principle of the Constitution.

155. Legislative Act 01 of 2012, 1.

This new orientation of transitional justice largely had to do with the need to respond to the weaknesses and inadequacies of the transitional method which the paramilitaries would face in future peace processes. When the debate over the Framework for Peace began, the manner in which demobilized soldiers would be prosecuted was a matter of public concern, due to the insignificant results up to then, which showed that a model like Law 975 seemed to inevitably lead to a disguised selection.

In addition, however, constitutional reform was chosen as a way to shield the new option against the risk that the judicial control of constitutional principles would not allow for the adoption of an alternative to all-out prosecution, in accordance with the standard established in constitutional jurisprudence in recent years. Indeed, the original model for the collective demobilization of the paramilitaries was designed to limit participation in the Justice and Peace system only to those who voluntarily choose to do so, and ensure that amnesties for political offenders would only apply to those who did not face ongoing investigations into their involvement in atrocities.

Nevertheless, it was impossible to implement this model because of the decisions made by the Constitutional Court and the Supreme Court of Justice. Following that, there was an attempt to apply the principle of opportunity, but the Constitutional Court ruled that this proposal was inconstitucional.[156] Finally, Congress passed Act 1424 of 2010, known as the Law on Agreements to Contribute to Historical Memory. This norm granted ample benefits of freedom for demobilized soldiers in exchange for their cooperation in clarifying the truth and providing reparation for the victims. The Constitutional Court ruled that this law is constitutional, but stipulated that all demobilized soldiers should be accountable to judges, and that access to these benefits from the State was closed to the top leaders of the armed groups.

The Framework for Peace was presented as a way to provide necessary alternatives to the difficulties which would arise in the demobilization of the paramilitaries. However, during the discussion other matters came up that were not necessarily connected with the initial purpose. The most notable of these was the authorization that agents of the State might be subject to a differentiated treatment within the framework of a peace agreement. This point was finally incorporated into the constitutional text, but its scope and the conditions to which it is subject are still not clear.

The Framework for Peace certainly opens a new chapter in the history of justice in the conflict. However, only the first page has been written: the extension and orientation of this chapter are still uncertain. This may become the starting point for the legal route to demobilizing guerrilla groups if two conditions are met: first, if the peace negotiations with the FARC in Havana (which were in progress at the time this report was written) are successful. The second condition is if the Constitutional Court determines that the Framework for Peace meets the requirements for it to be declared constitutional. Undoubtedly, the Framework will revive the discussion on political crime, its nature, its meaning, and its effects on criminal matters. In this process, fraught with dilemmas but also full of hope for the future, it is easy to see that the judges will have the decisive word.

156. This proposal was made legal by Law 1312 of 2009, but invalidated by ruling C-936 of 2010.



Ritual to honor the memory of the victims of Bojayá a month after the tragedy, since it was not possible to mourn them before. Quibdó, June 2002.
Photograph: Jesús Abad Colorado ©.

CHAPTER IV

Impacts and harms caused by the armed conflict in Colombia

The violence that has been prolonged for more than 50 years and its gradual degradation have brought about devastating impacts and harms both for the victims, their families, communities and public organizations and institutions and for Colombian society as a whole. The impacts are complex and are of diverse kinds, magnitudes and natures. This is because a number of aspects have influenced the shaping of this violence: the characteristics of the violent events themselves (the degree of cruelty, whether the victimizing group acted intentionally or not, the untimely nature of the occurrences, the place where it occurred, etc.); the kind of victimizers, the modalities of violence, the particularities and profiles of the victims (that is, if they experienced the events directly or indirectly); their age, gender, ethnicity, the kind of disabilities they have, organizational experience, political and religion affiliations); the kind of support they received (of a family, community or institutional kind, during and after the events occurred); the social responses to the events and the victims (expressions of solidarity or rejection); and the actions and omissions of the State, especially the Armed Forces and the Police and the judiciary, since they are the institutions responsible for protecting the population.

The impacts and harms caused by wars are usually measured by the number of deaths and the material destruction they cause, but the standpoint of the victims evidences other effects that are incalculable and even intangible. These harms have profoundly altered the life plans of thousands of people and families. They have cut short possibilities for a part of society and undermined the development of democracy.

The direct victims of the violence in Colombia, along with their families, friends, neighbors and communities, have gone through situations of extreme horror in conditions of enormous defenselessness and humiliation. Their victimizers were arbitrary and knew no limits. The testimonies heard by the GMH show that cruelty with which the armed groups acted and the brutality with which they committed their acts, as well as their clear intention to sow terror, instill fear, subdue the population and control their territories. Added to the strategies purposes and calculations of the armed organizations, there were inhuman and unimaginable practices in the form of retaliations and hatreds that are explained, among other reasons, by the long duration of the conflict and the absence of an effective application of the Colombian laws meant to guarantee Human Rights and International Humanitarian Law.

This chapter discusses and analyses the main harms and impacts that the GMH discovered and found evidence for in the emblematic cases compiled during a research that took place between 2007 and 2012. The chapter deals with four main aspects.[1] In the first place, it identifies and reflects on four categories of harms: emotional and psychological harms, moral harms, political harms and socio-cultural harms. In the final category, the harms and impacts on Indigenous and Afro-Colombian towns and communities are shown. It also speaks of the material and environmental damages and their specific impact on the economic and socio-cultural ones. Each of these categories has individual, family and, of course, collective implications.

1. This group is not unaware of the profound interaction and tenuous borders between some harms and others.

In the second place, since the harms have also depended on the modalities of violence, the chapter analyses the impacts caused by some of them: massacres, forced disappearance, forced displacement and kidnapping. The specific impact of sexual violence is dealt with in the third part. It is an attempt to explain that the deeds of violence that have occurred in the war have different effects, depending on the gender (women, men, the LGBTI population) and the age of the victims (boys, girls, adolescents, youngster, older persons).

Finally, the chapter refers to the impacts caused by the impunity of the crimes, the lack of an integral and timely care for the victims and the absence of a social acknowledgment of the harms that were caused Many of the victims who interacted with the GMH in the emblematic cases associated their suffering not only with the violent acts they experienced but also the lack of justice, the negligence of society and meager care they received from the State. The capacity to resist the war and the valuable devices used by the victims and communities to confront it are notable in many different regions of Colombia. However, this subject will be treated in detail in the fifth chapter of this report.

4.1. A framework of harms and impacts

The modalities and practices of violence suffered by thousands of people in Colombia cause harms and impacts that affect the personal integrity of the victims. The psychological impacts damage their interpersonal relationships and physical health; the economic losses lead to an emotional instability; the collective impacts and damage to social and community networks affect individual capacities and possibilities. Thus, there is shaped a framework of situations that are mutually related, which makes it difficult to separate one from another and specify which one is characteristic of each harm. Nevertheless, for the purpose of making the variety of harms and impacts visible and understanding what they mean, we group them into the following categories.



Selective assassinations in Yolombó. Photograph: Jesús Abad Colorado © 1998.

4.1.1. The emotional scars that the war leaves

Men, women, boys, girls, adolescents, youngster, adults and elderly persons witnessed the brutal murders of their close relatives or neighbors. They were forced to watch how tortured bodies were exposed to public derision. They were the victims of threats and confinement and illicitly recruited or forced to collaborate with one or another of the armed group. Women and girls were victims of various forms of sexual violence, having their body and dignity abused. Armed agents occupied their residence and work places, and ordered them about and imposed codes of conduct on them, cruelly punishing those who disobeyed.

The testimonies reveal shocking situations that left lasting scars on the victims: for example, the sons and daughters of María Zabala[2] in the department of Córdoba, witnessed the murder of their father and other members of their communities. Later they saw how the paramilitaries burned their house and their harvest. The children of Yolanda Izquierdo[3] saw the lifeless body of their mother after she was murdered in front of their house. The women of El Tigre, in the department of Putumayo, spoke of the way they had to remove the "opened" bodies of the victims from the river there and proceed to "sew them up". The stories told in memory workshops and conversations give an account of the experiences of the horror they, their friends or their neighbors endured: people who were murdered when they tried to participate in the funerary rituals for relatives and friends; sons and daughters who heard the pleas of their mothers when they were being raped; mothers who were nursing or carrying their sons and daughters when they were murdered; families and communities that had to flee in the midst of gunfire, saw their homes and towns burnt down or pillaged, and left behind the dead, the wounded and their ancestors. These situations have had profound emotional impacts on the victims[4] and undermined their psychological resources. On many occasions, they do not have the needed capacities to deal with these situations: to confront, face up to, explain and survive experiences marked by horror, defenselessness and humiliation.

In nearly all the places where the GMH undertook its work, the victims mentioned fear as their most constant and generalized feeling. The arrival of armed men at their rural districts and homes brought about a constant anxiety, day and night. The presence of roadblocks mounted by the armed forces and illegal armed groups meant that the inhabitants of a district felt insecure about traveling through it. People were afraid of being interrogated, detained, tortured or murdered by the armed groups that used to interrogate and try them along the highways. Mothers and fathers faced a daily fear that their sons or daughters might be recruited or sexually assaulted by the armed groups. Even now, many years after the events took place, the victims confess that they are still afraid, despite the passage of time. A man in San Carlos explains:

> […] The nights were very tense, because we had to find a different place, a different house, to sleep in each night […], almost everyone got together to sleep in one house, then another… The idea was to protect ourselves and those were always the characteristics of the house we went to, that it had a backyard. […] We always kept ourselves ready for what might happen. A lot of people slept with their clothes on, with their clothes packed up: it even extended to our children, since we

2. María Zabala is a displaced woman and a well-known leader on the Caribbean coast. Her story is reported in GMH, *Mujeres que hacen historia. Tierra, cuerpo y política en el Caribe colombiano* (Women who make history. Land, the body and politics in the Colombian Caribbean). Bogotá: *Semana*, 2011, 21-47.

3. Yolanda Izquierdo was a leader on the Caribbean coast who was assassinated in 2007 at her home in the Rancho Grande neighborhood of Montería. The Story of Yolanda is documented in GMH, *Mujeres que hacen historia* (Women who make history) 69-114.

4. A number of important studies have been made of the psycho-social and emotional impacts of socio-political violence in the context of Latin America. See, among others: Bertha Lucía Castaño, Luis Eduardo Jaramillo and Derek Summerfield, *Violencia política y trabajo psicosocial. Aportes al debate* (Political violence and psycho-social work. Contributions to the discussion). Bogotá: Corporación AVRE, 1998); Martha Nubia Bello, Elena Martín Cardinal and Fernando Jiovani Arias, eds., *Efectos psicosociales y culturales del desplazamiento* (Psycho-social and cultural effects of displacement). Bogotá: Universidad Nacional de Colombia, PIUPC, 2000.



This photo is part of the "A path of sorrow" series and shows Tulia Rosa Pérez when she received, from the Justice and Peace Unit of the Office of the Attorney-General, the remains of her daughter, who was disappeared by the paramilitaries in 2001. La Hormiga, Putumayo, November 2007. Photograph: Ernesto Guzmán – El País.

> were planning how to run away and had to think of their things too. So that was a time of a very tough anxiety.[5]

Fear, which is an effective mechanism of defense, turned into an emotion that paralyzed and mortified people, so that some could not carry on the activities that were essential for the development of their lives, like leaving their homes, walking through the countryside or getting together with their friends.[6] Fear also restricted family and community initiatives to resume their projects. This is shown in the account of a leader of a peasant-farmer community, a victim of displacement on the Caribbean Coast:

> […] There, in my community, before the massacre happened we had committees, a youth group and a popular action board and after that happened we weren´t going to do any of that again. After we were displaced, they said to me, "Hey, let´s organize ourselves". And I said, "no way, leave me in peace. You know what happened to me, I´m not going to get involved in that again". The way I am now, I don´t get involved in anything because I was left with that fear, that dread…[7]

The climate of terror that the armed agents instilled in many regions of the country with actions like massacres, tortures, forced displacements, selective assassinations, sexual violence or unlawful recruitments led people to experience permanent feelings of menace and vulnerability. Their world become insecure and people were forced to resort to mechanisms of protection like silence, distrust and isolation. This substantially altered community and family relationships.

In many cases, the fear caused by the times of terror managed to prevent people from denouncing the crimes, seeking justice and participating in social or political organizations. It also meant that many people hid out in their homes and severely restricted their relations and conversations in the surroundings their families had moved in. This is shown by the testimony Don Wilson H. Mantilla, a survivor of the massacre of La Rochela, gave to the GMH:

> I also have […] measures of protection. I only leave my house to go to work. I have to stop my children from going out on the street. My daughter doesn´t go to extra-curricular events at her school. What security can I offer her? For the same reason, we only go on holiday every five years, nor can we go to weekend resorts in the countryside. I also know that my phone is tapped…[8]

People experienced feelings of anguish in the face of uncertainty or the possibility that new aggressions might occur, and also due to the lack of information about the whereabouts or fate of their relatives and neighbors. Feelings of nostalgia especially derived from their having been uprooted and lost the places that they loved and were meaningful to them, and feelings of sadness arose from the absence or death of their loved ones. These experiences kept them from sleeping well and concentrating and paying attention to their activities. On many occasions, they also led to other symptoms, like eating disorders, addiction to alcohol or drugs and self-medication. In those ways they sought to relieve intolerable feelings of ill ease and suffering. The daughter of Samuel Vargas, a victim of the massacre of La Rochela, told the CIDH how the life and health of her mother were affected by the loss of her husband:

5. Interview with an adult man. GMH, *San Carlos. Memorias del éxodo en la Guerra* (San Carlos. Memories of exodus in the War). Bogotá: Taurus/*Semana*, 2010), 293-294.

6. On fear in contexts of political repression, see: Elizabeth Lira and María Isabel Castillo, "*Psicología de la amenaza política y del miedo*" ("Psychology of the political threat and fear"). *Revista Psicología Política 6* (1993): 95-116, downloaded May 13, 2013, http://www.uv.es/garzon/psicologia%20politica/N6-5.pdf

7. Testimonies of adult women, peasant-farmer women, displaced women, women leaders. GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa caribe, 1960-2010* (The fight over land. Memories of forced seizures and peasant-farmer resistance on the Caribbean Coast). (Bogotá: Taurus/*Semana*, 2010), 331.

8. Interview of Mr. Wilson H. Mantilla, survivor. GMH, *La Rochela. Memorias de un crimen contra la justicia* (La Rochela. Memories of a crime against justice). Bogotá: Taurus/*Semana*, 2010), 238.

> […] She surrendered to that sorrow. She didn´t speak, she remained silent or wept. She spent a lot of time crying. She almost never left the house, despite my insisting she should. She kept the clothing of my dad for a long time and remained in mourning until the day of her death. She became very taciturn and began to show signs of aging, but more quickly and intensely than others. She got ill more frequently, she had ulcers, she became addicted to tobacco and all that meant that she fell prone much more quickly to a cancer that caused her death.[9]

The accounts of the victims also reflect the frequent presence of profound feelings of hatred and anger, unleashed in some cases by the experience of injustice and in others by repeated reminders of the humiliations they were dealt. These feelings are especially aggravated by the feeling of helplessness when they see that, in many cases, the victimizers have not only remained free, but on occasions, they have even received economic benefits and awards as well, even though they continue with their criminal activities.

> Nowadays, the State gives farms, money, subsidies to the members of the armed groups that have demobilized. And if we go perhaps to the offices of Acción Social [Social Action] we find that for a victim or beneficiary to receive aid he has to bring a law suit, because the courts are full of suits by those who are claiming humanitarian resources and want the State to give them that aid.[10]

> Look, we had to leave town defeated. We had to abandon what we had to flee from them. Here, they aren´t solving anything for us and on the other hand, they´re giving a house, a salary, to those who did us harm, that is, a load of opportunities… It may be alright for the one who is sorry and no longer does those things, but, look, they are still harming people, yet they get a salary and aids and everything and continue to do harm.[11]

The people who made up the groups that committed outrageous crimes, invested with the power of weapons, put their victims in denigrating positions and subjected them to acts of extreme cruelty, which has caused the victims to feel angry. The testimony of a mother from the Caribbean Coast displays these feelings:

> […] They are a bunch of cowards… If I had them in front of me, I´d kill them… If I could only do the same to them they did to my son. […] I hate those bastards, they don´t deserve to be called human beings… God will never forgive them.[12]

It is not always easy to speak of hatred in spaces of collective conversation. This sentiment is rejected, censured and condemned in social settings and is usually associated with rancorous and resentful people, who are incapable of forgiveness and nobility. In that regard, it is a feeling that makes people uncomfortable (you feel guilty about your anger), so it is hidden and repressed. This was expressed in the testimony at one of the memory workshops:

> […] In the day event of care for the victims, a lady who was the official responsible for organizing the event arrived with the Bible in one hand and wrote ´forgiveness and reconciliation´ on the blackboard. She told us that we were here to forgive and otherwise, we would be wasting our time.[13]

The repression of feelings of hatred and rancor are usually redirected against other people, especially the most fragile, like minors. This

9. Interview of Erika Vargas, daughter of Samuel Vargas, GMH, *La Rochela*, 228.

10. Interview of woman victim. GMH, *Justicia y paz.* ¿Verdad judicial o verdad histórica? (Justice and peace. Judicial truth or historical truth?) Bogotá: Taurus/*Semana*, 2012, 389.

11. Testimony of an adult woman. GMH, *San Carlos*, 239.

12. GMH, *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano* (Women and war. Victims and acts of resistance in the Colombian Caribbean). Bogotá: Taurus/*Semana*, 2011, 368.

13. GMH, *Mujeres y guerra* (Women and war), 368.

happens because the victims do not find suitable opportunities for acknowledging and processing those feelings. Even though anger is understandable, given the experiences that were lived through, it turns into a disturbing emotion that causes conflicts within families and communities, or psychic disturbances related to guilt. This is seen in the experience of one of the inhabitants of the town of San Carlos:

> I turned into a very bitter person and I think my children suffered a lot for that. I shouted at them, I hit them and a long time after that, talking with my wife, we realized that the violence had made us like that, they had to pay for that anger.[14]

Guilt and shame are feelings that also mortify the life of the victims.[15] This is seen in the women who were victims of sexual violence; the men who felt they were "incapable" of protecting their families and the communities that were unfairly singled out for being responsible for the violence that they suffered. In the testimonies of the victims, guilt is usually associated with certain actions. A mother in a workshop on the Caribbean Coast said:

> I told my son that he didn´t need to get involved in armed groups, that he was now a demobilized member, receiving aid from the government but he didn´t pay attention to me and I didn´t insist as I should have to stop him from going. If I had myself heard, perhaps he would be here with me today.[16]

Now, in the accounts of the victims, guilt is not only associated with actions or omissions in the face of what happened. People also feel guilt

14. Field notes. Personal conversation with peasant-farmers in San Carlos, Antioquia, 2010.

15. For information on this subject, see: Corporación AVRE, "*Peritazgo sobre impactos psicosociales en casos de violencia sexual en el marco de la violencia política*" ("Expert opinion on the psycho-social impacts of sexual violence in the framework of political violence"), in: Report of the Corporación AVRE (September 26, 2011), downloaded May 12, 2013, http:// www.pazconmujeres.org/archivos/Peritazgo_AVRE.pdf

16. GMH, *Mujeres y guerra* (Women and war), 369.



The fighting between members of the guerrilla militias and the Army and the Police during Operation Orion in the Comuna 13 of Medellín caused the deaths of civilians, left dozens wounded and was responsible for the forced displacement of many families. Medellín, October 2002. Photograph: Jesús Abad Colorado ©

about accepting the death and absence of their loved ones. Many victims reproach themselves about carrying on with their lives and the resumption of their day to day activities is regarded as a betrayal of the loved person who is absent, whether it is a spouse, father or mother, children or daughters. If, in addition, the family or others (organizations, neighbors, the community) criticize or disapprove of their efforts to recover the normality of their daily live, the victim who has survived the violence feels that it is impossible to live with such notions of betrayal and disloyalty. Some even wind up forcing themselves to remain in an endless mourning. This was explained by a woman on the Caribbean Coast:

> "[…] I no longer have it in me to laugh, or dance, or be happy… How can one do those things after what happened?"[17]

In the case of women, this guilt has a cultural explanation. Society expects widows to maintain a permanent mourning and sanctions those who try to reconstruct their lives, especially if this implies finding a new partner. In the case of women who have been victims of sexual violence, the guilt is based on a social system that creates expectations about the bodies and lives of women, and restricts their behavior. The rejection of those expectations signifies, in social terms, a responsibility for the violence that the woman suffered and people even blame the victim, who must thus face stigmatization and rejection. This is found in an account a young man on the Caribbean Coast gave to the GMH:

> […] The *paracos* (paramilitaries) and the ones in the Navy had an eye out for the youngest and prettiest… the ones of 14 and 15 and they let themselves be cajoled and impressed and went with the guys… afterwards no one from around here wanted to be their boyfriend. We didn´t want "used" girls… second-hand, you get me?[18]

In the accounts of the victims, it is clear that this guilt was not only instilled in them but also persons close to them, at times in the same family nucleus or in members of the community in question. People tend to explain many acts of violence as the result of the acts, behaviors or omissions of members of their family or their neighbors, which considerably worsens family and community conflicts. The guiltiness may fall, for example, on the husband or wife (for having got involved in a dangerous situation), the sons and daughters (for not having paid attention to their parents) and in neighbors (for having helped or concealed the victim), etc.

In this manner, a privatization of the harm[19] is produced that winds up contaminating personal decisions and the relationships and affections of the family. This privatization weakens or prevents people from acknowledging those who were really responsible for the crimes. It disorients people as they deal with the world and their traumas and it prevents them from understanding what happened in a considered and reasonable way. Instead of realizing that the armed men arbitrarily imposed the situation on them and that what happened was not in their hands, should not have happened and was imposed on them in an unjust way, the victims wind up regarding themselves as the ones who were responsible for what occurred.

> I should have got home earlier that day […] I didn´t pay attention to my mom […] When I got there, they´d already killed her […] If I´d gone straight home […] this surely wouldn´t have happened, I should not have allowed them to kill her […] but when I arrived, it was already too late […] Or they might have killed me too and that would have been better.[20]

In that way, guilt replaces the feelings of abandonment and helplessness when the victims later imagine that they might have exerted a certain

17. GMH, *Mujeres y guerra* (Women and war), 369.

18. Testimony of the young son of a murdered woman. GMH, *Mujeres y guerra* (Women and war), 360.

19. On the privatization of the harm, see: Elizabeth Lira, "*Trauma, duelo, reparación y memoria*", ("Trauma, mourning, reparation and memory). *Revista de Estudios Sociales 36* (Magazine of Social Studies 36), 2010, downloaded May 13, 2013, http://res.uniandes.edu.co/view.php/646/view.php

20. Testimony of the son of Yolanda Izquierdo. GMH. *Mujeres que hacen historia* (Women who make history), 117.

control over what had happened.[21] This illusion only deepens and rounds off the harm, because it causes a false and unjust feeling of guilt in the victims about the violations of their rights and the harms that this violence subsequently caused to them, their families and their regions.

Thus, being exposed to situations characterized by high levels of terror and defenselessness almost always amount to experiences that go beyond men´s and women´s capacity to deal with the events. This causes traumas and psychological harms, the most frequent signs of which, according to the victims, are serious sleeping disorders marked by persistent insomnia and nightmares, depression, anxiety and somatization disorders:

> I never knew what it is to sleep well again… in those terrible years the nights were horrible, you would pray for the night to end quickly… Since then I cannot sleep… I go to bed and look at the ceiling and practically do not sleep.[22]

These symptoms lead to difficulties in undertaking one´s habitual activities and resuming one´s daily relations that, at times, are nearly insuperable. In some cases, it is seen that the person even loses touch with reality and shows psychotic symptoms.

The diagnoses of four women who witnessed the two massacres that occurred in the town of El Salado, in the department of Bolívar, show what may happen. These women went through several forced displacements, lost members of their families and loved ones and did not receive a timely and specialized medical care:

> In the month of December 2007, M. completely lost the sight in one of her eyes, which unleashed a profound depression. On December 16, 2007, M. lost touch with reality (she began to speak incoherently and behave in strange ways). […] In the month of July, 2007, Mrs. J. had only managed to recover her capacity to sleep but she continued to have different physical and emotional symptoms, so she decided to consult a neurologist at the Soner private health clinic, in the city of Sincelejo. The doctor there diagnosed a profound depression […]. The evolution of Mrs. R was not satisfactory, even though she was treated by a private psychologist her family paid for, since she continued to behave in a strange way, to the point that she tried to assault her husband and would wander off aimlessly […]. At the end of 2008, Mrs. T. began to suffer dizzy spells. She lost her appetite and interest in any activity, withdrew into herself, wanted to sleep most of the time and felt anxiety when she was awake, among other symptoms.[23]

Acts of violence, like massacres, tortures, sexual violence and forced disappearances, are clear examples of traumatic experiences, ones that usually "destroy the normal systems that provide people with a sensation of control, connection and meaning".[24] They are events that mark the individual and collective stories of the victims, ones that suddenly break up the course of their lives, because they snatch away the certainty of inhabiting a familiar world, and place in crisis beliefs, relationships and, in general, all the aspects of life that are a source of meaningfulness and support.

The women and families who survived the massacres in El Salado feel overwhelmed by the experiences of violence that they have faced and the accumulation of harms that terror has instilled in their lives. The horrors they saw, the screams they heard and other things they endured have been engraved on their memory and torment them in dreams: "Ever since they killed my daughter, I am pursued by the same nightmare. See, I always have the same dream, it is a strange thing and I don´t how to get rid of it".[25]

21. See: Jorge Buitrago, "*De víctimas a actores sociales: el rol de los familiares en la superación de la impunidad*", ("From victims to social actors: the role of family members in overcoming impunity"), in: *Atención integral a víctimas de tortura en procesos de litigio. Aportes psicosociales* (The integral care of victims of torture in litigation processes). San José: Instituto Interamericano de Derechos Humanos (Inter-American Institute of Human Rights). 2009), 357-393.

22. GMH, *Mujeres y guerra* (Women and war), 372.

23. Ruling T-045/10, Constitutional Court of Colombia, downloaded May 9, 2013, http://www.corteconstitucional.gov.co/relatoria/2010/T-045-10.htm

24. Judith Herman, *Trauma y recuperación. Cómo superar las consecuencias de la Violencia* (Trauma and recuperation. How to overcome the consequences of Violence). Madrid: Espasa, 2004, 66.

25. Testimony of woman in the workshop at El Salado. Field notes.

These traumatic experiences remain vivid despite the passing of time and any sight, smell or sound that evokes them may cause the victims to relive their feelings of panic and helplessness. Some of the psychological traces and impacts left by violent acts are: enclosure, isolation, silence, recurring and repetitive nightmares, a lack of interest in things that were previously enjoyed, the loss of sexual desire, neglecting one´s appearance, the deterioration of self-esteem, proneness to a variety of illnesses, physical deterioration, feelings of depression and the frequent, involuntary and uncontrollable emergence of reminders of what was experienced that invade the person´s memory and are described as intrusive images and thoughts. In Ciénaga (Magdalena), a woman told the GMH how the forced disappearance of her brother caused her mother to die of grief:

> Two years later, my mother died. She had aplastic anemia and that was worsened by her grief. In the opinion of the doctors she died of grief. She did not want to live anymore. She forgot that she had seven other children and lived seeking him. The death of my mother was very painful. We had to bring in a person who looked like my brother, so that she could touch him when she was dying and believe that he had arrived. So that she could be at peace and we, in our sorrow, could tell her, "Mom, be calm, Reinaldo is here, he arrived", and see her eyes light up. I think that was the most distressing part of all that we went through.[26]

On many occasions the psychological scars and impacts are intensified by the persistence of threats and risk.[27] In fact, several victims mentioned new victimizations in their hometowns and even in the places they had been forced to flee to, to protect their lives. The GMH has learned of grave threats to the lives of women and men who participated in these exercises of reconstructing memory, delivered at the time they were held and even several years later: those who continued to be linked to local organizations were also threatened. This situation, added to the gravity of the violent events, caused a variety of psychic harms in some victims and seriously injured their thought, feeling and conduct. Thus, some of them faced difficulties in controlling their lives, making decisions for themselves, relating to others and planning projects or setting goals for the future. In several cases, they fell prey to isolation, paralysis and dependence. A young woman in the rural district of El Salado remarked:

> My mother was a leader, a happy and active woman. Since the massacre, she began feeling bad, little by little. First, it was her dreams and nightmares. She began to say incoherent things... to do strange things and it went on like that until she became what she is now… she hardly knows anyone anymore, she speaks about the massacre… At times she recovers and recognizes us and becomes happy.[28]

The situations and testimonies we present here show that the savagery of the war changes the world of people and communities and causes unusual emotions, thoughts and conducts as the victims and groups try to make sense of and explain what happened, face up to the situation, control their lives and survive. They are extreme situations that force them to react in a manner different from their habitual behavior, cause an intense suffering and may lead to lasting impacts in different areas.

4.1.2. Stigmatizing, devaluing and humiliating: the moral harms of the war

The violence does not only affect the emotional and psychological world of the victims, it also causes profound moral harms. These are defined as "any painful modification of the spirit, consisting of profound concerns or states of acute irritation that affect the honor, the reputation or the emotional equilibrium that influences people´s ability to think, love or feel".[29] These moral harms result from the undermining of values that

26. GMH, *Justicia y paz* (Justice and peace), 237.
27. See: Comisión Intereclesial de Justicia y Paz (Justice and Peace Inter-church Commission). Psycho-social Team, "*Los efectos psicosociales de la revictimización*", ("The psycho-social effects of re-victimization"), downloaded May 13, 2013, http://justiciaypazcolombia.com/Los-efectos-psicosociales
28. GMH, *Mujeres y guerra* (Women and war), 371.
29. Carlos Alberto Ghersi, *Daño moral y psicológico* (Moral and psychological harm), Buenos Aires: Astrea, 2002), 214-219.



Women displaced from the basins of the rivers Atrato, Cacarica, Truandó and Salaquí rendering homage to the members of their families who were murdered or disappeared during Operation Genesis, when the Army fought the FARC guerrilla. Turbo, Antioquia, 1999. Photograph: Jesús Abad Colorado ©

are significant for people and communities, since many of the violent acts seek, in fact, to degrade the dignity of people and their communities, devalue their ideals and beliefs and break down the innermost values that uphold their collective identity. A woman who is a leader of the Wayuu indigenous community explains it in the following way:

> They destroyed us, the Wayuu community, morally and culturally. The history of the Wayuu and the people of the Guajira [their region] changed, because they inclined their heads when the paramilitaries arrived. And there is no vengeance or war [for that]. The paramilitaries arrived with a clear strategy, based on their analysis of terror. The men: finish them off with bullets. The women: decapitate them, cut off their breasts […]. Humiliate the woman and the men. Mark them out. With all that they did, they hurt us so much that they knew how to wound us as a community and as people with all that we regard as sacred […].[30]

With great sorrow and indignation, the affected communities speak of the way in which the armed agents and the elites who supported or incited them practiced their violence. Their jeers and offenses expressed their contempt for their religious and cultural practices, the factions of their phenotype and their political affiliations. In some cases, people felt these insults to be a sacrilege, profanation and humiliation and it was harmful for their personal identities.

> They summoned the people. The one whose alias was *Cadena* arrived last. Once people reached the meeting, everyone looked for a little seat or shady place. When *Cadena* arrived, he took hold of his rifle, let off some shots and said: "You fucking niggers: where are you going? I order you to stand in the sun like cattle". And he pushed them around with his bodyguard and said, "I´m tired, I´m fed up with how disorderly you are". Then he said, "I´m going to kill two or three of you, so that you know I´m capable of it. All of this is mine. Go to San Andrés, everything here is mine. I hope you behave better, I hope everything gets better". The meetings were almost always like that.[31]

This humiliating language reinforced prejudices and devaluations to do with gender, ethnic group and race that already existed.

The relatives and victims of arbitrary detentions and extra-judicial assassinations have especially been the target of accusations, finger-pointing and false imputations that affect their good name, reputation and honorability. Civic leaders were called "militants of the guerrilla". Peasant-farmers who were esteemed by their communities were accused of being "terrorists". Women were accused of having sexual relations with the opposing armed group. Young men from poor families were accused of belonging to criminal gangs and engaging in criminal activities. These kinds of situations cause a grave moral harm to the victims, in several senses. They produce a great suffering and indignation. They rob people of the social standing they had established in their community. They entail stigmatization. They have led to negative consequences in the places where people work and socialize.

Such stigmas and accusations have also been collective, that is, they have affected whole towns and communities. Their aggressors have labeled them as *guerrilleros* or collaborators of the paramilitaries or the Army. The victimizers accused whole communities of being outposts of the guerrilla or the paramilitaries, like the ones of Remedios, Segovia, El Salado, El Tigre, San Carlos and the Comuna 13, for example. For long periods, the rejection that this stigmatization produced prevented them from freely traveling through their region, finding work when they were displaced, enrolling their sons and daughters in schools and even finding a place to live in the towns or urban districts they fled to. In a neighborhood in Medellín, a displaced woman explained:

> Imagine it, they got people [the neighbors] to sign a petition saying we shouldn´t be allowed to live here. Who knows what kind

30. Speech of a woman leader of the Wayuu at a meeting of the guardians of memory, Santa Marta. September 17, 2009. GMH, *La masacre de Bahía Portete. Mujeres Wayuu en la mira* (The massacre at Bahía Portete. Sights fixed on Wayuu women) Bogotá: Taurus/*Semana*, 2010), 103.

31. Conversation with a family in Sucre. GMH, *Mujeres y guerra* (Women and war), 85.



The hellish incidents that took place in the rural district of El Aro lasted five days. There, the paramilitaries of the ACCU murdered 15 peasant-farmers and burned down their homes. More than 1,300 head of cattle and 130 beasts of burden were stolen and taken to Puerto Valdivia, where there was an Army base. The Inter-American Commission on Human Rights condemned the Colombian State for these occurrences, in which even the ornaments of a church were looted. Turbo, Antioquia, 1999. Photograph: Jesús Abad Colorado ©

> of trouble they imagined we´d bring or what kind of criminals they thought we were: for them, we were dangerous people.[32]

To avoid being accused of causing the violence that occurred in their regions, many people chose to hide or not use their identity cards, keep silent about their past, lie about themselves or even deny their political beliefs and preferences to avoid being associated with a stigmatized party or movement. These situations not only caused anguish, worry, and anxiety, but also negatively affected their individual and collective identities.

> I was terrified to say that I was from El Tigre, I thought if I said that they would kill me. So I chose not to answer if someone asked me where I was from. That massacre was very hard! Everything that we have had to go through here has been very difficult.[33]

Moral harm is also done when the criminal acts are exalted by the victimizers, who not only validate and justify their crimes in front of the victims, but also when they present their voluntary testimonies[34] in courts, or speak in public venues on a local and regional level and even more, at political institutions like the national Congress. One member of the paramilitaries thus stated in his voluntary testimony:

> "Madame Prosecutor, Mr. Pedro Peñalosa lived in La Pedrera in the town of Agua Azul. I ordered him to be killed […] that was back in July, I think in 2002 […]. I ordered him to be killed because I received information that that boy was attacking and robbing people in the town to buy drugs. He used drugs, madame […]. He was an addict and he was damaging the community. We spoke with his mother who was a good lady and we warned her about her son. But he didn't listen and we had to kill him".

At this point in the testimony, the mother, bursting with indignation, shouted from the victims´ area: "That man is a liar", she said, "my son was not an addict and I told him so. He was a hard-working kid".[35]

In many accounts the victims' indignation becomes evident when their victimizers justify the crimes they committed. This increases their perception of injustice; the victims often express their deep anger for the way that their family members are spoken of and some criminals are treated as *heroes*:

> They go by in their luxury cars, with the politicians, as if nothing happened, as if they don't owe anything, as if we don't know who they are or what they did […]. We, on the other hand, have to keep our heads down, without daring to say anything. Here they throw their parties and we are angry about that because they killed and are still happy and they are lords of the place and it's as if we did the harm and not them.[36]

In their testimonies, the victims often talk about their profound sadness, grief, shame, skepticism and anger. The war undermined their capacity to enjoy life, to feel pleasure and happiness. Their honor and good name have been affected to the point that it causes an intense individual and collective suffering.

4.1.3. Isolated, distrustful and without fiestas: the sociocultural damage

Sociocultural harms refer to the damages to and alterations of social links and relationships. These assaults include violations of the beliefs, social practices and lifestyles of their communities. These harms, which collectively affect communities, are the consequence of explicit prohibitions or hindrances and the difficulties that persons and communities experienced in maintaining the relationships, links and interchanges

32. Testimony of a young woman. GMH, *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13* (The invisible footprint of the war. Forced displacement in the Comuna 13). Bogotá: Taurus/*Semana*, 2011), 181-182.

33. GMH, *La masacre de El Tigre, Putumayo* (The massacre at El Tigre, Putumayo). Bogotá: Pro-offset editorial, 2011), 46.

34. See: GMH, *Justicia y paz* (Justice and Peace).

35. GMH, *Justicia y paz* (Justice and Peace), 55.

36. Testimony of man. Workshop on the reconstruction of memory on the Caribbean Coast.



Since 1986, the ELN and FARC guerrillas dynamited hundreds of times the oil pipelines in Colombia causing the spillage of thousands of oil on rivers and forests and serious damages to the environment and the economy. Photograph: Milton Díaz

that had helped them to build a group or collective identity. This is seen in the testimony of a person from the community of El Tigre:

> After the massacre we stopped getting together, we stopped holding sporting events, and we suspended the Carnival of Blacks and Whites. This town was left empty for a time. People came back afterwards, but it was no longer the same. We didn't trust people anymore; we went home early and locked ourselves in. We thought that people would hurt us, we felt threatened all the time. We suffered from nerves.[37]

In different cases that the GMH dealt with, the victims mentioned the destruction or loss of places and occasions to get together around fiestas, celebrations, commemorations and other collective activities of their daily life. In all these emblematic cases investigated by the GMH, people highlighted that it was impossible to work in productive activities and interchanges, due the interruption of the agricultural work and its replacement by an economy revolving around the war. The communities of the Medio Atrato, in the department of Chocó, complained of the difficulties to carry out fishing, planting and harvesting when the paramilitaries, guerrilla and Colombian Army prohibited from traveling on rivers and roads or selling or transporting provisions. The use of anti-personnel mines and the threat of blockades and armed incursions forced the peasant farmers of San Carlos in the department of Antioquia to abandon their farms and stop cultivating their land. The war also affected interpersonal communications by imposing codes of conduct set by the armed agents on the inhabitants. This situation resulted in high levels of fear and coercion for the victims. This is how a woman recalled it in a judicial file:

> My mother, since she was the traditional authority, had it all: handicrafts, necklaces, what was most sacred for us, and they took away our culture. They came to Rosa's house and they also took everything from her. They destroyed the cemeteries, that is our culture.[38]

The rationale of war imposed mistrust, silence and isolation and the deterioration of fundamental social values such as solidarity, participation and reciprocity. These values guarantee security and personal development and are fundamental for securing peaceful coexistence and social cohesion. On occasion, threats, the spreading of rumors, coercion, and generalized fear led members of the same community to denounce and accuse each other. This undermined relationships of trust and led to the profusion of conflicts and clashes between neighbors:

> […] We didn't trust any strangers, any street seller that would arrive there [at the town]. It was a real distrust, because we have been left with that memory, that memory of hearing the bursts of machine guns, the grenades, all of it. Forty-seven people assassinated, people whom we knew, whom we spent time with. So we thought that anyone who arrived would harm us.[39]

> And how sad that was, because you were afraid of your friend, because you didn´t know if he was twisted or not. That messed us up… and I'm still very scared of people.[40]

The presence of armed agents and the crimes they committed were an assault on the fundamental beliefs and practices of people and communities, since these give meaning to, define, and assign social positions and functions that determine their social and cultural life. For example, the indigenous communities find the assassination of leaders who played key roles in supporting and providing spiritual guidance especially painful and destabilizing. It has meant that families and communities cannot perform rituals associated with death, birth and other milestones in life, either because the armed agents forbade them or because the families were disintegrated and forced into exile by the war.

37. GMH, *El Tigre*, 45.

38. Statement of a woman in the file of a criminal case. GMH, *La masacre de Bahía Portete* (The massacre at Bahía Portete), 206.

39. Testimony of an adult man. GMH, *Silenciar la democracia, las masacres de Remedios y Segovia, 1982-1997* (Silencing democracy, the massacres of Remedios and Segovia). Bogotá: Taurus/*Semana*, 2011, 205.

40. Testimony of an adult woman. GMH, *Remedios y Segovia*, 205.

Another type of sociocultural damage that the armed conflict caused to communities was the establishment of new social ideals that were harmful to the social environment and identities of the victims. The ways masculinity and femininity are manifested is a clear example of this. The violence, which has been unpunished in so many cases, led sectors of the civilian population to adopt or wish to adopt social models that coincided with those who wielded the power of arms. The aggressors become examples to admire and imitate. Some men idealized the figure of the authoritative and violent commandant of an illegal armed group or the regional patriarch that controlled everything. Some women have been convinced that they need the protection of a man who has a powerful position in an armed group (the commander or patriarch of the region) with the idea that he could protect her from the violence inflicted by members of other groups.

This sociocultural damage has had impacts on individuals and collective groups. In the first place, it leaves people without the fundamental resources and relationships they need to assume control of their lives and overcome adversity. Secondly, it tears apart social ties and alters the transmission of knowledge and practices that have a profound meaning for people and their families. In the majority of cases, the victims talked about the way in which the armed agents repressed their collective expressions of solidarity and also prohibited important activities that helped them to deal with their sorrow and mourning. Thus, they were forced to experience the violence privately, and were not able to count on valuable cultural and community resources for facing their grief. This is how a woman in a workshop on the Caribbean Coast referred to it:

> In the 1990s no one dared to have a wake, there was no one to help carry the dead. At that time there was no one, because of the fear. One day I saw a woman with a cart and that is where she carried a body, which was covered with plantain leaves, and it was degrading because they use those carts to transport pigs.[41]

There are also the material losses, the dimensions of which have not yet been calculated and that include land, houses, infrastructure, machinery, basic necessities and animals. These losses, in addition to damaging the quality of life, cause grave sociocultural harms, since material possessions have a meaning.

Economic activities in the towns and cities were highly affected by kidnapping and extortion. The armed assaults and seizures of such places paralyzed commercial activities and affected infrastructure as well as important sources of income from tourism or supplying nearby towns. The mass exodus of the population and the bankruptcy of retailers caused by extortion and the damages left by the fighting had a serious impact on local economies. This is what a woman in El Placer in Putumayo recalls:

> This town was full of people. Now, it's not even the ghost of what it was. Not even one business would be closed. There were supermarkets, ice cream parlors, stores, soda fountains, pool halls, bars. It would take an hour to walk from the school to the end of town because there were so many people. Imagine the amount of people and look at this town now; it's dead, you might say.[42]

The material damages also included the deterioration of productive cycles and dynamics, at times because of the abandonment of property when communities were forcibly displaced. Community agricultural projects and production and commercialization on a local level were destroyed in almost all the cases documented by the GMH. Without a doubt, this is one of the greatest impacts of the war, since it is not just a matter of economic damage, but also a severe blow to the morale of their inhabitants, since it affects work that they feel proud of, activities where they display their talents and knowledge and that guarantee their daily sustenance. Such destruction resulted in feelings of impotence, instability, skepticism and hopelessness. This was referred to in a conversation with the inhabitants of El Salado:

41. Testimony of a woman. GMH, Workshop on reconstructing memory on the Caribbean coast, 2009.

42. GMH, *El Placer. Mujeres, coca y guerra en el bajo Putumayo* (El Placer. Women, coca and war in the lower Putumayo), Bogotá: *Semana*, 2012, 16.



Ana Felicia Velásquez does honor to her abandoned house during the commemoration of the tenth anniversary of the forced displaced caused by the AUC in Mampuján, Bolívar. Photograph: Jesús Abad Colorado, CNMH.

> This was a town that had [everything]. There was money here, this was a town that supplied El Carmen de Bolívar and that is why El Carmen de Bolívar is as dead as it is, because is where they arranged tobacco leaves [for cigar production], planted sesame, planted cotton. Here, the people had money, here there was money […]. It was from here that El Carmen got its water. Here, they had already dug a few wells beyond the school to supply El Carmen with water, and we had already made an agreement with El Carmen that they were going to build the road and we would give them the water: we had the water, and that was happening when the paramilitaries came […].[43]

In the inventory of material losses mentioned by the victims, there is another type of loss, the loss of community caused by the destruction or the incorrect use of the public infrastructures of health, education or recreation like bridges, roads, parks and sports facilities. These losses had a serious impact, since they were usually the result of the efforts of the community or institutions that had been there for many years. Their existence was seen as a symbol of local progress and a guarantee of future projects. Rural districts that are now empty, razed towns, lost crops, eroded lands, abandoned houses and roads, devastated schools and destroyed hospitals are part of the inventory of material damages and losses mentioned by the victims.[44] Because of the armed conflict and forced displacement in the municipality of San Carlos, for example, whole rural districts and even small towns were abandoned. Entire communities were destroyed, since the disappearance of a small settlement implies the dismantling of a web of relationships that had been woven over years, with specific social, cultural and productive practices.[45]

In addition to material damages in those devastated towns, there are sociocultural damages related to the destruction of lifestyles that were held in common, and as we shall show further on, this negatively affects territories and social relationships that furnish the inhabitants of such places with an identity and mark out boundaries and differences.

It is from that standpoint that we should also view the environmental damages caused by the armed conflict. The armed agents have blown up oil pipelines, contaminated aqueducts, changed the courses of rivers and engaged in an indiscriminate deforestation and extraction of minerals, among other harmful actions. In addition to the abrupt changes imposed on the use of lands, rivers and agricultural activities, those actions have causes severe environmental damages that still have not been measured. Land eroded by abandonment or inadequate use, sources of water polluted by oil spills, flora and fauna which have been destroyed or are now in danger of extinction and natural reserves that have been invaded are some of the environmental impacts caused by the war.

Such material and environmental damages have moral and socio-cultural impacts. Material goods are a source of recognition and identity and guarantee the sustainability and survival of communities. Property, especially homes, basic domestic goods and animals, are often a family legacy and are rich with meanings, memories and sentiments. For the victims, those blows do not only represent a financial loss, but an emotional one as well that harms their sense of security, the stability of their lives and even, for some, the balance between them, the world, and nature. The meaning of the relationship between what has been built and what has been lost in the midst of the war and that can never be restored is seen in a case like that of Ana Felisa Velásquez, who worked for years to buy a house that, a year later, she had to abandon because of the war. Ana Felisa was displaced from Mampuján, and although years have passed since then, she continues to miss her home. When Ana Felisa visits Mampuján, she makes sure to take one of her favorite tablecloths and some flowers to decorate the ruins of the place.

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43. Conversation with adults who returned to El Salado. GMH, *La masacre de El Salado: esa guerra no era nuestra* (The massacre of El Salado: that war was not ours), Bogotá: *Semana*, 2009), 127.

44. According to figures of the Comptroller-General´s Office (Contraloría General), there were 731 attacks on oil pipelines between 1986 and 2000, which resulted in the spillage of approximately 2.3 million barrels of crude oil. In 2000 US$ 31 million was lost due to the attacks on the Caño Limón-Coveñas pipeline, without counting the devastating environmental damages.

45. GMH, *San Carlos*, 245-246.

> To leave with nothing and leave behind all my things, the dining room table where my children sat, the rooms each had because I had a house, and it was no longer the wooden shack I lived in before but a house built at the cost of so much sacrifice and one where my children were happy, which I miss so much.[46]

Houses were not only looted through vandalism. Homes have also been seized and used in ways that offend or "profane" it for their owners. In their testimonies, the victims talk about feelings of anger and sorrow when they see how their homes have been made into temporary shelters or lodgings for the armed groups, or as shields, trenches or refuges for them.[47] This is what one inhabitant of San Carlos, Antioquia remembers:

> "They arrived, they took the houses, and the people had to leave. Who was going to say anything to them, they were armed, who was going to say something?" If the combatants liked the house, they kicked out the owners and people who lied there: "Houses that they liked, they took. When they liked one, they kicked everyone out".[48]

For farming, Afro-Colombian, and indigenous communities, the environmental damages implied a rupture of the balance between man and nature that is important for their productive practices and crucial for their community existence. Their inhabitants have thus suffered from the impact of conflicting interests, because the value they place on the territory as a source of their rural economy is directly opposed to its use as a strategic corridor in the armed confrontation. The violence that is caused by the armed agents and their looting and inadequate use of the territory represents a permanent risk that threatens the survival of whole communities.

46. GMH, *San Carlos*, 172.

47. GMH, *San Carlos*, 235.

48. GMH, *El Placer*, 126-127.

4.1.3.1. Afro-Colombian and Indigenous communities, the most abused

While such socio-cultural damages have had an impact on all the communities affected by the armed conflict, the losses and changes the Afro-Colombian[49] and indigenous peoples have suffered lie in a category of its own and are especially complex. Work done by the GMH in Bahía Portete, La Guajira, Bojayá in the Chocó, and places in the department of Cauca have helped us to characterize the methods that actors have used in the destruction of the cultures of indigenous and Afro-Colombian communities and the motivations behind them. Their crimes have intentionally sought to undermine and attack the existence of these communities, and the harms have been aggravated by the systematic social exclusion, economic exploitation and discrimination that they have traditionally suffered from.[50]

The effects of the internal armed conflict on the indigenous population are alarming. According to data from the ANHCR, these indigenous groups represent 2.74% of the Colombian population and 3.4% of the internal displaced population, which amounts to 106,562 people displaced between 1997 and 2011.[51] The United Nations´ *Human Development Report* shows that, between 1996 and 2009, 1,190 indigenous persons were assassinated.[52] These figures become even more dramatic when one considers a study by the ONIC which reports that 102 indigenous peoples are at risk of extinction and 32 of them now have fewer than 500 persons. The

49. See:: Libia Rosario Grueso and Juliana Emilia Galindo, *Comunidades negras y procesos de Justicia y Paz en el contexto del estado de cosas inconstitucional* (Black communities and the Justice and Peace processes in the context of the unconstitutional state of affairs), Bogotá: Deutsche Gesellschaft für Internationale Zusammenarbeit GIZ, 2011, downloaded May 13, 2013, http://www.profis.com.co/anexos/documentos/pdfpublicaciones/enf_diferencial.pdf

50. See: GMH, *Bojayá: la guerra sin límites* (Bojayá: the war without limits), Bogotá: *Semana*, 2010).

51. ACNUR, "*Situación Colombia Indígenas*" ("Situation of the indigenous people of Colombia"), downloaded May 10, 2013, http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Colombia/2012/Situacion_Colombia_-_Pueblos_indigenas_2012.pdf

52. PNUD/UNDP, *Report on Human Development 2011* (Bogotá: PNUD, 2011), 248.

Constitutional Court has likewise acknowledged the risk of the physical and cultural extinction of 35 indigenous populations[53] in Decrees 004 of 2009 and 382 of 2010. The situation that the Afro-Colombian populations face is no less dramatic. The UNDP´s *Human Development Report* reported a forced displacement of 43,630 Afro-Colombians for the year 2007 and 20,542 for 2010.

The war in Colombia has significantly altered the ownership and use of land. Indigenous and Afro-Colombian towns and communities have seen how their territories have been used, controlled, usurped and expropriated for different purposes. The war over territorial control has stopped these communities from exercising the autonomy over their lands, an ancestral practice that is protected by the Colombian Constitution. In some cases, confinement on their lands limited their opportunities to undertake their productive activities, freely move through their territory and their social uses of such areas. In others, forced displacement uprooted them and had profound collective and individual impacts.

For indigenous and Afro-Colombian towns and communities, the territory is the foundation of their existence as members of a collectivity. It is the expression of productive, spiritual, symbolic and cultural relationships that underlie their particular manner of entering into, understanding, being and existing in the world. A *mamo* or spiritual leader of the Arhuaco indigenous culture explained it in the following way at the Second Congress of the CRIC:

> For the indigenous people, the land is not just a piece of a hill or plains that give us our food. For us, the way that we live in it, work it, enjoy it and suffer over it is the root of our existence. That is why it is our mother and we defend it.[54]

The armed actors – their presence, the warfare and offensives they engage in to establish their domination—have affected the relationship between such communities and their territories. Among other major changes, this violence has disrupted their calendar of planting and fishing, the productive uses of their gardens, rivers and other sources of sustenance and the exchanges of products through which different communities supply each other with basic commodities. All this has brought hunger and scarcity, and has damaged traditional skills, like the transmission of ancestral bodies of knowledge, which are fundamental for the social and spiritual order which these communities are built on and enable them to conserve and renew their cultures.

From the standpoint of the indigenous and Afro-Colombian peoples and their communities, the territory which is fought over and turned into the scenario of combats, domination, death and fear has been profaned, changed and violated. The mountains, rivers, deserts, and jungle are not just simple geographical features, but resources to which they have historically assigned meaning and functions that regulate and protect.

For many indigenous and Black communities, both the physical destruction and inadequate use of the territory amounts to the devastation of their systems of knowledge and protection. That is how various indigenous peoples who live in the Medio Atrato of Chocó expressed it in a GMH workshop: "[The centers of energy in the territory] are places of refuge for the ancestral spirits, where our forefathers have guarded this great wealth as a legacy for our children".[55]

Damages to their territory put the existence of these communities at risk, since they ruin the productive systems, skills, uses and ancestral practices that guarantee their daily subsistence, the transmission of knowledge and cultural survival. The uses, abuses and disputes over the territory on the part of armed actors over the territory affect the times and places the rituals and cultural practices of each ethnic group can be

53. In this regard, the Constitutional Court makes a special mention of the Hitnu or Macaguán indigenous group and analyzes the situation of the Wiwa, Kankuamo, Arhuaco, Kogui, Wayuu, Embera, Awá, Nasa Páez, Koreguaje, Kofán, Siona, Betoye and Nukak-Makú indigenous peoples. All of the edicts may be seen at: http://www.corteconstitucional.gov.co/relatoria/autos/2009/a004-09.htm y http://www.corteconstitucional.gov.co/RELATORIA/Autos/2010/A382-10.htm

54. *Mamo* (spiritual leader) of the Arhuaco indigenous people, Speech at the Second Congress of the CRIC (Cauca Indigenous Regional Council), GMH, *Nuestra vida ha sido nuestra lucha. Resistencia y memoria en el Cauca indígena* (Our life has been our struggle. Resistance and memory in the indigenous Cauca). Bogotá: *Semana*, 2012), 242.

55. Workshop on memory with indigenous people in Bellavista. GMH, *Bojayá*, 113.

carried out. They thus limit the role that these have in the socialization, cohesion, regulation and identity of the indigenous and Afro-Colombian communities. A woman in Bojayá remembers:

> We couldn't hold wakes, take the body through the streets to bury it; we had to take them in bags because there was no way to buy or make a coffin and we couldn't bury any of them decently… the tradition to sing to them, pray, hold a vigil, take them around the town, which are our customs; we couldn't do it even for the littlest ones… We couldn't even cry for them, because we were fleeing to save ourselves, the few that were left, and one can even get sick if one doesn't cry over your dead […].[56]

The presence of the armed agents has also interfered with the regulatory systems of the indigenous and Afro-Colombian peoples and their communities. In particular, the communities refer to the impact of the alien forms of socialization and social regulation imposed on their youngsters. For one thing, bodies of knowledge that are crucial for the functioning of the community have been undermined, such as fishing, moving through the territory and holding rituals. For another, because certain beliefs, mechanisms and resources that had upheld their collective identity are questioned, devalued and stripped of their legitimacy. This is how one community leader put it:

> The youngsters no longer believe in the elders, they respect and admire the armed men more. They have seen that the rituals and beliefs don't have enough strength to protect us from death and looting, and they think that weapons do.[57]

During the fieldwork done in Chocó, the intromission of armed actors in the daily life of the community life was evident. Some families approached the armed agents to ask them to settle conflicts with their neighbors and to punish the unacceptable behavior of boy, girls and youngsters. The fact that some members of the communities have become soldiers in the armed groups and the cooptation and corruption of social leaders has been especially dramatic and harmful for the internal socio-cultural order. Indigenous and Afro-Colombian communities have suffered from severe divisions, breakdowns of the relationships between communities and peoples, and even violent internal disputes caused by the finger-pointing and accusations arising from the tensions of life in the midst of the violence. There is ample evidence of the destruction of the mechanisms of interchange, reciprocity and solidarity that have been fundamental for their survival have been destroyed.

Such harms are the not only the result of the alterations of the territory caused by the war, but they also originate in the different forms of violence associated with the war, such as selective assassination, forced disappearance and forced displacement, among others. For the indigenous communities, the murder of spiritual leaders who practice traditional healing and are bearers of ancestral knowledge causes a profound collective harm and suffering. This loss does not only cause sadness and disorientation, but also the destruction of a valuable legacy that has been built up over centuries. The violent and sudden death of any person, regardless of his or her social roles, prevents the transmission of intergenerational knowledge, oral tradition, normative principles and ancestral morals. The violent death of women leaders in Bahía Portete, for example, destabilized the sociocultural order of the Wayuu community and their relationship with the natural and supernatural order. These deaths affected such important aspects of their lives as raising children and intermediation with the world outside their community.

In the case of Bahía Portete, the women were cruelly attacked and tortured in public places, and their lifeless bodies were abandoned in places where they would be seen – Rosa's body was left on a public road and Margoth's was close to her house. There was no attempt to hide the bodies. On the contrary, they were tortured and then exhibited. The victimizers sexually tortured the women, amputated their limbs and organs related to sexuality, and later incinerated their corpses. By violently

56. GMH, *Bojayá*, 101.
57. Conversation with indigenous leader at workshop on historical memory in Quibdó. Field notes.

attacking and murdering women, they also sought to sully their bodies as a symbol of the territory and desecrate it:

> This handling of the bodies of dead violates the sacred principle in these communities that only their women are allowed to touch the body of someone who has died, given their role as the link between the world of the living and that of the dead without being responsible for the revenge of a violent death.[58]

In Bojayá, on the other hand, the violent death of adults and the elderly led to an abrupt break in the path that, in accordance with tradition, they travel along as they ascend from guardians of spiritual wisdom to protective ancestors. This points, again, to the sociocultural harms that arise from the violence.

Forced disappearance is a violent tactic that has had devastating consequences for these indigenous and Afro-Colombian communities. In addition to the pain and suffering that their absence and the uncertainty of their families cause, the harms resulting from this type of violence extend to their inability to carry out their rituals and individual and collective forms of mourning.

Violent methods such as forced displacement and the planting of anti-personnel mines have also had serious impacts on indigenous and Afro-American towns and communities. Not being able to safely live in their regions and being forced to escape mean that, in addition to fleeing, they have to uproot their lives and break ties and relationships that are the source of their identity. Confinement, dispersion and abrupt changes in the places where they live – which also entail changes in their diets, language and work – threaten the possibility that these communities may survive. These interruptions of daily life have caused the disappearance of peoples and the destruction of the multicultural and multiethnic wealth of this nation.

4.1.4. Criminalize, persecute, repress – the damage that the war inflicted on democracy

Political impacts and harms are understood to be the premeditated efforts of the armed agents, in many cases with the support of local or regional elites, to impede, silence or exterminate practices, methods, organizations, movements, parties, leaderships and political ideals categorized as being in opposed to theirs and perceived as dangerous or contrary to their purposes and interests. These are actions that inhibit and impede the participation of citizens in public decisions, as well as political organization, deliberation and opposition, through the use of several methods of aggression, like the following: the physical elimination of people, assaults, threats, criminalization, exiling, stigmatization and instilling terror.

Such political harm has traditionally been seen in the ceaseless persecution suffered by civic and political organizations, trade unions, peasant-farmers associations, movements of political opposition, parties, and social protests. That persecution has been aimed at the leaders, members and even sympathizers of those political groups.

Victims remember the murder of family members, neighbors and friends who defended labor rights, protested against the abuse of power by businesses, landowners, public authorities and officials and who led organizations that promoted political, economic and social legislation that was alternative and inclusive. Such expressions of protest and critical thought and membership in social movements have been linked to subversion or terrorism and those who engaged in such activities condemned as criminals and persecuted. A peasant-farmer leader in Ovejas, Sucre says:

> Until the 1990s, there were big protests in Ovejas. The last one was on November 14, in 1990, and ten thousand small farmers from Sincelejo participated in it. We blocked the town off and we all participated in the movement. We were denouncing the selective assassinations of many of our leaders,

58. GMH, *La masacre de Bahía Portete* (The massacre at Bahía Portete), 85.

> and some persecutions. But many accused our leaders of being spokesmen for the subversive groups.[59]

During the 1980s and 1990s many institutional changes took place in Colombia. This process of transforming the State included a political and administrative decentralization, the popular election of mayors and governors and later, there were some efforts of democratic opening and opportunities for political negotiation. Given the magnitude of these reforms, many leaders and organizations supported these efforts to transform politics by participating in the framework of legal institutions. This led to the emergence of new organizations and parties that mainly strove to strengthen democracy, but were also subject to persecution. A displaced man in Medellín remembers:

> To fight against corruption, civic movements and citizens´ oversight groups were organized to follow up on what was done with public funds. When they saw that the organization was growing and had a solid foundation that would enable it to truly oversee the use of public resources, selective assassinations of community leaders began to occur. They began to selectively remove people by displacing them.[60]

The brutal reaction to the appearance of new and alternative political forces such as the Patriotic Union, UP, the National Labor Union (*Unión Nacional Obrera* – UNO), the Revolutionary Independent Labor Movement (*Movimiento Obrero Independiente Revolucionario* – MOIR) and the Hope, Peace and Liberty Movement had a profound impact on voters and the population in general. Many feared the consequences of participating in civic, electoral and political movements. The result of these events was that the ones who determined the results of elections and were able to participate in political life in some areas of the country were the actors in the war: the armed insurgents, self-defense and paramilitary groups and the Security Forces.

The stigmatization and criminalization of those who participated in and led the political opposition groups turned into a death sentence, as seen in the almost total disappearance of the UP and other groups of political dissidence who had achieved a certain standing on a national level.[61] The fear established by this type of violence is evident in the testimony of this inhabitant of Segovia and Remedios:

> When all that repression comes, when they begin to assassinate people, when there are massacres and selective assassinations, then people, out of fear, become quiet. And the massacre [of November 11, 1988] was the high point: it was that which drove people away. And then people realized that being in a party like the UP meant being sentenced [to death].[62]

This political persecution affected a large number of people, leaders and organizations, among whom were representatives of the Liberal and Conservative political parties; those who worked in rehabilitation programs or participated in social development and community activities; teachers, candidates, councilmen, mayors and members of provincial governments. This is how a man in San Carlos remembers it:

> […] Afterwards, almost all those civic groups that had been formed were eradicated, because all those leaders had to get out, to save their lives. Even many officials of organizations that worked with the communities there, for example the UMATA [Municipal Units for Technical Agricultural Assistance — *Unidad Municipal de Asistencia Técnica Agropecuaria*]. And supposedly for the others, they were working with the guerrilla because they were working hard to improve life in the countryside: isn´t that the objective of the UMATA? : the countryside… so then they also had to get out, as well as some councilmen […].[63]

59. GMH, *La tierra en disputa* (The fight over land), 260.

60. GMH, *San Carlos*, 61.

61. The magnitude of the victimization is a warning that while sympathizers and activists of the Liberal and Conservative parties have been assassinated, the systematic and continuing assassination of leaders of left-wing political parties has been an evident fact.

62. GMH, *Segovia y Remedios*, 192.

63. GMH, *San Carlos*, 142.



March of the Unión Patriótica party, 2008. Photograph: Jesús Abad Colorado ©

The persecution of the new political organizations which represented a new way of thinking that was different from and contradicted the traditional bipartisan system began in some cases with political stigmatization and criminalization of the exercise of citizens´ rights. These actions were the work of the regional or local powers who felt their interests were threatened. Guerrilla groups also did this when they thought that these new movements might challenge their determination to delegitimize the State by aggravating the crises its institutions were in and weakening their power by abstaining from and sabotaging electoral processes. The Security Forces also participated in these illegal acts, since they perceived any social or political change as an advance of the communist threat that likewise favored the interests of the guerrilla, as did the paramilitary groups, who felt that such reforms hindered their control of certain regions and hindered their expansion. On many occasions the paramilitary forces joined with and interchanged favors with the military and political figures in order to secure their interests.

The strategies used by the armed agents included accusations that stigmatized the communities. A number of groups were labeled as auxiliaries of the guerrilla, allies of the paramilitaries, guerrilleros dressed as civilians, "sapos" (informants) and collaborators. Terror closed the spaces for the legal expression of opinion and thwarted the realization of political initiatives, especially those that offered alternatives to the bipartisan political system of Liberals and Conservatives.[64]

The statement that follows is an excerpt from a flyer that the paramilitaries used to discredit the Association of Peasant-Farmer Laborers of Carare (*Asociación de Trabajadores Campesinos del Carare*– ATCC) in the department of Santander. This document illustrates the censure that was aimed at any political activity that was different from the armed order:

> Warning! Citizens of Cimitarra: the communist guerrillas of the FARC-UP, having lost their hold over a large part of the Magdalena Medio, where they were defeated by the glorious weapons of our brave Colombian army and with the decisive help of groups of civilian informants, maliciously and perversely called "paramilitaries" by the urban and rural supporters of the armed subversion, now seek to use the effective strategy of publicity in order to provoke the demilitarization of our region and with it, unleash the most frightening wave of kidnapping, extortion and racketeering, and, in short, rebuild the empire of death in this peaceful region inhabited by the survivors of the deadly violence of FARC-UP guerrilla groups, which are still not satisfied with the criminal acts they have committed for more than 30 years of their bloody history. Warning! You cannot be a victim of your naivety. Wake up. Think and denounce. On May 21 the terrible bandit Braulio Herrera, a member of the band of butchers of the FARC-UP, in a step towards re-taking the Free Magdalena Medio, organized a campaign with several fronts of the FARC-UP and with the cowardly complicity of several "peasant leaders" of the region of La India, the ones who call themselves the "Association of Peasant-Farmer Laborers of Carare," whose aim is to serve as a front for the communist guerrillas in the area. They are absolutely powerless to win a victory against the brave civilians and soldiers who for years have been penning them into the mountains […] Don't lie any more to the good people of Cimitarra, comrades, members of the Carare association! These criminals must not have any more friends than their own accomplices.[65]

64. This has been the case, for example, with the Unión Patriótica, Communist, MOIR, Frente Popular and A Luchar parties in the mining towns of Remedios and Segovia, in northeast Antioquia. The political violence aimed at the political minorities (generally dissident or opposition ones) which were successful in local and regional elections and won a national standing between 1986 and 1990 through the Unión Patriótica party stands out. In fact, the UP suddenly emerged as a new political force in the elections of March 9, 1986, when it won five Senate seats, 9 seats in the House, 14 seats in the departmental assemblies and commissarial councils and 351 in the municipal councils.

65. GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare (ATCC)* (Order disarmed. The struggle of the Association of Farm Workers of the Carare, ATCC), Bogotá: *Semana*, 2011, 163-164.

This persecution and extermination significantly affected officials of the judicial branch. GMH's report on La Rochela registered 1,487 acts of violence against this town between January 1979 and December 2009. The guerrilla justified their attacks on judges by claiming that the justice of the State was illegitimate. Paramilitary groups, drug-traffickers and military were motivated by a wish to obstruct any investigation that might incriminate them.

In addition to these violent practices, other types of aggression permeated civil and judicial institutions of the State, both on a regional and national level.[66] Several social and community leaders, human rights defenders, and even local political authorities were the victims of false accusations and judicial proceedings with fake witnesses. Due to the weak evidences, these trials almost never ended in sentences. In this way, those who were not exterminated were subject to criminal accusations in judicial settings, and thus the cycle of criminalizing the exercise of their rights was completed. The war drastically and negatively affected the political and social agendas of different manifestations of democracy in the country. It impeded the development of democracy, which is established when political initiatives of diverse tendencies can be freely undertaken, with institutional guarantees. A peasant-farmer leader of the ANUC in Sucre commented:

> In addition to evicting [the peasant-farmers from their lands], there has been an intense campaign of intimidation aimed at dissolving our organizations. For this reason they resort to such pretexts accusing community committees and leaders of belonging to bands of rustlers or collaborating with or being members of the guerrilla. This campaign against our organization is not only limited to the individual activity of landowners and local authorities but has also taken the form of an official statement of the central government. For example, the Minister of Justice, Hugo Escobar Sierra, in statements which appeared in the newspaper *El Espectador* on April 30, where his own words echoed the attitude of those who want to change the system by violating the law, who go round the countryside of Colombia destroying, murdering and invading farms.[67]

In addition to the persecution of political parties and movements, violent acts were aimed against the leaders and members of community, civic, cultural, religious and humanitarian organizations, women's organizations, and initiatives on behalf of the young. The cases investigated by the GMH revealed that another form of intimidation was the assassination of leaders. Among others, there were the cases of the doctor and civic leader Julián Conrado David, assassinated on October 27, 1983 in San Carlos; the priests Tiberio Fernández Mafla (Trujillo, April 1990), Luis Arroyabe (Comuna 13 in Medellín, September 2002) and Jorge Luis Mazo (Quibdó, November 1999); the human rights defender Jesús Ramiro Zapata (May 3, 2000) and the municipal official (*personero*) Jairo Luis Álvarez (October 31, 2008), both from Segovia; the civic leader Yolanda Izquierdo (Montería, January 31, 2007) and the leader of the Wayuu indigenous community, Rosa Fince Uriana (Bahía Portete, April 18, 2004). Such attacks were another way of causing political harm, since these leaders promoted plans to improve the quality of life in their communities and proposed alternatives and solutions to the war through citizen-action initiatives.

Participants in community boards, neighborhood associations, cultural groups and community organizations were subject to stigmatization, persecution and extermination. The assassination of local leaders has caused immense suffering for their families and those close to them. These aggressions have interrupted the social activities that the executed leaders promoted, and have displaced other leaders who understood these murders to be a direct threat to their lives and community work. This is what a displaced woman in Medellín said:

66. El GMH confirmed examples of this in the cases of Trujillo, Remedios and Segovia, and Carare.

67. GMH, *La Tierra en disputa* (The fight over land), 251.

> […] There are people who don't want to belong to the boards or cooperatives, none of that, that is, no participation just because they´re afraid. "Oh, are you displaced?" [they ask you] "Oh, it's because you engage in those activities, because you do this […]" No, don't get involved in that, at least, I won't get involved. There are people who don't get involved and don't support any of that because they´re afraid that their rights will be violated.[68]

The multiple and systematic selective assassinations of men, women and young leaders, as well as the persecution of social and political organizations, caused grave harms to peaceful political co-existence and the stability of democracy. After these attacks happened, there was a generalized feeling that participating in such political organizations was too risky. The initiatives were stalled and the citizenry did not get involved in public affairs. These types of violent acts affected the basic rights of the democratic system: the right to protest, denounce, participate and oppose, as well as the right to organize and associate. For example, in the municipality of San Carlos, 5,230 people voted out of a potential electorate of 11,455 in 1995, while in the 1998 elections, a particularly violent year, out of the 12,832 who were eligible, only 231 people voted.[69]

Private and public agents divided, co-opted or manipulated leaders and organizations when they could not persecute and exterminate them with threats and selective assassinations. The exercise of democracy was limited to electoral processes that in many cases took place in the midst of threats, manipulations and corruption.

All the armed groups attempted to use organizations, leaders and social movements to further their own interests. They used the claims and language which characterized these organizations to legitimize themselves, and even, as in the case of the guerrilla, justified that as the strategy of "combining all forms of struggle". This strategy of combining legal political activities with violent ones made such social organizations vulnerable and wound up turning some of them into targets for military attacks or unjustified judicial sanctions. A number of those organizations and movements were infiltrated by violent individuals who used every sort of pressure to exploit them for their own purposes. An example of this is the story of Armando Ruiz, who served as a councilman in San Carlos and then joined the ELN:

> He was a great leader, an incredibly intelligent person, very educated, a person with a political stand and he had a vision of this town… You stand here and see this town this way [so bad], Do you understand me? And where was this town going?... But his relationship with the guerrilla and his revolutionary focus then forced him: "Brother, join or die or pick up a weapon." Then they sent him a very blunt letter, telling him "or you put on the guerrilla uniform or you die as civilian;" then the man didn't have any other choice but to go with the guerrilla because he didn´t have any other protection.[70]

The civic movement in the municipality of San Carlos, which extended all over eastern Antioquia, is an example of how the insurgent forces, the ELN and the FARC, used such organizations. This is explained in the GMH report:

> The guerrilla, anxious to have the social support and territorial backing of a geo-strategic area like San Carlos, entered with the supposed mission of saving the civic movement, which was already being attacked by the paramilitaries. The opportunist way the guerrilla used them was evident, and it even led them to try to exploit the memory of people who had been killed who were not theirs, but belonged to the defenseless population.[71]

68. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 201.

69. Information systematized by the GMH on the basis of the reports of the Observatorio de Paz y Reconciliación del oriente antioqueño (Survey of Peace and Reconciliation of Eastern Antioquia).

70. GMH, *San Carlos*, 97.

71. GMH, *San Carlos*, 16.

The participation of State officials and agents in the violation of human rights, and their complicity with criminals, caused very grave harms to the institutional framework and democracy. In the majority of places the GMH visited, people spoke of their deep mistrust of the Security Forces, judicial officials and even governors elected by popular vote. A resident of Trujillo remembers it this way:

> You're fine at home, they come and they kill your family members, they take them away and torture them, you don't know what´s happening and you never find out anything afterwards. Where do you go? You go to the police, who are supposed to keep public order. You go there and they tell you: "Look, keep your mouth shut, because if you don't, they'll take you away too." A complete disappointment.[72]

Phrases like "there is no one to go to" and "you can't trust anyone" frequently occur. In Comuna 13 in Medellín, several people said that after denouncing the occurrence, anonymous armed men arrived to threaten them in their homes. In the departments of Antioquia, Magdalena and Córdoba, the victims' feelings of helplessness in view of the complicity between the authorities and criminals, was repeatedly mentioned. The legitimacy of the State and its officials, and the credibility of entities responsible for ensuring law and order and the protection of citizens were sacrificed. These circumstances have caused a profound and lasting harm to the country´s democracy. An inhabitant of Segovia related:

> I would say that the behavior of the Army and the Police on the day of the massacre was one of the most cowardly that could have been seen here […] they did nothing to prevent it and they didn't even pretend to pursue them or anything […] they massacred the people here in the park and the police were less than a hundred meters away and how is it they didn't defend the people… the Army arrived about twenty minutes or half an hour after everything had happened and when they arrived, they mistreated people; they forced us to come out with our hands up.[73]

These occurrences are evidence of how violence has contributed to the loss of political plurality, the disintegration of efforts by communities and parties to organize themselves, the impossibility of exercising political rights through elections and the denial of the rights to free expression and political opposition.

Harming the plans they have for their lives (life plans) has been recognized by Internal Law an infringement of the subject´s freedom to realize himself or herself in accordance the person´s own, free decision.[74] While this harm is categorized as an autonomous one, it is obvious that it is the result of the convergence of the other harms referred to here.

The war has forced thousands of people to abandon the places where they lived and worked. Their productive plans as well as their dreams and goals have been frustrated. Many families have disintegrated, children and youngsters have had to abandon their studies,[75] men and women have had to change their roles and social functions. A woman from the Caribbean Coast expressed it this way:

72. GMH, *Trujillo. Una tragedia que no cesa* (Trujillo. A tragedy that does not end). Bogotá: Planeta, 2008, 84.

73. GMH, *Remedios y Segovia*, 74.

74. According to Carlos Fernández: "it is a harm of such magnitude that it thus affects the way in which the subject has decided to live, cuts short the destiny of the person and makes the person lose the very meaning of his life… It is not an ordinary handicap, nor transitory or permanent, but it is a matter of a harm whose consequences influence something even more important for the subject, which are his own aims in life, that which gives his life a reason and meaning". Carlos Fernández Sessarego, "*Daño al proyecto de vida*" ("Harm to one´s life project"), *Revista Jurídica de la Universidad Interamericana de Puerto Rico 34 3* (Juridical Magazine of the Inter-American University of Puerto Rico 34 3), 2000, 427-534.

75. In that regard, the UNESCO´s 2011 report on education and warfare points out that in Colombia the number of displaced adolescents between the ages of 12 and 15 who are still studying in primary school are twice that of the non-displaced children of the same age. The above indicates that these displaced children enter primary school at a late age, frequently repeat the year´s course and are more prone to school desertion. In turn, the figures of the Ministry of Education show a constant rise in the proportion of internally displaced children between the ages of 5 and 17 who attend primary schools, from 48% in 2007 to 86% in 2010.

> They damaged all my plans, they damaged my life, I wouldn't be living this life, this is not the life I planned, this life that I have to live. Even so, I don't feel resentment, I learned to live with it, I learned to keep going, but it's not what I planned.[76]

War has left thousands of orphans who have seen their lives changed and their sources of protection and support reduced or thwarted. The Colombian Family Welfare Institute (*Instituto Colombiano de Bienestar Familiar* – ICBF) has registered 951 minors who are orphans in three of the departments most affected departments by the conflict: Antioquia has 526, Nariño has 360 and Casanare has 65. They are mostly adolescents between the ages of 12 and 15 years of age.[77] Violence has left widows and widowers who have to shoulder heavy psychological and economic burdens in the midst of their sorrow and desolation. Rape has caused pregnancies in which the victims have had to assume the consequences of motherhood and their children face an uncertain future. These situations have caused couples to separate and have left physical and psychological scars that make it hard for them to continue or reestablish respectful and pleasurable emotional relationships. The war has changed the feelings, thoughts and behaviors of people. It has damaged social bonds and support networks, left the victims without a material, spiritual and symbolic support, and changed their destinies by forcing them to assume a life they did not want in situations of misery and poverty.

4.2. Damages and forms of violence

The dimension and depth of the impacts left by the armed conflict on people and society are related to the types and strategies of warfare that have been used by the different armed actors. Although it is impossible to determine what caused more damage, and it would be inappropriate to establish scales and intensities of the impact and human suffering, some violent acts are especially illustrative of the capacity to instill terror. Some methods of instilling violence can destabilize the lives of people to an extreme degree, destroy their sources of support, and make mourning and efforts to recover the stability of their lives and realize their plans, both individual and collective, impossible. From the experiences narrated here and the victims' reflections we can see that some methods, like massacres, forced disappearances, forced displacements and sexual violence[78] encompass the multiple and complex impacts previously described.

4.2.1. Massacres: terror and devastation

Massacres are a form of violence that combines horror with serious and complex impacts on the victims. As can be seen in the first chapter of this book, massacres were a type of violence that was continually used in the armed conflict.

The armed actors prefer massacres because of their capacity to instill terror and depopulate territories. The cruel acts that characterize them and were broadly described in the first chapter have marked the lives of thousands of families and have left indelible scars on their memory.

All massacres are barbaric and cruel, and the more people die, the more destructive they are. When the intentions of the victimizers are known, they can be more cruel; since they are unexpected, it paralyzes the victims; if a part of the population is more vulnerable, it breaks their spirit. Added to the loss of life are material ones like the burning and looting houses; when people are raped or disappeared the tragedy is prolonged indefinitely; when the victims are humiliated in public and in places where the community used to meet, their hearts are wounded; and when, above all, they cannot bury their dead due to fear, there is no way to soothe their pain.

76. GMH, *Mujeres y guerra* (Women and war), 257.
77. "*La guerra ha dejado 951 huérfanos en Colombia*" ("The war has left 951 orphans in Colombia") Caracol radio news, downloaded May 12, 2013, http://www.noticias-caracol.com/nacion/articulo-287846-laguerra-ha-dejado-951-huerfanos-colombia
78. This form is discussed below, in the section on the way the impacts vary in accordance with gender.

However, the communities that spoke to the GMH insisted that the impacts were deeper and more complex when the victims were boys, girls, the elderly and pregnant women. In the massacre of Bojayá, 48 minors died, and the people remember with immense anger and pain that a woman gave birth to her son in the church while she hid from the conflict, and that both she and her newborn were then killed by the impact of the cylinder bomb. The report of Bojayá describes it this way:

> The death of boys and girls has very important impacts, since it challenges the basic belief of this and any other society: that they are innocent and therefore should be especially protected. Their violent death violates precepts that are basic to the social order, an order that seems to be natural in which only the old, sick, and guilty die. There is no explanation or sense for this violence, and it has caused deep feelings of pain, anger, helplessness and guilt in the relatives and the community.[79]

When boys and girls are among the victims, the suffering of mothers and fathers is heartbreaking. The sorrow produced by the loss of a child clutched by violence is immense. The impact also affects their brother, sisters, friends and neighbors, who are forced to learn that life may be lost in a brutal way even at a young age. When women die, their death leaves widowers, orphans and a large number of broken homes, given their importance as the sustenance and unifying force of the family.

The place where the massacres occur also has certain effects. If the deaths and brutal events occur in a church (Bojayá), a school (San Carlos), or a public sports field (El Salado), this affects the associations of these places with notions of protection, public gathering and shelter. Violent acts profane the places where people meet and hold parties and celebrations. From then on, the place evoke memories of death and tragedy that radically change their meaning and use. What happened in Bojayá illustrates this, when an explosion destroyed the church and claimed many human lives. When people speak of it, it is with an imagery of a church drenched in blood, with mutilated bodies scattered about, as was recorded in the GMH report:

> A place of peace and retreat suddenly became a place of horror, destruction and death.[80]

An inhabitant of El Tigre remembers that:

> […] We called off our parties, our sports events, we stopped going to the river because the paramilitaries threw the dead in there, and the river became polluted. Also, it is sad to pass by that place.[81]

Several massacres were marked by looting, burning and the immediate forced abandonment of the area, on the order of the victimizers. This prevented people from carrying out the rituals of burial and saying farewell to their dead. It likewise left them without a minimal chance to organize their escape. The suffering of not being able to mourn properly was added to the pain caused by the losses. That mourning, a truncated one, so to speak, makes it difficult for people to assimilate the death of a loved one and integrate the experience into their lives. In the case of some communities, it alters their vision of the world and cultural heritage.

The GMH report on the Bahía Portete massacre shows how the fact that the community could not bury their dead led to a very significant emotional collapse.

> The fact that people cannot bury their dead implies a breakdown of [the codes of] Wayuu society. The [restless] spirit of the dead person heightens the instability in the family to the point that it may cause the family group to disappear or disintegrate, because the spirit wants justice and since the family

79. GMH, *Bojayá*, 92.

80. GMH, *Bojayá*, 99.

81. GMH, *El Tigre*, 46.

> has not been able to satisfy its claim, there are these negative consequences. It is like a curse.[82]

Massacres have a clear intention. They seek to cause terror and intense suffering, humiliate and degrade, destroy relationships and social links and destroy the identity and culture of a community. Massacres are a traumatic experience, since "[…] at a single stroke they cut the history of the community and its people in half and create a deep rupture in collective mythologies and feelings of belonging, which then give way to new identities marked by tragedy, uncertainty and guilt."[83]

4.2.2. Forced disappearances: absence, uncertainty and loneliness

If the pain doesn't unite us, then what will unite us? With my daughter's body in my arms, I made a promise to her and I begged her to give me strength to help other people to recover their peace and answer that question that is so big: knowing where our loved ones are.
Pastora Mira[84]

The figures on the scale of the forced disappearances that occurred in Colombia are difficult to establish, given the circumstances and conditions surrounding this crime against humanity. The peculiarity of this atrocious crime is that it hides a murder.

Forced disappearances have very grave impacts.[85] At the same time that the families face the absence of a loved one, they also face the intense and permanent anguish of not knowing what happened to the member of their family, given the uncertainty of his or her fate. Forced disappearances represent a type of psychological torture for these families, and usually causes a prolonged suffering, because in circumstances that are inconclusive, true mourning is difficult, if not impossible. That is how it was described by Ana Rosa Cuartas, the mother of José Norbey Galeano, who was with Father Tiberio Fernández in Trujillo when the paramilitaries took him away:

> Since my son disappeared, my life has changed completely, because day after day I miss him, every day I wait for him, with the anxiety that my son is still alive and may turn up at any moment. At times I wake up late at night and I go to the bathroom and I look out the window in the hope of seeing him coming home. It is very difficult to accept the truth, but it is even more difficult to live in this uncertainty: wanting to know where my son is and what they really did with him, whether he is alive or dead. I start to think about it: if my son died, what did they do to him, how did they kill or massacre him, what was his suffering like. If I had found him, I would at least know that I saw him and he was really dead. But this way it is impossible to be calm, my heart bleeds every time I think about him, every day. Because every day I entrust him to God. I suffer the agony and sadness of

82. Testimony of a woman. GMH, *La masacre de Bahía Portete* (The massacre at Bahía Portete), 95.
83. Martha Nubia Bello et al., *Bojayá, memoria y río. Violencia política, daño y reparación* (Bojayá, memory and the river. Political violence, harm and reparation). Bogotá: Universidad Nacional de Colombia, 2005), 46.
84. Mother of a girl who was kidnapped and whose body was not located for several years. IPUI, "*Pastora Mira García: 'Si el dolor no nos une, ¿qué nos puede unir?'*" ("Pastora Mira García: ´If sorrow won´t unite us, what can unite us?´"). Downloaded May 12, 2013, http://espanol.upiu.com/view/post/1247612930719/
85. For information on the impact of forced disappearance, see: Office in Colombia of the United Nations High Commissioner for Human Rights(Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos) and the International Committee of the Red Cross: *Recomendaciones para una política pública con enfoque psicosocial en contra de la desaparición forzada* (Recommendations for a public policy with a psycho-social focus to deal with forced disappearance). Bogotá: Nuevas Ediciones S.A., 2009; Coordinación Colombia-Europa-Estados Unidos, Observatorio de Derechos Humanos y Derecho humanitario (Joint Colombian-European-United States Survey of Human Rights and Humanitarian Law). "*Desapariciones forzadas en Colombia. En búsqueda de la justicia*" ("Forced disappearances in Colombia. In search of justice"), Thematic documents 6, (2012). Downloaded May 13, 2013, http://www.corporacionavre.org/files/documentos%206%20FINAL%20mayo%2031.pdf

> knowing that they took him away unjustly, without being guilty of anything, just because he was with the priest that day.[86]

The women of Trujillo, Valle del Cauca or San Carlos, Antioquia who had been affected by the forced disappearance of their sons and daughters spoke of their anguished need to have some news about their whereabouts or to find their remains. The lack of answers and urgent wish to find them led them to undertake all sorts of efforts to look for them and focus their energies and resources on that aim. For many of these women, the task has stretched out for months or years, and some, after a decade, still do not have the answer. This suffering is worsened by the disappointment of futile results and wasted efforts, the painful experiences that the mothers of disappeared persons go through. Pastora Mira speaks of this in an interview:

> On the seventh I got up at dawn and took the car that leaves at five-thirty in the morning to look for her and I found everything upside down, there was no one there. Those people told me that I shouldn't ask around so much because if I did, they would kill me. The only thing I wanted was for them to give me the bones, to tell me where they had thrown her… I had to return with empty hands because here, in San Carlos, I had the rest of my family.[87]

Ángela, a woman from the Caribbean Coast, spoke of her solitary efforts to search for news about the whereabouts of her disappeared sister. In her search she visited jails to question demobilized soldiers there, and traveled to a number of cities, asking about her sister. After two years of inquiries, they officially notified her that her sister had been killed by a paramilitary soldier.



Homes abandoned after the forced displacement that took place near the highway between Granada and San Carlos, Antioquia. Photograph: Jesús Abad Colorado, CNMH, 2010

86. GMH, *Trujillo*, 69.
87. IPUI, "*Pastora Mira García: 'Si el dolor no nos une, ¿qué nos puede unir*?'". ("Pastora Mira García: 'If sorrow won't unite us, what can unite us?'".)

During the voluntary testimonies at the Justice and Peace court in Santa Marta, as at those courts in other cities, there was a notable presence of members of the victims´ families who approached the victimizers for information about the fate and whereabouts of their loved ones. A woman in Montería said that she even risked going into a paramilitary camp to ask about her brother there. This risky decision exposed her to more humiliation and threats. Others mentioned the difficult and painful moments they had to go through when they went to clandestine cemeteries or morgues around the country to identify the bodies of their loved ones.

The agonizing situation that the families of disappeared persons have gone through has lowered their expectations of justice. For such relatives, there is an urgent need to discover the fate of their loved ones and find their remains. On occasions, this led them to put off other claims they had for truth and reparation, like soliciting reparations, learning the identity of the victimizers, hearing the reasons of the victimizers or demanding that they be punished. This is how a woman, the daughter of a disappeared man, reprimanded the victimizer in a jail in Barranquilla:

> And who told you that I am here for twenty million pesos? Who told you that, sir? I can make twenty million pesos even if I have to work day and night, but I can do it. I am here because my father was not a *guerrillero*, because my father was a hard-working farmer and that dignity he had is no longer known. What happened to him, no one knows. Where he is, no one knows.[88]

These long and exhausting processes resulted in some families finding the remains of their loved ones and burying them. Although meager and incomplete, the truth that emerged from the testimonies of some demobilized soldiers in the Justice and Peace proceedings was essential to them and brought them relief after so much uncertainty. A woman in Medellín said:



Mrs. María Valencia Cano lost her husband and two brothers-in-law during the fighting between the Army and the paramilitaries in Trujillo, Valle del Cauca. Her father-in-law later died of sorrow. Photograph: Jesús Abad Colorado, CNMH, 2008.

88. GMH, *Justicia y paz* (Justice and peace), 387.

> I had been searching for years without knowing anything. I thought that my daughter had left and that she left because she was angry with me. But no, he said very clearly that they had taken her and that later they killed her. I am immensely grateful to that man, I bless him, because he removed a terrible suffering from me. Now at least I know that she is dead and that they are going to give me her remains so that I can give her a Christian burial, and that is a relief.[89]

The victims, especially the women, spoke of the many years that they had been searching for news. This effort exhausted them: they neglected their homes, and they spent an important part of their meager resources on the search. Therefore, the maximum aspiration of the family members was to have news that could give them some kind of certainty, and in the case of confirming the death, to be able to bury the body. This is the testimony of Pastora Mira:

> "Wherever they told me there was some little bit of information, I would go there," she said. In her search for the last traces of her daughter, she paid three million pesos to a reinserted man in the faraway municipality of Ibagué. The man asked for that amount of money to give her the information that, according to him, would allow her to find Sandra's body.[90]

It should be mentioned that in many cases the families could confirm the death of their loved ones but not where their remains were. Some families knew that they had been murdered and their bodies thrown into rivers or incinerated; in other cases they found out from eyewitnesses that their family members had been murdered, but they did not have any information about what happened with their remains. The inhabitants of El Tigre, Putumayo, for example, shared with GMH investigators their memories of how the paramilitary soldiers treated the bodies of their victims:

> […] They filled the trucks with men and on the bridge of the river [Guamués] they opened their chests up with axes and threw them into the water. They didn't want the bodies to float, but sink to the bottom […].[91]

These testimonies show different types of experiences: people whose family members disappeared more than twenty years ago and who still have no information about them; people whose disappeared family members were later found, the majority of them dead; people whose disappeared family members were reported dead but they do not know where their bodies are.

Some families were able to recover the bodies of their loved ones. But then they had to go through the painful process of disinterment and interment. In spite of how tormenting that can be, the search allowed them to conclude part of the drama and made it possible to perform certain rituals that helped diminish their sorrow, which, however, did not mean that their suffering ended there. After receiving the remains of her father, a young woman in Montería commented:

> Twenty years afterwards, they gave us the remains of my father and I thought I was going to feel better… but no. That day I cried, I screamed, I almost fainted. I know that the dead turn to ashes, to dust… but I did not want them to return my father to me in one of those little boxes… a little bit of bones and soil was all that they returned. I always thought about a body… but this was only little pieces, with soil.[92]

Each situation involved different types of suffering and needs, but there was always pain, anxiety and uncertainty. The daily life, activities and plans of the families were put on hold, since they were not sure of the person's death and thus there was no sure loss to accept and integrate into their experience. The hope that they will return survives so long as

89. Unpublished testimony of a woman in Medellín, 2010.
90. IPUI, "*Pastora Mira García: 'Si el dolor no nos une, ¿qué nos puede unir*?'". ("Pastora Mira García: 'If sorrow won't unite us, what can unite us?'".)
91. GMH. *El Tigre*, 25.
92. Personal conversation with a woman after the remains of her father were given to her in Montería. Field notes.



Common grave where the remains of Bianca were found, after a relentless search. Municipality of Granada, Meta. Photograph: José Luis Rodríguez © 2007.

there is no evidence to the contrary. As long as there is no body, there will be no proof. This leaves a glimmer of hope that prevents them from accepting the death and mourning.[93] A woman on the Caribbean Coast narrated the following in a workshop:

> […] They disappeared my little sister five years ago… She was 15 years old. I have spent all the days of my life begging God to return her to me alive. I converted to the Christian church [Iglesia Cristiana], where I put her name on the prayer chains… There is not a day when I don't say to God: "Lord, you who can do everything, return her to me, bring her to me"… But last week they told me that the man who killed her already confessed… People say that this will help me to rest, but no way! I feel an immense pain, I am angry and it is a disappointment… I begged so much… I had so much faith and I begged so much and for nothing. They say the man who killed her said where they buried her, but we have to wait, we don't know how long, until they give us her remains.[94]

The pain and suffering caused by the difficult situations that the families of disappeared people go through are made worse due to the characteristics of this type of violence and the sociopolitical context. The difficulty of proving the disappearance, for example, has been intentionally used by the victimizers and even – in cases known to the GMH, supported by the testimonies of the victims and their relatives – by the officials of the institutions where they go to denounce the crime or seek answers. In this way, the victimizers lie about the facts and foist the responsibility for what happened on the victims themselves.

This involvement or complicity of State agents in disappearances has made family members more vulnerable. They have been threatened while searching for information or demanding justice and, on occasions, forced into displacement. In the report on Trujillo, a man commented to the GMH: "When a father put up flyers asking about his son who had been forcibly displaced, he was forced to take them down and not ask anything else if he didn't want to have the same thing happen to him."[95]

Similarly, the disappeared person's political affiliation or participation in the activities of some organization was used, on occasions, to deny or justify the crime. Behind it all was the idea that "there was a reason for it". This situation brought with it accusations, and on many occasions, the families were isolated and suffered not only the pain caused by the absence of their loved ones, but also mistreatment, rejection and even repudiation. In this way, the families were victimized all over again. When the crime against humanity of forced disappearance is denied, their sorrow is dismissed and the tragedy minimized, a reaction reinforced by the communications media, which ignore or pay little attention to such crimes, as does public opinion with other crimes that have occurred in the country.

4.2.3. Forced displacements: uprooting, nostalgia and humiliation

Forced displacement is a crime that affects millions of people in Colombia.

In almost all the emblematic cases studied by the GMH, forced displacements of persons, families, and even whole communities were documented. The cases of San Carlos and Comuna 13 in Medellín (both in the department of Antioquia) shed light on the depth of the multiple harms caused by exile, both in the more generalized form of fleeing – from rural districts to small towns or from towns to mid-sized cities and departmental capitals – and in the case of intra-urban displacement. This massive and systemic phenomena has marked the recent history of Colombia and meant that for years its society has grown used to its

93. See: ASFADDES, *Veinte años de historia y lucha* (Twenty years of history and struggle) (Bogotá: ASFADDES, 2003); Corporación AVRE, "*Impacto de amenazas y otros hechos de violencia sociopolítica contra ASFADDES*", ("Impact of threats and other acts of socio-political violence against ASFADDES"), in: ASFADDES, *Veinte años de historia y lucha.*

94. GMH, *Mujeres y guerra* (Women and war), 366.

95. GMH, *Trujillo*, 70.

impacts and underestimates or accepts them along with other methods of violence and exclusion,[96] an attitude which is even found in the organizations responsible for attending to the displaced. This repeatedly occurred, for example, in the ambits of institutions and public opinion, which have made it difficult for people to think of the person who has been forcibly displaced as a victim. For years, the term "displaced" signified that victims belonged to a vulnerable sector of population, but its full meaning only began to be understood after the official acknowledgment of the existence of an internal armed conflict and the issuance of norms in that field (See: Sentence T-025 of 2004 and the monitoring decrees of the Constitutional Court, Law 975 of 2005 and Law 1448 of 2011, the Victims and Land Restitution Law (*Ley de Víctimas* y Restitución de Tierras).

The experience of the majority of people shows that displacement is not an event that begins or ends with the exodus or forced escape, but is a long process that begins with being exposed to such forms of violence as threats, intimidation, armed confrontations, massacres and other methods. The escape is preceded by periods of tension, anguish, suffering and an intense fear, which in some cases are what lead them to flee. This occurred in the municipality of San Carlos and may typify the general situation when small farmers who were exposed to the conflict were forced to leave: the war eroded their world. The presence of armed soldiers breaks down the certainties and routines that sustain the daily life of the victims, so that "for some, leaving is an attempt to take control of a life that has been taken away from them by the armed agents."[97]

On leaving they are generally faced with a long and difficult process in which they attempt to stabilize their lives, but which in the majority of cases they describe as characterized by economic hardship, overcrowding, stigmatization, rejection or mistreatment. In addition to the pain of what they lived through before being displaced – the suffering caused by abandoning their property, sacred places, and loved ones – they also arrive in places which are unknown and often hostile, and under precarious economic conditions. This is how the inhabitants of El Salado described their experiences:

> How was life as a displaced person? Bad. I couldn't get used to the city; we were together, stable, because they [my children] had never been far from us, never, but I wasn't satisfied with where I was, because I´d always been my own boss, I was always the one who decided. I did what I could and we lived like that, I gave them what I could, all seven of them: we never looked at what others had, we had our own little animals, and that's what we lived off of, nice, and I realized that in the city they all worked, and I won´t say that I was working: when everyone got paid and I had to ask them for money, no, that broke my heart, just sitting there. They had something to do, I never suffered so much because it was as if, "if there´s a chance to go back, I am going to El Salado". This is not the life that I want, I haven't killed anyone to deserve being penned in here all the time, because here I am sitting around all the time. Whatever it takes, I have to get back to El Salado […].[98]

Forced displacement is, therefore, a complex event that significantly alters the existence and life plans of every member of the family. It is an experience that entails several simultaneous losses and changes: economic losses and the loss of goods, places, and social and emotional ties. Such displacement causes an abrupt and therefore difficult transformation of roles and positions both in the home and the working and social environments. A displaced man in Medellín said:

96. In the interviews held by the GMH (2007-2011), those interviewed said that many public officials thought that a displaced person was a victim if the person had been affected by another crime, other than displacement. Thus, in their relation with the pertinent institutions, the victims found the losses and uprooting caused by forced displacement did not amount to a crime with complex and profound harms.

97. GMH, *San Carlos*, 20.

98. Interview with two adult women and an adult man who returned to their homes. GMH, *El Salado*, 189.



In January 2003, after the massacre of 17 persons by the FARC guerrilla in the rural districts of Dos Quebradas, Dinamarca and La Tupiada, Karina, her family and the other inhabitants of those districts were forced to abandon their homes. Photograph: Jesús Abad Colorado © 2003.

> […] when I arrived here in Medellín, for about three months I found myself on a corner crying, thinking about the life I had. You sit there, waiting for them to give you a bite to eat, maybe give you a little bit of help. To know that you lost all you had, what you got when you were young, when you got married. And then it was very hard for me, because in the offices where I have gone to beg, as they call it, I have almost cried telling them my story. Losing what one had, what one suffered to get, to come here and beg, that is very hard.[99]

In the people who are thus affected, both the impact of the losses and the abrupt changes cause situations that tend to increase or create conflicts with their partners, children, relatives and community, depending on the particular experience of each person, what their loss meant to them, their personal resources and possibilities for adjusting to a new place. The different emotions, possibilities and interpretations mean that such decisions as leaving their homes, the place where they will go, the length of their stay and even the possibility of returning become complex and not necessarily in agreement with what others in their family want. All of this heightens stress and emotional suffering, and makes it more likely that the families will suffer crises, ruptures and conflicts. A displaced man that later returned to San Carlos said:

> After four months I went back and at home my family said to me, "How could you go there? What is wrong with you? Are you losing you mind? Why are you going there? To get killed?" And I said to them: "Look, my children, I´m grateful and I see that you are worried about me, but there, the violence will kill me and here, the sadness and sickness, because I can't live without doing anything, I should be doing things." Because, thanks to God, although I'm older, I still like to work: it makes me feel better; I´m not going to sit around there, doing nothing. And I came back; I went to my neighbor's, I came back.[100]

99. GMH, *San Carlos*, 224.

100. GMH, *San Carlos*, 207.

In general, the elderly are those who most strongly resent the forced escape, to the point that they prefer to face the risks and stay in their hometowns. Those who cannot do so suffer from a deep sense of being uprooted, since they have few physical and cognitive resources to help them adapt. The deterioration in their quality of life and changes in climate, food and habits provoke illnesses and increase their feeling of vulnerability and instability. In the absence of sure and familiar coordinates, these persons feel adrift. The scenery, customs, sounds, colors, and flavors are all foreign to them. All of this increases their homesickness. A displaced woman from Córdoba talked about her mother's experience:

> So she thought about her chickens, she thought about her piggy, she thought about how the house would be full of rice this year, she couldn't bear it and said, "Take me home, I am going to die now, but take me."[101]

The men, as will be discussed below, have few chances to find work and find that their role and place in the family and in the community is taken from them; the women, and especially when they are widowed or their spouses are absent, must assume testing roles and jobs in order to survive and keep the home together. The young people, adolescents, boys and girls, who are more able to adapt and at times even find opportunities for their personal development in schools and cultural activities, also suffer from the difficulties of overcrowding and confinement, in contrast with the open spaces of the rural life they were used to, and are exposed to the risks of urban life and its different forms of exclusion and discrimination.

In the face of forced displacement, the victims emphasized how they feel out of place, disoriented and strange, which in turn awakens feelings of anxiety, despair and boredom. The contrast between the generally rural setting and quality of life they left behind and the urban ones they are displaced to leaves them with a feeling of nostalgia and longing for what they left behind. A woman in Córdoba expressed it this way:

> Many times I have felt so desperate that I don't sleep at night, thinking so much about how it is here… My children… they live in another house and I want to have my own, but I don't have the money to build a house, so that worries me. There are times here that I don't sleep, and when I remember what I had, I feel more sad. I had a grocery business and I sold clothing…[102]

The victims have a persistent feeling of being in the wrong place, without ties, roots or support. The initial sensation of many families is that it is a temporary situation, and that leads them to live their lives in a sort of parenthesis that stops them from making important decisions, such as enrolling their children in school, or undertake productive activities (if the possibility exists). This limbo that displaced persons experience is mainly due to the fact that the place where one lives is not only important for one´s social development but also strengthening one´s sense of identity. In the words of the GMH´s report on those displaced from San Carlos:

> […] the space/time coordinates and systems of orientation on which their identity is become blurred or disrupted. And, of course, not only the physical coordinates are altered by displacement to another locality, town or city, but also the social coordinates that regulate the daily conduct of the subjects. Perhaps it is difficult for urban dwellers to feel the weight of what it means to be displaced, but it should be stressed that for displaced persons, the impact of their experience is so huge that when they face a context different from their schemes, they must in some way reconfigure their personal identity. In the end, displacement means that their own lives are plundered.[103]

However, the majority of the victims state that displacement eventually becomes a reality, and as time passes they establish, although precariously and painfully, new connections and attachments that, at times, make the possibility of returning disappear over the horizon.

101. GMH, *La tierra en disputa* (The fight over land), 365.

102. GMH, Bojayá, 104.

103. GMH, *San Carlos*, 21.

4.2.4. Abduction: liberty retained

"[…] A kidnapped person is someone who is humiliated in the most intimate areas of his dignity, his body becomes merchandise to be exchanged, he has no rights, none, not even to go to the toilet. Above all, he doesn't just suffer because of the conditions he is subject to, but also because he knows that his family suffers"

Luis Eladio Pérez. Testimony given to Darío Arizmendi.
In: 7 años secuestrado por las FARC
(*Kidnapped by the FARC for seven years).*
Editorial Aguilar, Caracas, 2008, p. 153

Although there is no record of civilians being kidnapped in the emblematic cases studied by the GMH, the magnitude of this crime in the country has been enormous and has had a profound impact on not just the victims and their families, but Colombian society as well.

From the testimonies of family members and victims, especially those reported in the media, the GMH came to understand the complex impacts of this criminal practice. These impacts vary in accordance with the conditions and length of captivity, the roles the victims played and the socioeconomic and political condition of the victims and their families. All of those who have been kidnapped have undergone similar sufferings, but the experiences vary according to the factors just mentioned.

When kidnapping is seen from the standpoint of the person who is deprived of his freedom, the GMH agrees with Michael Frühling, the former director of the United Nations High Commissioner for Human Rights, Office in Colombia, that this criminal practice "[…] constitutes a savage attack against people´s individual capacity for self-determination… [and that] it does not just affect the human being´s autonomy to decide where he will be in time and space. Every kidnapping also implies treating the person as a thing, the brutal reduction of the person to the sad role of property, with a total lack of respect for his dignity."[104] The thousands of kidnapped Colombian men and women were abruptly separated from their families and loved ones, they were snatched from the scenarios of their daily lives, from their work, activities and meaningful belongings. Kidnapped people are stripped of and separated from everything they consider their own and taken to unknown places, which are generally hostile, where they have to face isolation, loneliness and the absolute violation of their intimacy.

The testimonies of kidnapped persons show that the large majority of them were taken to far-away places with climates very different from those they were accustomed to, and held in conditions of confinement with a total restriction of their movement. The pictures of men and women with chains around their necks and hands, and enclosed within barbed wire, showed that a constant surveillance, an arbitrary and cruel treatment and a lack of dignity became their way of life. Jorge Gechem, who was kidnapped, described the following in his account:

> Within 50 meters we suddenly encountered the "people´s jail", which was a wire cage, with barbed wire, a door with chains, and a large lock. We could see the crowd. At that moment there were 30 companions there. We went in and the one called *Veneno* (Poison) ordered us to be given a number. He told Gloria (Polanco) and myself: "You are prisoner 31 and you are 32, and that's how you will be known" […] The feeling was demeaning, you felt you´d been imprisoned and lost your identity […] There was a worse jail than the "people's jail": it was the jail of an endless day, the need to fill every one of its

104. Michael Frühling, "Los Derechos Humanos, el Derecho Internacional Humanitario, el secuestro y los acuerdos especiales" ("Human Rights, International Humanitarian Law, kidnapping and special agreements"), talk at the forum of the International Panel on Humanitarian Agreement and Children in the War (Panel Internacional Sobre Acuerdo Humanitario y los Niños en la Guerra), 2003, downloaded May 19, 2013, http://www.hchr.org.co/publico/pronunciamientos/ponencias/od=19&cat=24

> empty hours. We were subjected to a tedious routine, every hour was a sort of hole that life filtered through to us […][105]

In addition to these conditions of captivity, there were the long marches through the jungle, lack of food, exposure to unhealthy conditions and different hazards that clearly deteriorated their health and not only aggravated their illnesses due to lack of medicine and treatments but also made them vulnerable to others that prevailed in the rough conditions of remote countryside areas, like malaria and leishmaniasis.

The psychological stress arising from a permanent exposure to violence and the threat of death, the certainty of their families' suffering and the uncertainty of their own future caused a dramatic suffering in all of them. Desperation led some to attempt suicide or undertake risky escapes, and all of them created imaginary worlds that made their existence less intolerable.

For many kidnapping victims, captivity meant losing all contact with their families. For Sergeant Libio Martínez, kidnapping meant not knowing his son, Johan Stiven Martínez, who was born three months after he was taken captive, and that his only contact with him was through photographs and the three letters which the FARC let him send to his family. The sergeant was assassinated in captivity, thirteen years after he was kidnapped. In the end, father and son never had the opportunity to be together.

Some kidnapping victims not only experienced the pain of being separated from their families but also, in captivity, learned that some of their relatives were ill and, in some cases, had died. Mourning at a distance was traumatic for them, prevented, as they were, from attending the burial or other rituals and trapped in an absolute solitude.

There are detailed descriptions of the physical and psychological sufferings of the kidnapped in a number of books written by victims who recovered their freedom and in the letters and diaries some left behind when they were murdered. This is what Coronel Edgar Duarte wrote to his daughter during his captivity:

> Imagine that your father lives only for you and through you, that he thinks of you day and night in an unreal world, amidst the sounds of silence in the jungle, the silence of its changes, amidst the screeching of the crickets and birds, the roars and howls of the animals that accompany your father who walks on his chronic wandering in the midst of the murmuring wind that mutters melancholy melodies of loneliness and the sadness that only ears which know how to love can hear, among the aromas of the jungle which are sweetened at times with sweetly-chosen floral aromas, fragrances of nostalgia and the longing for liberty […] So, when loneliness overwhelms your delicate soul, when sadness floods your tender little heart, when sorrow brings tears to your bright eyes, when you feel that you are plunged into nothingness and no one guides or understands you, get out your notebook, your poems and the drawing I made for you, so that they shine in your melancholy as a proof of my distant love. Remember, with nostalgic love, that there is someone, also submerged in sorrow, who thinks of you and also loves you and has endured a thousand trials for you, all so that he can see you again.[106]

In kidnapping, not only the person who is deprived of liberty suffers, but the suffering also extends to members of his or her family, who, in addition to their own emptiness and loss, must live with all types of uncertainties and pressures. Some families lost all contact with their captive loved ones, and the lack of news and proof of life increased their agony, since imagining that their loved one was suffering all kinds of

105. Testimony of Jorge Gechem, former kidnapping victim "*Memorias del cautiverio*" ("Memories of captivity"), *Revista Semana* magazine, downloaded May 14, 2013, http://www.semana.com/noticias-nacion/memorias-del-cautiverio/119254.aspx

106. "*El testamento del coronel Duarte*" ("The testament of colonel Duarte"), Kienyke.com (2011), downloaded May 14, 2013, http://www.kienyke.com/historias/el-testamento-del-coronel-duarte/



A light in the darkness. Proofs of survival of soldiers and policemen captured by the FARC guerrilla. February 1997. Photograph: Gerardo Chávez, El Tiempo.

horrors was not the only torment, they weren´t even sure if the person was still alive. The focus of their daily activities was searching for news of the victim and many set out on long odysseys and knocked on the doors of the media, politicians and public figures, to beg for their help to get some sort of news.

The proofs of life (*pruebas de supervivencia*) that were occasionally sent through the media only arrived after an anxious period of waiting, and aroused ambiguous feelings: happiness at having a sign of life and receiving a message which rekindled their hope, on the one hand, and, on the other, sadness and anger on learning of the precarious and outrageous conditions to which their relatives were subjected and the deterioration of their health. Many families received false and misleading messages from the captors and suffered a terrible exhaustion and disappointment while they waited for a proof of life or liberation.

The daily life of these family members was severely affected, to the point that some said that: "We are kidnapped with them." Their daily routine was not only affected by the absence of persons who were fundamental for the functioning of their homes, but also because the kidnapped person was often the only breadwinner and his loss also meant a loss of income, a situation, difficult enough, that was worsened by the expenses of dealing with the authorities and trying to rescue their loved ones.

Colombian society learned of the sorrow of many of them, since children begged for the return of their parents, such as Andrés Felipe Pérez, thirteen years old, who, sick with cancer, begged the FARC to release his father. This case moved Colombian society, since the pleas of the child did not result in any humanitarian gesture from the guerrilla and he died months later without his wish being fulfilled. His father, José Norberto Pérez, was assassinated two years later after trying to escape from captivity. Mothers begged for their sons to be liberated; wives, for their husbands.

Each time news was heard that one of the kidnapping victims had died of an illness or was assassinated in captivity, the families of other victims felt anguish and anxiety. Their pleas were aimed not only at the captors, but also the government. They insistently asked that any attempts at a military rescue should be suspended, since they put the lives of the kidnapping victims in obvious risk, and they demanded humanitarian gestures in an effort to arrange an exchange, negotiation or talks. This is what the mother of a kidnapped woman said:

> The news of the deaths of the representatives [of the department of Valle del Cauca in April 2011]… I feel it as if the news had to do with myself, because they are kidnapped and we don't know if our children are there. Even on that day they told us they had bombed the guerrilla and killed a number of kidnapping victims, but that was false. And what one thinks about right away is one's child, nothing else. So, what might have happened, what went on… and you wait to find out; I now spend a lot of time watching the news, since then I watch the news all the time, to know if they let him go or they killed them. Many things have happened, it's been ten years, in ten years so much has happened.[107]

In pleading with both the captors and government leaders, the families had to confront rigid positions on both sides, and they were the ones who were exposed to the suffering caused by the country's radical polarization.

Although families of the kidnapping victims received stronger signs of solidarity from the families of other victims of serious crimes, also seen in the massive protests by Colombian society in the form of demonstrations and campaigns, with the passing of time and especially in the cases of prolonged kidnappings, the families had to fight against the forgetfulness and indifference of a society which had got used to kidnapping. The solidarity shown by Colombian society did not free some families from accusations and stigmatization; in some cases, people thought the kidnapping victims had brought it on themselves (for example, Íngrid

107. Testimony in Martha Nubia Bello, "*La impunidad y la justicia en los procesos de duelo de las víctimas de la violencia política*". ("Impunity and justice in the mourning processes of the victims of political violence"). Unpublished.

Betancourt[108]), and in others, the victims themselves or their families were critical of the actions and announcements of successive governments. Some kidnapping victims and their families suffered a serious victimization due to accusations and even received threats. Such was the case of Gustavo Guillermo Moncayo Rincón and his son, Sergeant Pablo Emilio Moncayo.

> "We are going through a very critical situation and the threats which have recently intensified say a lot," affirmed the 'Peace Walker' [the victim´s father]. Sergeant Pablo Emilio said, in turn: "Since I got back from being kidnapped, the threats have not ceased. Now it is a little more complicated because the illegal armed groups have a stronger presence in my town."[109]

A number of kidnapping victims died or were assassinated during their captivity[110] and the families were forced to go through painful experiences to recover their remains and bury them. The case of Mrs. Emperatriz de Guevara showed this facet of that sorrow, since her son, Coronel Ernesto Guevara, had had serious problems of health, and she later found out about his death through some liberated victims. Emperatriz not only had endured the twelve years of his captivity, but also fought for another six years to receive his remains. Other families have received the news of the death of their loved ones but have never been able to recover their remains.

Moreover, hundreds of kidnapped civilians have been absolutely invisible to society and many of these kidnappings have not been acknowledged by their victimizers. In other cases, all trace of the victim was lost after the first contact. The families lack proof of life and their cases are ignored by the country´s institutions and media. These are the kidnapping victims who have become disappeared persons, with the painful and traumatic implications that this situation has for their families.

The traumatic scars do not end for the kidnapping victims and their families after they are liberated or have escaped or been rescued by the Security Forces and return to their homes. Even though the uncertainty and suffering caused by the separation have ended, some kidnapping victims find that they have lost their jobs as a result of their physical or emotional problems and others face the separation from their spouse or other abrupt family changes.

These situations intensified the traumatic experience to the point where some succumbed to drugs and alcohol, and others even to suicide. While it is impossible to generalize about their experiences, all of the kidnapping victims and their families agree that they find it difficult to readapt to life after the kidnapping[110] because of stress and accumulated traumas. For this reason, their families have insisted on the urgent need to provide a psychological treatment for their traumas so that they may reconstruct their family, social and working life. This is how a journalist described the traumas of one kidnapping victim:

> Luis Eduardo Ruiz Franky runs for cover every time he hears a plane, helicopter, explosion or thunderstorm. Talking on the phone, he admits that he is emotionally unstable, always in a bad mood and talks little. He spends most of his time in a small room that is painted white, where there is only a bed, a night table and a small closet. Now 39 years old, he lets his hair and toenails grow long and has a thick beard. He seems to have

108. Íngrid Betancourt Pulecio is a well-known Colombian politician who was kidnapped by the FARC-EP in the framework of her presidential campaign in 2002, when she decided to visit the demilitarized zone granted by the government of Andrés Pastrana to negotiate with that guerrilla group and wound up being kidnapped for six years. Her liberation took place during a clandestine military operation known as Operación Jaque (Operation Checkmate).

109. "*Por amenazas, salieron del país profesor Moncayo y su hijo*" ("Due to threats, the teacher Moncayo and his son have fled the country"), *Vanguardia* newspaper, (2012), downloaded May 14, 2013, http://www.vanguardia.com/actualidad/colombia/178632-por-amenazas-salieron-del-pais-profesor-moncayo-y-su-hijo

110. According to the figures Cifras y Conceptos provided to the GMH, 105 kidnapped persons died in capitivity between 1970 and 2012.

> forgotten the passage of time, and even himself. The kidnapping has left scars he will never be able to erase.
>
> Ruiz was retained by the FARC guerrilla in the assault on Miraflores [department of Guaviare]. He was 25 years old, an auxiliary policeman and was about to complete one year of service. Kidnapped in August 1998, he spent three years in a FARC jail in the jungle with other policemen and soldiers […]
>
> According to the medical records from the Health Department of the National Police, he suffers from "paranoid schizophrenia, post-traumatic stress disorder, an unspecified adjustment disorder and moderate depressive episodes." Additionally, Luis lost the sight of his left eye during the fighting at Miraflores. He remembers that a cylinder bomb exploded very close to him and caused the wound that was treated by the guerrilla, who would clean it daily, and left him with a scar that juts out several centimeters above his eyebrow.[111]

Using human beings as a means to obtain economic resources or exert pressure on political decisions and negotiations means that the kidnapping victims are treated as objects and their dignity is violated. The experience of being denied one´s liberty and autonomy leaves indelible scars that transform and affect the victim´s thinking, beliefs, emotions, abilities and the life plans of the victims and their families. It is a form of political struggle that does not recognize the basic rights of human beings, and that is what moved society to strongly protest against it, a reaction that revealed the profound crisis of legitimacy the armed agents are going through.

111. The case of Luís Eduardo Ruíz, kidnapped by the FARC in their armed seizure of Miraflores, Guaviare. "*El ex secuestrado que sigue cautivo*" ("The former kidnapping victim who remains in captivity"), Kienyke.com (2012), downloaded May 14, 2013, http://www.kienyke.com/historias/el-ex-secuestrado-que-sigue-cautivo/

4.3. The harms and impacts in terms of gender and age

The losses, harms, changes and impacts caused by the war have had different effects on men and women and boys and girls. This differentiated impact is explained by the social and historical conditions that have shaped each group and the manner in which their social roles and positions affect the meanings they give to the events of the conflict.

4.3.1 Nurturers, protectors and unifying forces – the damages and impacts on women

Women represent another group that is particularly affected by the armed conflict.[112] While the figures confirm that nine out of every ten fatalities or disappeared persons are men, it is precisely the women who must bear the burden of the tragedy produced by violence.

According to reports from national and international organizations, in Colombia women have been the victims of multiple crimes that are atrocious and systematic during the armed conflict. The RUV´s figures, as of March 31, 2013, reported that between 1985 and 2012, 2,420,887 women had been victims of forced displacement, 1,431 of sexual violence, 2,601 of forced disappearance, 12,624 of homicide, 592 of anti-personnel mines, 1,697 of illicit recruitment and 5,873 of kidnapping.

112. For information on the particular effects on women, see: Olga Sánchez, *Las violencias contra las mujeres en una sociedad en guerra* (The violence against women in a society at war), Bogotá: Ruta pacífica de las Mujeres Colombianas, 2008), downloaded May 13, 2013, http://www.rutapacifica.org.co/descargas/publicaciones/lasviolencias.pdf; Mesa de Trabajo Mujer y Conflicto Armado (Panel on Work, Women and the Armed Conflict). *Informe sobre Violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia 2000-2010* (Report on the socio-political violence against women, adolescent girls and young girls in Colombia, 2000-2010) Bogotá: Secretaría Técnica de la Mesa de Trabajo Mujer y Conflicto Armado, 2010); Ruling T-045/10, Constitutional Court, file reference: T-2384972, downloaded May 13, 2013, http://www.corteconstitucional.gov.co/relatoria/2010/t-045-10.htm

These violent acts have left profound scars on their bodies and minds, disrupted their daily lives and substantially altered their beliefs and life goals.

The testimonies of these women show that the violence cut short their plans by breaking up their families and exiling them from places where they could earn a living, do their daily tasks and make plans for the future. These plans were affected at the moment that they could no longer control the course of their own lives and were forced to change roles, jobs and activities. The accounts of such women show that their lives passed in setting characterized by patriarchal relationships where fathers, brothers and husbands exercised a strong degree of control, domination and violence. The violence of a political kind, however, dramatically affected their situation and attacked parts of their lives, regarded as autonomous, which had defined their identities. The repertoires of violence used against women damaged what was valuable and meaningful to them.

The war's impact on women is especially seen in the traditional roles they are assigned in the home of caring for others and giving emotional support. Women, in general, are the ones who raise children and take care of the daily activities of domestic life; in some places, grandmothers are considered to be the support and pillar of child rearing. The women who have been directly victimized or left as widows must nevertheless continue to care for their sons and daughters. In addition to their many and difficult domestic tasks, they have to assume the economic responsibility of providers for their homes as well as overcome the traumatic effects of the violent events they lived through. A woman from Córdoba relates:

> I left with my seven children and another I carried in my belly… they killed my husband in front of us. I left without my husband, without land, without clothing, without money… with nothing! Only with all those children. I arrived in Montería to find a way to support all those children, I couldn't let them die of hunger. There was no time for sadness, there was no time for anything. I had to look for a place to sleep, something



Diana Cardona Saldarriaga, a lawyer and activist of the UP party, was the first woman to be elected mayor in the region of Urabá. She was assassinated in Medellín on February 26, 1990. Gloria Cuartas, mayoress of Apartadó between 1995 and 1997, has been persecuted for her constant denouncements of violations of human rights by all the armed agents. Photograph: Jesús Abad Colorado © March 2007.

> to do to get some bread and *aguadepanela* (a tea made of raw sugar) for the children.[113]

For some women, the violent events forced them to undertake activities for which they lacked the due training. For example, many women speak of the burden and expense of dealing with the formalities of the inquiries and paperwork they need to accredit their status of victims. Some women faced legal procedures without even knowing how to read or write. Especially traumatic for many of them was accrediting their properties when these matters had almost exclusively been the domain of the men. In Magdalena a woman said:

> My husband was the one who bought everything; I couldn´t even tell one banknote from another. I don't know how to read, I don't know how to write… my life was in the house, with the harvest, with the animals and the bunch of children I have. I had never left the town, I didn't know what a city was, a court, a declaration… I didn't know about those things.[114]

Assuming these legal proceedings, administrative procedures and at times, legal claims not only meant long, exhausting days and being forced to confine their children at home or abandon them for many hours at a time, but also exposed them to new forms of abuse and humiliation from the armed agents and even some State officials.

In this context, the role of women as the emotional support of the home also meant that they had to repress their feelings and were denied opportunities and occasions to mourn and ask for the care and support they needed. Several women mentioned the need to show themselves to be strong in front of their children, hold back their tears, hide the truth of what had happened and make up stories to protect them from suffering and thus make the experiences and losses easier to bear. A young woman in Montería remarked: "My mother never cried in front of us; sometimes we found her crying in secret, but she always tried to be strong so that we wouldn't suffer more."[115]

The central role of women as the support of the home is also seen in the serious impacts which the families suffer, and particularly the sons and daughters, when their mothers have been direct victims of the conflict: when they have been murdered. The death of some women had a significant influence on the subsequent disintegration of their families. On occasions, the sons and daughters were shared out among members and friends of the family and they had to face not only the pain of losing their mother but the separation from their brothers, sisters and other relatives. The daughter of a woman who was assassinated in Montería said:

> Since they killed mom, everyone goes their own way… I live in Sincelejo with my aunt. My brother lives with our paternal grandmother, my other brother with our maternal grandmother and I have a little sister whom my father took to Bogotá and we haven't heard anything about her since then. I almost never see them, the bus fare from Sincelejo to Montería, where most of them live,[116] is too expensive.

Some women were also victimized because of their social roles and leadership of political organizations in their communities. In all of the cases documented by the GMH, there was a notable presence of women in social and political activities. This leadership made them the target of assassinations, threats and persecution, and they were often forced not only to abandon their work, but displace themselves as well.

The violence of the armed conflict has abruptly changed the lives of such women and their families. Many of them have had to move from the countryside to extremely poor urban areas where they must begin to reconstruct their lives in poverty-stricken conditions. Going from a rural to an urban setting is traumatic, especially due to the absence of

113. GMH, *Mujeres y guerra* (Women and war), 356.

114. Testimony of a woman during the GMH´s visit to the Caribbean Coast.

115. GMH, *Mujeres y guerra* (Women and war), 357.

116. GMH, *Mujeres y guerra* (Women and war), 358.



A young woman of 18 was seized by the paramilitaries in the northeastern area of the city of Medellín. She was raped by a number of men, who burned her with cigarettes and marked her body with sharps. Photograph: Jesús Abad Colorado © November 2002.

the kind of community and family networks that provide the supportive relationships and solidarity a person needs to face adversity.

Another aspect of such situations is *sexual violence*, especially rape, one of the main forms of violence that has directly affected women.[117] During its fieldwork on the Caribbean Coast, the GMH heard the testimonies of women and girls from the department of Magdalena who, with great difficulty (and especially fear and shame) tried to break the silence and share some of their stories. One of these brave women told us of her odyssey:

> A group of men arrived. They hit my daughter, locked me in a room and four of them raped me. One of them kneeled on my chest until blood came out of my mouth. Three days later they returned, took me to the wilderness, gave me electric shocks, bit me, and then I was raped by two of them again.[118]

The majority of the rapes were brutal, since, in addition to the violent sexual act, they included physical and verbal aggression, with several men simultaneously attacking one woman. They were also subjected to other forms of torture, which caused serious and shameful damages to their bodies and health. The accounts describe vaginal and anal ripping, unwanted pregnancies at a young age and venereal diseases. A woman from the Putumayo was brave enough to tell us what the paramilitaries did to her:

> [...] One night I was walking home with my boyfriend and a group of nine men came up to us. They identified themselves as paramilitaries. They tied him up and they began to strip me and beat me very hard […] they told me that I would always be a prostitute of the guerrilla and they insulted me, they said horrible things. They also told him that he was a *guerrillero*, that was why he was with me. After they got me naked, one by one they began to penetrate me: they all hit me in the face, tore out my hair, stuck their penises in my mouth, and at one point they started to shove their pistols into my vagina […] After each one did what he wanted to me, they filled my vagina with sand and rocks and told me that I would never forget them. That they were only letting me live to remember that I should never get involved with the *guerrilleros*. That all this happened to me for being a *guerrillera*, for being a disgusting prostitute.[119]

The bodies of girls and women were subjected to blows and violent penetrations that caused serious damages and permanent scars. In one of the accounts the GMH recorded, a woman mentioned that her anal and vaginal tracts were joined after she was anally raped by several men.

Furthermore, it is presumed that the physical damages have been greater in the smaller girls, not only due to the fragility of their bodies, but also the changes that violent sexual acts force on their normal development and even more so, when they result in unwanted pregnancies. Keeping in mind the profound relationship between a person´s body and identity, it is unquestionable that physical wounds also affect the

117. For information on sexual violence in the framework of the armed conflict, see: Carolina Morales, "*Violencia sexual contra las mujeres: comprensiones y pistas para un abordaje psicosocial*", ("Sexual violence against women: notions and leads for a psycho-social approach"), talk at the Ignacio Martín-Baró lecture series, downloaded May 13, 2013, http://www.sismamujer.org/sites/default/files/publicaciones/Violencia%20sexual.pdf; Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género (Regional Center for Human Rights and Gender Justice). *Guía para llevar casos de Violencia Sexual. Propuestas de argumentación para enjuiciar crímenes de violencia sexual cometidos en el marco del conflicto armado colombiano* (Guide for bringing cases against Sexual Violence. Proposals for argumentation when trying crimes of sexual violence committed in the framework of the Colombian armed conflict). Bogotá: Ediciones Ántropos, 2009), downloaded May 13, 2013, http://www.humanas.org.co/archivos/Guia_para_llevar_casos_de_violencia_sexual.pdf; Casa de la Mujer, Mujeres que crean, Ruta Pacífica, Vamos Mujer (Woman´s House; Women who Create; the Pacific Route; Let´s Go, Woman), "*Informe Violencia Sexual y Feminicidios en Colombia*" ("Report on Sexual Violence and Femicides in Colombia").

118. GMH, *Mujeres y guerra* (Woman and war), 239.

119. GMH, *El Placer,* 166-167.

soul, that bodily humiliations produce negative sensations and feelings (disgust, revulsion and guilt) and that the pain and scars on the body are engraved on the female subjectivity and the construction of gender identity. In this way, the victims' dignity and their value as human beings are destroyed and fundamental aspects of their self-esteem are eroded.

It is important to mention that sexual violence affects the feelings, emotions and perceptions of the victims, damages their basic beliefs and sources of security and confidence, and also transforms their conduct, values, roles and life plans. In interviews, women spoke of feelings of disgust and rejection towards their own bodies and self-reproach (guilt) about what they feel they could have done or not done to prevent what happened. These feelings were mortifying and led them to an isolation from others that deteriorated their feelings of self-worth, and clearly affected their emotional make-up and damaged their family and social relationships, especially the one with their partners. "First, you lose your morale, you can't keep going. […] Then the problem with my husband began, because I felt disgusting, that I had failed him. That's when my problems began."[120]

These women describe how they were forced to strip and adopt bodily positions that shocked them. During the rapes they were subjected to blows, insults, laughter and humiliating and degrading comments. These images and words have stayed with them, as well as accusations from the community and the remarks of some public officials who, according to the testimonies of victims, openly said that the victims were somehow guilty of what happened to them.

These rapes were pointedly traumatic experiences. The burden of brutality and violence described in these testimonies shows that the victims were subjected to situations of terror in conditions of total helplessness. This, in addition to a lack of subsequent care and support, and even an exposure to new acts of violence, resulted in accumulated disorders and traumas. Once these wounds were inflicted, and the adverse environment was prolonged because the victim did not have family and social support or the needed medical and psychological attention, severe psychological damage resulted. All of this can be seen in the drastic personal changes they went through and the loss of their ability to master their lives, which has made them highly dependent on others.

Rape also led to serious damages in the life goals of such women and girls, who suffered an abrupt transformation of their roles, situations and possibilities, as well as their potential and their capacity for sexual pleasure. A woman from Putumayo described how it destroyed her life:

> […] After that night my life changed a lot, as a woman I was useless. For months I didn't want to see anyone. My right hip was fractured in the rape. I lost my baby, they removed my uterus and my face was disfigured. I didn't continue my studies and for years I couldn't be with anyone.[121]

Some girls had to stop studying and others became mothers at a young age. After the rape, some families were forced to move, abandon their properties, work, relationships and daily activities. A woman from Magdalena was punished for not submitting to the domination of a paramilitary leader:

> In the Lleras de Algarrobo station I was raped because I resisted going to Commander Rubén. After that they took me to him and he also raped me and tortured me; they ordered me to leave the area. I have a son from that rape.[122]

Life goals were also damaged by the change of values the rape caused in the victims and the relationships affected by it. Rape deeply disturbs the meaning of and values given to relationships with men and transforms the way women assume those relationships afterwards. Some victims of sexual violence mentioned their difficulties in establishing pleasurable

120. GMH, *Mujeres y guerra* (Women and war) 259 and 359.

121. GMH, *El Placer*, 167.

122. Record (*Registro*) #27, occurrence in Plato, paramilitaries as the ones allegedly responsible and told to Fundehumac, 2000. GMH, *Mujeres y guerra*, (Women and war), 254.

relationships. What is more, the fear that the experience might be repeated makes these women regard all men as potential attackers and, therefore, their relationships are based on fear, caution and mistrust.

Moreover, those damages are particularly evident when sons or daughters are born of the rape. In the case of the minors raped by Hernán Giraldo, a paramilitary in the Magdalena, the girls became mothers in spite of their young age and the care and protection they themselves needed. In the case of the women, they had to face such difficult situations as being abandoned by their partner and rejected by their family, and living in precarious conditions, all of which caused abrupt and negative changes in their lives. Additionally, this type of forced maternity gives rise to ambivalent feelings in them, given that the sons and daughters who are the result of a violent rape simultaneously arouse feelings of love and anger, acceptance and rejection, which increases their suffering and perception of themselves as *bad mothers*.

Such sexual violence also had strong emotional impacts on witnesses, like their sons and daughters or younger brothers and sisters who wit nessed the rape or heard the verbal insults of the rapist as well as the screams and pleas of the victims.

This public or semi-public rape[123] also left scars on the adults, partners, brothers or fathers who were forced to witness or listen to the crimes. In one documented case, the elderly parents of the victim did not survive for long after the event, which combined rape and forced displacement. They were overwhelmed by their sorrow and *let themselves die*. In the Magdalena a daughter described how her parents died of grief:

> I began to pray with my parents. They separated me from the group and took me out back; they hit me, and I fainted. They broke me inside and it all became one. There were many trucks, many men, so much terror. They told us to leave because if not, they would kill us. I had a business selling food but we had to leave with just our clothing. Fifteen days later, my father died and after another fifteen days, my mother.[124]

In other cases, the partners of the women, forced to witness the crime, could not get over the humiliation of being *unable* to protect *their* women and decided to abandon them. Abandonment is also related to rejecting the *defiled* body of the woman he was living with: "An armed group arrived […] They came in shooting. They tied up my sons, my husband, and myself. I was raped in front of them, and because of that my husband left me."[125]

The family environment is also affected because of the subsequent depression the direct victims suffered. Many women chose to not talk about what happened – due to shame, fear of being abandoned, fear of being stigmatized – and were sunk in a sad silence. The victim's impenetrability increases the worry and feelings of helplessness that her sons and daughters, partners and parents have.

On the other side of the coin, there are the cases of the sons and daughters who are born from the rape. Of the 63 women, girls and youths[126] who were raped in the department of Magdalena (according to the cases the GMH documented), five became pregnant. Although the GMH did not directly study these boys and girls, the researches that it is undertaking help to explain the gravity of the effects rape leaves on this sector of the population. For example, as adults many must face up their cause of their birth, perhaps with feelings of deep grievance towards their biological fathers, whom they generally never meet.

123. In some cases the rape did not take place in front of the family members but it did occur in areas where they might have heard and imagined what was happening to their sisters, daughters or wives.

124. Record (*Registro*) #28, incident that occurred in Ciénaga, for which the paramilitaries were responsible, 2001. GMH, *Mujeres y guerra* (Women and war), 257.

125. GMH, *Mujeres y guerra* (Women and war), 360.

126. GMH, *Mujeres y guerra* (Women and war), 209.

Likewise, the relationship between these mothers and their sons and daughters is variable. Perhaps supported by their religious beliefs, some manage to accept the existence of these children without apparent anger, and to recognize in them a sacred design. For others, they bring up involuntary memories of the ignominious acts they suffered.

Finally, since sexual violation also has the purpose of punishing and instilling regimes of control, the consequences transcend the organizations and communities we have referred to. The sexual violence against women, especially those who are emblematic figures, teaches *lessons*, sows terror and forces unarmed civilians to comply with certain roles and behavioral codes imposed by the armed actors. This is how the GMH explained it in its report on Bahía Portete:

> By torturing and assassinating Margoth and Rosa, by looting their houses and stealing objects of great cultural value, the victimizers follow the rationale of making an example of such women, who are punished because they are known to be social mediators and leaders and focal points of the resistance to the paramilitary´s occupation of the place and are also emblematic of the identity of women as mothers and aunts. Margoth and Rosa were wrested from their homes or the place where they were hiding and taken to be tortured to a site visible from many points, like the lake or one of the roads. Such tortures and murders are also done in places that have a strong social meaning, such as the lake or the school, and a historical meaning, like the hills and the cemetery.[127]

4.3.2. Providers and protectors –The damages and impacts on men

The impacts of violence on men, as seen in the cases studied by the GMH, can be divided into three main aspects. In the first place, such violence abruptly transformed the roles culturally assigned to men. Forced displacements, difficulties in finding work that suited their talents and skills and the destruction of the places where they met to socialize meant that most of them were unable to carry on with their role of economic providers and the place they had as authorities in their families and even their communities.

Violence forced many men to beg and become dependent (even on their partners, daughters and sons). It confined them to their homes and forced them to engage in many activities which they considered to be "women's work," and therefore demeaned their masculinity. Some mentioned a lack of respect from their children and wives, and losing their position of authority in the home. Many men did not find work in the towns and cities they fled to due to lack of education, papers and knowledge of urban trades. There were more options for the women, youths, boys and girls, although they were precarious and at times degrading.

The social image of men as protectors of their homes was strongly affected, not just due to the failure to find employment or loss of their role as the providers of their families, but also because many of them had not been able to protect their families or prevent the armed acts of the perpetrators. For them, it was especially shattering to witness the rape of the women – the way that they were assaulted and even murdered – along with the abuse, murder and illicit recruitment of their sons and daughters. In those cases, feelings of guilt, self-reproach and impotence heightened their suffering and damaged their self-esteem.

> The father of a girl who was raped spoke for the first time about what happened and told the GMH that he felt devastated at not being able to take care of his daughter. With tears in his eyes, he said: "My only daughter… my favorite person [...] this happened to her, and I, her father, couldn't do anything. I felt incapable, helpless."[128]

127. GMH, *La masacre de Bahía Portete,* (The massacre at Bahía Portete), 84.

128. GMH, *El Placer*, 217.

In the massacre at Bahía Portete, La Guajira, the attacks on women were a device to undermine the model of masculinity of the Wayuu indigenous group and their control over the territory, which was of geo-strategic importance for the armed actors. The report of the GMH explained it the following way:

> […] The violent attacks on women's bodies became a method that the victimizers used to establish their supremacy over the Wayuu men and specifically […] to break down the masculine concept of strong warriors who consider their physical and emotional strength and control of their environment to be crucial […].
>
> This sense of helplessness entails multiple emotions and meanings. Men feel humiliated and guilty because they did not protect their wives and their territory. In addition, they feel that by not being able to protect or defend them or attack the enemy, their identity and importance as warriors and men were profoundly harmed.[129]

The violence and especially, the forced displacement they were victims of, severely ruptured and transformed the affected families, with particular repercussions for the men. Losing their partners in violent acts especially traumatized them, as this case from Bojayá illustrates:

> […] the surviving men [widowers] found it very difficult to assume new roles, and undertake the domestic chores and rituals that were traditionally the women´s. The death of women therefore means orphanage and widowhood, and unleashes serious crises in the families.[130]

In addition to the pain of their loved one's absence, they had to deal with the anxiety and stress of having to raise their children and take care of the home. The loss of partners also occurred when they took different routes to escape from the attacks of the armed bands or find opportunities for employment, as an inhabitant of San Carlos pointed out:

> How many displaced couples separated, perhaps without wanting to! That is practically what happened to me, we were displaced and left, and my wife didn't feel good in one place, and I couldn't be where she felt alright, because there was no work, or because she had her family and I also had mine. But my way of thinking was different, and then she went one way and I went another, and that happened to a lot of us.[131]

Under these circumstances it often happened that, after a long separation, women started other relationships, which increased men's feelings of having their "manliness" undermined.

The conflicts caused by the changed roles and new circumstances arising from displacement were especially evident when the victims considered the possibility of returning. The anxiety to return was greater in the men, to the point that some decided to return alone or pressure their older children to accompany them. This is what a man in San Carlos said:

> I didn't want to continue living in the city. I was bored and desperate, with nothing to do and far from home. Against my wife's wishes, I returned. I came with one of my sons. My wife begged me, told me not to go. And I didn't listen, I was so desperate in the city. I came with my son, and unfortunately, within a short time my son stepped on one of those [anti-personnel] mines… the mine killed him. Imagine! How was I going to tell my wife her son was dead. As a man, it hurts you… but for a mother… that was terrible. No words of mine were going to bring her dead son back. Even so, I stayed

129. See: GMH, *La masacre de Bahía Portete* (The massacre at Bahía Portete), 100-102.

130. GMH, *Bojayá*, 94.

131. GMH, *San Carlos*, 284.



here, alone, waiting to see if things would change and my wife might come back to me.[132]

Both leaving and returning to a territory have been a constant source of stress within such families and have eroded the relationships of couples. According to the women, some men have been obstinate and stubborn about their decision to stay and not leave.

In the third place, the violence prevented many men from continuing to exercise their roles of leadership, participate in politics and work on community projects. These activities were an important part of their identities, since they amounted to a source of recognition and status. When they were barred from them, they felt frustration, loneliness and helplessness, and that sharpened their humiliation and anger.

4.3.3. The rupture of innocence - damages and impacts on children, adolescents and youngsters

Although the war affects men and women and traumatizes and damages families and communities, it is more destructive for those who are the most vulnerable: in particular, girls and boys. As we have shown, the harms and consequences differ in accordance with their ages, the experiences they went through and the conditions of their surroundings.

The war in Colombia has caused the death of thousands of boys and girls, some in massacres, others in fighting between the armed actors. Children have also died from mines or assaults and attacks on their com-

132. Conversation with an inhabitant of San Carlos who has returned there, 2010. Field notes.

35 people were murdered by the FARC in the favela La Chinita, in Apartadó, recognized by many to be the home of sympathizers of the "Esperanza, Paz y Libertad" political movement in Apartadó. Photograph: Jesús Abad Colorado © January, 1994.

munities and towns. Minors have been victims of almost all the forms of violence. According to data from the RUV (March 31, 2013) , between 1985 and 2012, 2,520,512 minors had been displaced, 70 had been victims of sexual violence, 154 of forced disappearance, 154 of homicide and 342 of anti-personnel mines.

Children have experienced violence in a dramatic and crude way. They have witnessed atrocious acts, such as the assassination and torture of their fathers, mothers, family members and neighbors. Their homes, household property, beloved animals and personal possessions have been destroyed or burned. Many of them have permanent scars on their bodies left by the amputation of limbs after they were wounded by anti-personnel mines. They have likewise been the victims of sexual abuse, torture and unlawful recruitment and military training by the armed groups. In other cases, they were violently wrested from their families and communities, and given to the families of their captors to be raised. Thousands of boys and girls who were victims of the conflict have survived and fled from the war as forcibly displaced persons. In this respect, some inhabitants of Bojayá told the GMH how the lives of the minors who were sheltering church were indelibly scarred the effects of the explosions:

> One of their sons, who was seven years old in 2002, was left lying among the dead bodies and was abandoned in the church until the next morning. Santos and his wife Flora Rosa Caicedo [parents of the child] had given him up for dead. On May 3 he was rescued, unconscious, by the Augustine nuns and the priests. "That boy is now *deschavetado* [crazy, losing his mind]," said Santos, worriedly. "He is in a very bad way because of the blow he received."[133]

The most notable impact of the war is seen in their damaged bodies and the psychological and emotional traumas left by what they went through. Youngsters between the ages of 18 and 25 years old who had experienced such brutal and violent incidents when they were boys and girls participated in the GMH memory exercises. At their early age, they heard the armed actors ordering their fathers or mothers to come out of their house or get off the bus they were traveling on, and saw how they were interrogated, humiliated, mistreated, and assassinated. A young man from Montería related the following:

> My mother told me that my little sister started crying when those men began to hit my father and she clung to my father's leg. They killed him while she was clutching his hand. The impact of the bullets knocked her to the floor and she stayed there, unconscious and bleeding. She never got over that: she doesn't talk, she couldn't study and she is always in a bad mood and rebellious.[134]

Some boys and girls stayed inside their homes, hiding and waiting for the armed actors to leave the town after their assault so they could come out again. Their days were full of terror, hiding in the dark, alone and hungry, until they could leave or were rescued. Additionally, some boys and girls not only witnessed the violent acts, but they were also subjected to interrogations, beatings, threats and humiliations by the armed actors, who tried to obtain information or pressure their fathers or mothers. This is how a man in San Carlos described his experience when he was young:

> I was fourteen and I traveled on a bus with my mom. We were going to Medellín, but the paramilitaries stopped the bus at a roadblock and told us to get off. My mother tried to hide me behind her, but they realized what was happening and began to laugh and ridicule me, telling me that I wasn't a little girl and that I should come out from my mother´s skirts. I was very scared, I peed in my pants and I didn't want anyone to realize that… several times they told my mom that I already looked like a *guerrillero* and she should let them have me. She pleaded with them and I just shook with fear. In the end they let us

133. GMH, *Bojayá*, 93.

134. Personal conversation with a displaced young man in Montería. Field notes.

> go… And I have only told this today, almost fifteen years later, because I have been ashamed.[135]

These youngsters described Dantesque scenes – tortured bodies, the smell of blood – which have been engraved on their memory, torturing them in their dreams and affecting their ability to pay attention, concentrate, memorize and learn. These experiences damaged the foundations of trust and protection they needed for their healthy personal development. One of the girls who survived the bombing of the church in Bojayá church spoke to the team of researchers about her memories of what occurred that day, on May 2:

> Some people, well, the only part of them left whole was a finger, they were smashed into little pieces, like when a rock falls in a swamp, and I do remember those scenes. There are times when I remember that and I am so sad and I say: "Luz Dary, I am remembering what happened on May 2, come and talk to me." And she talks and since she is one of my best friends, she helps me not to remember that.[136]

Intense fear, sleep disorders, apathy, rebellion, anger and feelings of vengeance are just some of the effects that the fathers, mothers and teachers of such children most mention. In the case of those in the municipality of San Carlos, Antioquia, they do not hesitate to state that the war took away the future and dreams of an entire generation.

As was seen in the report on women on the Caribbean Coast, girls were also subjected to sexual violence. Some were raped and later assassinated; others were left pregnant. These experiences left physical and emotional scars and affected their self-esteem, capacity to trust others and possibilities of establishing pleasurable relationships based on respect.



Families displaced from the El Volao reservation in Urabá by the violence of the EPL and the paramilitaries, temporarily lodged in the San Andrés de Sotavento reservation in the area between Córdoba and Sucre.
Photograph: Jesús Abad Colorado © 1995.

135. Conversation with a man in San Carlos, Antioquia, 2010. Field notes.

136. GMH, *Bojayá*, 60.



Nubia Gonzalez is an indigenous woman of the Jiw community. She lost both hands, one eye and part of the vision of the other one, when an unidentified object, that she had collected from the ground, exploded unexpectedly in her hands. She and seven members of her family were injured. Photograph: Juan Carlos Sierra.

When it is experienced at an early age, sexual violence has different effects than when it happens to adults. In the case of boys and girls it means an abrupt impediment to experiencing and enjoying their childhood. Different studies acknowledge that abuse and rape in childhood and adolescence have a greater impact than in adulthood, since it causes an enormous confusion in the victims: "Confusion about sexual norms, confusion about sex and love, negative associations with sexual activities and feelings of sexual excitement, and aversion to sexual intimacy."[137]

Many regions were militarized, and the prolonged presence of armed actors led many girls and adolescents to get involved in emotional and sexual relationships with members of the armed groups. There are numerous cases of sexually transmitted diseases, pregnancies, mistreatment and abandonment that resulted from these relationships.

The experience of being orphaned was especially harmful for boys, girls and adolescents. When we extrapolate from the figures, compiled by the Colombian Family Welfare Institute, for orphaned boys, girls and adolescents in three departments (526 in Antioquia, 360 in Nariño and 65 in Casanare), it is clear this is an alarming problem on a national level which must affect thousands of children and youngsters.

The armed conflict affected the psychological development of many orphans, either because of a lack of trust in the milieu in which they grew up or the absence of the security and protection which responsible and competent family members should provide children with. In the cases known to the GMH, when a mother was murdered, her sons and daughters were handed over to a close relative, but on most occasions, they were later separated from each other and grew up in an ambit of poverty and lack of affection. For the sons and daughters of kidnapped persons, this situation amounted to a psychological torture. For their part, the children of disappeared persons not only had to face the physical absence of a parent or parents but also the lack of answers, explanations and clarity about their whereabouts or situation from the adults who surrounded them. This is how a mother in the Putumayo described her son's suffering:

> On many occasions I did not know how to explain the death of his father to my son: he asked me where he was, why he wasn't there. When I was finally able to tell him that his father was no longer with us, my son decided he wanted revenge, that he wanted to do the same to them. I was so scared that I always stopped my son going out. I took away his childhood […] He always looks sad. Just the other day, my son even told me he sometimes wants to kill himself. I didn't know what to do. I cried with him, I hugged him, I told him that he couldn't have those feelings. That we had to be strong.[138]

The GMH´s reports on the massacres in La Rochela (Cimacota, Santander) and El Tigre (Putumayo) illustrate the difficulties adults had in speaking to their children about the death or disappearance of their loved ones. Testimonies like this one from a widow in La Rochela show how, years later, the members of such families were criticized by those who were children at the time for not telling them exactly what had happened:

> I explained it to him: "It was enough for you to know that you didn't have a father. Why should I have embittered your childhood and adolescence by telling you how he died? So that you would grow up hating others? … I don't know, now that you are a man you can have your own ideas". For me, the mental health of my son was the most important…[139]

The presence of the armed agents and the control they exercised transformed the daily lives of children, affecting their relationships and ways of socialization. They were frequently penned in at home and their opportunities for play, recreation and interactions with neighbors and friends

137.http://www.forosalud.org.pe/Abuso_sexual_en_mujeres_adolescentes.pdf, downloaded June 21, 2013.

138. GMH, *El Tigre*, 40.

139. GMH, *La Rochela*, 229.

were limited. The reports also noted that the armed agents encouraged such youngsters to use drugs and psychoactive substances. The harshness of the war often forced boys and girls to abandon their studies and flee, which broke their links and relationships with the places and people that they cherished and had been important for them. A youngster from

El Salado explained how the conflict took away his chances to study and advance in his profession:

> I was one of those that came here with resentment, resentment about how I couldn´t finish high school, because due, let´s say, to the kind of place where I was studying – a technical high school and the résumé I had there – I had a good chance to go straight into a company; I mean, with the grades I had, because I was among the best electricians in the school, and the teacher in charge told me "You will definitely get a job with a company", because the students went straight from there to work with a company, thanks to the training they had. Screw it, that really messed me up […].[140]

The forced displacement that thousands of children in Colombia went through had many different painful consequences. The Constitutional Court, in Decree 251 of 2008, noted how the effect of forced displacement was especially harsh on these age groups, both in quantitative and qualitative terms. In the first place, the children and adolescents who were forcibly displaced faced an abrupt loss and uprooting and a marked deterioration of their quality of life due to overcrowding, hunger and confinement in the places they fled to, where they had to reshape their lives in a precarious way. Life in the cities exposed them to and confronted them with new instances of humiliation, exclusion and discrimination (racial, ethnic and class), seen, for example, in taunts about their ethnic origin, skin color, peasant-like appearance, ways of speaking and dialects, as well as the humiliation of being extremely poor. All of the above affected both the identity and self-esteem of these children and adolescents, and also harmed their personal development.

The experiences and situations described in the emblematic cases of the GMH illustrate the serious ways in which displacement affected the children´s processes of socialization and the construction of their identities. The violent events altered their normal psychological development by exposing them to traumatic scenes and experiences. They also had to assume adult roles and in many cases turn themselves into an emotional, psychological and economic support for their fathers and mothers. In the cases El Salado, San Carlos, Bojayá, Remedios and Segovia (northeast Antioquia), the children presented a variety of symptoms that evidenced the traumatic events they experienced. They had problems with concentrating, memorizing and learning. They had episodes of sudden panic, serious sleep disorders and difficulties with language and communication skills and were sometimes aggressive and hyperactive. In some cases, especially in orphans, they have become over-dependent on or too attached to other persons, or feel vulnerable or are afraid of being abandoned. The testimony of a youngster in San Carlos reflects this situation:

> […] What is the most normal thing to do when it´s a child of seven or eight or nine and they murder his father, slit his throat, decapitate or disappear him? Is it easier to tell him that his father is traveling, or he died? …They don't explain that we are in a war, that he died in a war. However, there was no way to tell the mother what to say to her son either, knowing that not even the mother knew how to tell him what had happened. For example, in my case: my father was one of those people who went from home to work and work to home, so how was I going to understand that a person came and killed him? And my mother, how could she have explained that to me? So everyone just had to make his own guesses.[141]

140. GMH, *El Salado*, 164.

141. GMH, *San Carlos*, 275.



Luis Eduardo Salazar was murdered by paramilitaries in the town of San Carlos, along with 12 other persons, including several leaders of the place who were decapitated and thrown into a river. Photograph. Jesús Abad Colorado © October 1998.



San Vicente del Caguán, Caquetá, July 2000. Photograph: Jesús Abad Colorado ©

One of the situations that affected daily life and the possibilities of development for children, adolescents and youngsters was the risk of illicit recruitment by the armed groups, which was directly related to the dynamics of the armed conflict and the military strategies of the armed groups. In the communities where the GMH did its researches, illicit recruitment turned the places where adolescents, youngsters and their families lived into threatening and unsafe areas. Trying to protect their children from recruitment, families fled and thus damaged their ties to their friends, neighborhood and community life, so that the children lost the groups and places they were familiar with.[142]

While, in some cases, the armed groups managed to entice some adolescent boys and girls into joining their forces, in others, they used threats. Those who received them became afraid and were forced to change their daily routines or flee to the cities, in many cases without their families. That is what an inhabitant of the Caribbean Coast remembers:

> There were kids who joined, who felt great about it, the fact that they´d joined those groups. Like, to get certain prestige […] They got a lot of acceptance for that, because if a man didn´t belong, no woman would pay attention to him, but if he joined he got a certain… I don't know, he enjoyed the luxury of being with one girl today and another, tomorrow.[143]

Moreover, the majority of the members of the armed groups are youngsters, so that this sector of the population has been especially stigmatized. Since they are often accused of being *guerrilleros* or informants, they have constantly faced persecution, threats and fear. Due to this circumstance, these young women and men have been the victims of extra-judicial executions and what is known as *social cleansing*.

This is not the place to discuss the effects on their adult lives of the harms that violence has caused in such children, adolescents and youngsters. However, we need to point out that the murder of boys, girls, adolescents and youngsters, as well as the destruction of their reference points, expectations in life and opportunities for rearing and socialization are related to a matter of a wider scope: the structuring both of the identity and daily life of a society, and the processes of social learning or the proliferation of situations of violent death and war.

4.3.4. Degraded, ridiculed and silenced - harms and impacts for the LGBTI community

While none of the cases studied by the GMH specifically focused on the LGBTI community,[144] in the majority of the regions where it worked, it found that there was a profound silence about what happened to this population during the armed conflict, which confirms what the NGO "Colombia Diversa" (Diverse Colombia) has reported about its invisibility.[145] The GMH documented cases on the Caribbean Coast where the paramilitaries organized public events where homosexual men were publicly ridiculed and mocked in order to degrade their dignity and use their sexual identity and life choices as a source of mockery and public shame. Summoned by the paramilitaries, homosexual men in San Onofre (Sucre) were forced to participate in boxing matches and a parade that the townspeople still remember:

> It was a pretty shocking spectacle. They began early. They sold beer, there was everything, food, and they made the people box. You know making gay people box, it amounts to a send-up for everyone. Everyone laughed, it was like a Roman circus: they boxed, the rest laughed. Then, they put something on them like

142. See: GMH, *Comuna 13*.

143. GMH, *Mujeres y guerra* (Women and war), 188.

144. LGBT: lesbian, gay, bisexual and transgender population.

145. See: Colombia Diversa, *Situación de los derechos humanos de lesbianas, hombres gay, bisexuales y transgeneristas en Colombia, 2006-2007* (Situation of the human rights of lesbians, gay men, bisexual and transgender persons in Colombia, 2006-2007), Bogotá: Colombia Diversa, 2008), downloaded May 13, 2013, http://colombiadiversa.org/colombiadiversa/images/stories/PUBLICACIONES_FINAL/DOCUMENTOS/INFORMES_DH/documentos/InformederechoshumanopoblacionLGBT2006_2007.pdf

> a dressing gown, along with the gloves, and the gays put on a show, as if they were women, slapping each other on the face. Men box with punches, but they were slapping. So that seemed funny, it got people excited, they laughed. I saw about fourteen couples, but it went on longer. When I left it was about eight, but I imagine it continued […].[146]

Months after the fight, one of the men who participated in it was assassinated by the paramilitaries in the town of San Onofre, and afterwards others left the area, although some have stayed.[147] Victimizing this community also encouraged more discrimination, rejection and stigmatization by society, which has prevented those persons from living peacefully in the places where they live.

The LGBTI community has suffered profound harms from the different forms of violence in the country. Lesbian, gay, bisexual, transsexual and transgender persons have been raped during the conflict by all the armed agents, and their sexual identity and gender choice has been the reason for that aggression. In Colombia, violence has been a key factor in the imposition of social orders characterized by discourses of social cleansing and control that have led to the stigmatization, persecution and threatening of this population, all of which has been worsened by the silence of the victims. That is seen in the testimony of one of the transvestites interviewed by the Interdisciplinary Group on Sex Studies (*Grupo Interdisciplinario de Estudios de Género* – GIEG) of the Universidad Nacional de Colombia:

> That was when there was a sort of social cleansings. Some said it was the guerrilla, others that it was the government and since no one ever found out, the only thing I know is that they killed a lot of people, that a lot of gays died there […] when the gays held their parties, the [killers] would turn up, and boom!, kill six, five of them. And those were the ones they got their hands on. There, anyone who didn´t run away it was "goodbye life", because that's how they were left.[148]

4.4. The harms and impacts caused by impunity, deficiencies in government assistance and social responses

In the studies conducted by the GMH, the victims have not only referred to the harms caused by the violent actions of the armed agents. In some testimonies, they say that the most intense losses and suffering arise from situations that happened afterwards and have to do with the conditions of impunity inherent in the political context, the failure to acknowledge the victims, the weak attempts to establish truth, justice and guarantees of non-repetition, , the rejection by or indifference of society and the inefficient or even counter-productive nature of institutional assistance.

The case of La Rochela shows that impunity not only heightens the suffering of the victims but also causes new harms and traumatic effects. The slow progress and resolution of legal proceedings -- their length, the large number of obstacles which prevent justice from being done and the persecution of some survivors and their families -- have brought about an intense suffering that worsens the emotional and physical stability of the families and their living conditions. A victim from La Rochela describes it this way:

> Not all the families filed a complaint, the mothers could not get all the required documents, we started with the administrative suit and sadly the criminal one lagged behind…the threats continued, even the father of Doctor Flechas was threatened, and so the criminal one was dropped. We continued with the

146. GMH, *Mujeres y guerra* (Women and war), 69.

147. GMH, *Mujeres y guerra* (Women and war), 70.

148. Testimony. Grupo Interdisciplinario de Estudios de Género de la Universidad Nacional de Colombia – (Interdisciplinary Group of Gender Studies of the National University of Colombia –GIEG- and the Mayoralty of Bogotá) "*¡A mí me sacaron volada de allá!*" ("They booted me out of there!") Bogotá: Universidad Nacional de Colombia/ Alcaldía Mayor de Bogotá, 2012), 116-117.

> administrative one, but most denouncements made by the families were not admitted because of an "undue accumulation of claims". We had to itemize them and only had five days, we started with that and then the Court of Bucaramanga [department of Santander] ruled that it hadn´t been the responsibility of the State.[149]

In the massacres in Remedios and Segovia (in the northeast of the department of Antioquia) the victims stated that their difficulties arose from not having guarantees of safety when filing complaints, the lack of an effective to assign responsibility, the failure to punish the victimizers in an opportune manner and judicial and police actions that were ineffective at dismantling the criminal organizations. Thus, access to justice is limited because the victimizer remains in the region and the victims feel frustrated about such impunity, not only because the victimizers evade justice or receive sentences which the victims regard as ridiculous since they do not correspond to the magnitude of their crimes, but also because the denouncements made by the victims or members of their families prove to be useless. A survivor in Segovia tells it this way:

> The father of one of my nieces was killed. The other day she went and lodged the denouncement, and what was she forced to do? She had to withdraw it because the next day they went to her house and warned her […]. They then told her that she had to withdraw that complaint or they couldn´t guarantee she´d remain alive. That they´d already dealt with the one they were after and had nothing against her […]. So here, you couldn't talk, just keep quiet and whatever you might do, you better keep you mouth shut. So if even you were dying from anger and rage, you couldn´t do anything.[150]

149. GMH, *La Rochela*, 244.

150. GMH, *Segovia y Remedios*, 228.

The procedures required by the search for justice add to the emotional harm. In most of the cases studied by the GMH (2007-2011), the State did not comply with its obligation to ensure that the victims are effectively represented in the legal proceedings, so that that they had to rely on their own means and efforts to find evidences to justify their denouncements or discover the fate of their relatives or the place where their remains are. For example, a woman in Montería went to claim her husband's body:

> I knew where my husband's body had been, and I decided to go get his body myself… many years later, when the authorities told me that there was no denouncement, or any evidence that he had been murdered… I went with my grown-up children to the land that used to be ours and is now the farm of some new gentlemen. We went in and they did not want to let us excavate… I told them: "This is for your own good. We will take away our dead and we will not bother you anymore. I have come for my dead [husband] and I swear to you that before leaving here I will take off my shoes and I will shake them out and I will not take even a bit of your earth… I'll leave it there. All I want is my dead." You don't know how much it hurts to go back to what was your land and have to ask permission to enter from those who took it from you… If it hadn't been because my husband's body was there, I would never have gone back… it hurts, it hurts a lot.[151]

Many testimonies of such women and men speak of the economic hardships they bore as they traveled to nearby or distant towns in search of what they call "clues" about their loved ones and were subjected to deceits, new threats and humiliations on the part of the armed agents, members of the police and public officials. They frequently described how they felt abandoned and left to their own fate. The pressing need of the victims to know why their family members were killed, who the killers were, the circumstances in which they died, and where their remains are has led them to visit jails or to directly face those allegedly responsible for the crime. A survivor from Segovia narrates it this way:

151. GMH, *Mujeres y guerra* (Women and war), 365-366.

> About 15 days later my mother went to their camp. In a neighborhood called El Tigrito, there they had the encampment. So my mom arrived there and they spoke to her, "What´s it about? What can we help you with?" My mother said: "I come to ask you to do me a favor and tell me why you killed my boy." Then, these beauties arrived and took out a big book that had all the names of those they were going to kill. When they killed one, they would mark it with a cross. And they looked and said, no, he wasn't there. Then, you know what they said? "Oh, lady. Sorry. But it must have been a mistake, because your son wasn't listed here for that." That was the answer that they gave my mother.[152]

Going through a situation of impunity can cause feelings of hatred, fear or a wish for revenge, especially when the victims see that their victimizers continue to be free and have the same or even more power and authority than before, or when they are punished or sanctioned in a way that does not correspond to the gravity of the crimes they committed. In this regard, one of the persistent demands the victims make in their testimonies is for justice, not necessarily punitive, but one which means that the judicial investigation will advance, they will be told about its findings and get information about who committed the violent acts which affected them and how and why the victimizers committed the crimes.

In addition to the frustrations and harms caused by this persistent impunity, the victims suffer from emotional exhaustion, impoverishment and the re-victimization that derives from the deficiencies in the State´s assistance and reparation policy. Many of painful experiences which the victims highlight result from the lack an effective and opportune assistance from the organizations which are responsible for attending to them, and even more so, by the kind of answers they get from those who hold such public offices, who sometimes mistreat, show prejudice towards and discredit the people who recur to them. "In addition to the [original] harm – as a further traumatic factor – the victim feels helpless, since he or she cannot count on an appeal system which is trustworthy. For the victim, the suffering caused by the specific harm is increased by the unbearable suffering of not being heard or recognized by any authority which is capable of doing justice."[153] This abuse of authority is what one victim in San Carlos complained about:

> The authorities say that we are all a bunch of lazy people and it turns out that in the displacement there are estate administrators. There are people who have been wronged because they killed their family, they killed their children, they killed their husband; mothers of families, without anyone to help them. And the officials often say that in San Carlos there are a bunch of lazy people and I don't know what else: that they don't want to go back to their farms [and work]. Why would we go, for God's sake: a poor mother with four children, who is going to give them food?[154]

Survivors of the massacres were especially traumatized: men, women, and children witnessed the horrific events, and in many cases they fled in fear without receiving any type of medical or psychological assistance during or after the events. In the case of El Salado, some women who survived the two massacres received only a fleeting assistance or inadequate treatment, which worsened the impact and caused severe mental damage.Youngsters from San Carlos, for their part, described crude and terrifying scenes and confessed that, even though more than ten or fif teen years have passed since they occurred, it was the first time they talked about them and doing so brought back their feelings of terror, sadness and shame. When women on the Caribbean Coast who were victims of sexual violence sought assistance, they were sub-

152. Field notes. Investigation of the Massacres of Segovia and Remedios.

153. Graciela Guilis and the Mental Health Team of CELS, "*El concepto de reparación simbólica en el contexto jurídico del Sistema Interamericano*" ("The concept of reparation in the juridical context of the Inter-American system"), CELS, downloaded June 19, 2013, http://www.cels.org.ar/common/documentos/concepto_reparacion_simbolica.doc

154. GMH, *San Carlos*, 274.

jected to denigrating interrogations and remarks that made them feel guilty and stigmatized. In other cases, people spent the final years of their lives in a painful search for their children or relatives and fruitlessly expected a reparation that never arrived, since the paperwork for it was lost in an office in Bogotá. The GMH told this story about a woman from San Carlos:

> When they arrived to speak to her about reparation, it seemed strange to her, "Nothing could replace Leidy" [she thought, referring to her 14-year-old daughter, who had disappeared] but she then understood that it would be a way to rebuild the life which the war had destroyed; she wanted to begin the medical treatment she needed, reconstruct her house and help her son, so she started the paperwork to have access to the reparation she had been promised. But the reparation didn't arrive: by the time she died more than four years had gone by from the time when she filed the papers. She never got an answer about the state of the proceedings nor "the satisfaction of fixing the house and helping my son." Lilia died waiting for the check that would help her repair the harm and imagining that each young nurse who cared for her in the hospital was Leidy, who had returned to accompany her.[155]

Complaints about the ineffectiveness of such assistance have been general. People have mentioned that while the humanitarian aid that they received was generally reliable, it did not provide them with any kind of stability or prospects for economic betterment and meanwhile forced them to engage in cumbersome bureaucratic procedures and left them in a situation of permanent dependence. Some spoke of the economic indemnifications they got, which they hoped to use to reopen or start small businesses. They nevertheless complained, with regret, that such assistance was not complemented by acts of justice and truth or a psychosocial treatment that might have helped them to deal with the ambiguous feelings caused by their sense of guilt, since the money and humanitarian aid were perceived as a type of bribe.

The lack of an effective and consistent economic reparation has led to a rapid and progressive deterioration of the quality of life of most of the victims. The poverty and vulnerability the war left them in puts them in a highly precarious and hazardous situation where their priority is day to day survival. At times, the pain and suffering caused by the violence itself seem "less relevant" in the face of their daily anguish about survival, and their sorrow, anger and frustration about not being able to give their children what they need.

Given the above, it is important to point out that an economic reparation without psycho-social care and an opportune guidance on the use of the money sometimes means that the beneficiaries spend it on unviable business plans or unrealistic investments, which, in turn, cause feeling of frustration and guilt in such families, groups and communities. The GMH study of Bojayá reports that:

> [...] they were given a sum of money for a production scheme, but when everyone sets up the same project, the same business venture, and there is no guidance, it is obvious that it will fail, but the required planning wasn´t done and the truth is that this town is very poor, despite having many houses that look "elegant", so to speak, because practically everything changed. But if we look at the social level, the level of production; if we look at food security, I mean, the town got used to living off these resources and didn't pay attention to other productive activities, in other words, it ended in nothing. It had a big impact, you could see. But now, people don't know what to do and there is no government agency to direct these big processes of change, the ones which are meant to generate incomes or projects that stimulate local production. That doesn't exist, so the situation of people is critical. Among other things, people don't want to do anything, whereas before, they wanted to plant crops, to

155. Field notes, San Carlos, 2010.

> fish, and now they don't even want to do that. No one wants to work, it's as simple as that.[156]

In addition, the experiences of the victims of an armed conflict that lasted for decades evidenced the absence of suitable institutions for providing assistance, or the manner in which they were coopted by criminal organizations, and in general, the lack of credibility of State institutions. This has led to the perception, among the victims, that they do not have a safe and trustworthy place to turn to, and a general lack of faith in State entities and public officials.

Given the inexplicable and dramatic experiences they have gone through and the lack of psychosocial assistance and the support they need, many victims turned to the Catholic and Evangelical churches, places where they were heard and also provided with the faith, comfort and hope they needed to rebuild their lives. Such churches provide them with an opportunity, rarely found elsewhere, to speak and be listened to. Some, of a more liberal nature, not only offer an acknowledgement of their sorrow, but also provide an approach to dealing with the violent acts they suffered from that goes beyond resignation. Nevertheless, in a number of cases it transcends the matter of human responsibilities and they call on their followers to scrutinize divine plans if they wish to make sense of what happened and make their lives more bearable, a stance that often rules out the search for political and structural explanations. This may be seen in the following testimony of a woman from the Caribbean Coast:

> It is difficult, but with the help of God we can do it. If we can forget, attain peace, forgive all of this, then we are going to feel at peace and we will forget that dark past which can only become clearer with the help of God; you have to ask God for that, to have peace in your heart: peace is not won with weapons and war but peace is won with our heart.[157]

156. GMH, *Bojayá*, 194-195.

157. GMH, *Mujeres y guerra* (Women and war), 373.

The precariousness of such assistance was even more apparent in the testimonies of displaced families. An example of this is the situation of thousands of people who were forced to abandon their lands, homes and jobs, arrived in the city of Medellín in terrible conditions and were forced to settle in the [marginal neighborhood] of the Comuna 13. After they spent years struggling to establish themselves in the city, they were violently expelled from that district, in turn, and became the victims of an intra-urban displacement. Due to the lack of assistance and protection, they were re-victimized and new harms and losses were added to their original ones, that is, the harms became chronic and had severe and sometimes irreparable impacts on those persons.

The lack of justice and the inefficiency of State institutions were thus combined with a *moral impunity*, understood as "a social complicity caused by the absence of moral sanctions, a complicity that is socially applied through silence, denial, a dismissal of the seriousness of the crimes and blaming the victims."[158]

In most of the regions where the GMH did its work – but especially in areas of Colombia like the Magdalena Medio and northeast Antioquia – the victims complained about the indifference, lack of solidarity, rejection and even hostility they were treated with; these attitudes and conducts have led individuals, families and entire communities to feel lonely, rejected and isolated.

Many victims acknowledge the solidarity and support they received from their neighbors, although many referred to the rejection, stigmatization and discrimination they met from the residents of the places where they arrived as displaced persons. In this situation, the people in such communities often told the victims that "it happened for a reason."

158. See: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fwww.bibliotecaiidh.info%2Findex.php%3Foption%3Dcom_docman%26task%3Ddoc_download%26gid%3D1227%26Itemid%3D50&ei=BaXEUb7YLY3g8wSC1oDoCw&usg=AFQjCNH8SifYDcQqpu1IUyIInrHe0RWpoQ&bvm=bv.48293060,d.eWU, downloaded June 21, 2013.

Keeping in mind that all impunity is immoral, the testimonies and experiences of the victims clearly show that the war has imposed a political, social and moral impunity on them. Stripped of all they possessed and abused in other ways, the victims were not able to assert their rights, since the authorities did not accept responsibility for the lives of citizens in a war which shattered the legal and moral limits of social relationships and justified all types of acts in that context.

Furthermore, the length of this armed conflict has brought about a kind of social habituation to violence which favors the facile and stereotyped explanations that thousands of Colombian men and women offer for what has happened and that are spread by the communications media. This indifference then falls on the victims again in the form of further aggressions and heightens their abandonment. That is why many of them claim the right to be seen, accepted, defended and taken care of as citizens. The victims clearly understand that their experiences reflect a general weakening of democracy and the impunity which covers the crimes that were committed looms as a threat against the integrity of *any* person or group and lessens the possibilities of consolidating guarantees that the violent deeds will not be repeated. It is this vulnerability of Colombian society that makes it necessary for others to take up the cause of the victims, make it their own and have the capacity to defend, on their behalf, the rights that all citizens claim for themselves.



Inhabitants of Granada and members of non-governmental organizations who took part in a march in December 2000 to protest against the violence of the FARC guerrilla during their armed seizure of the town on December 6 and 7 of that year, which left 22 dead. They also protested against the assault of the AUC paramilitary group a month before, which resulted in the murder of 19 inhabitants on the streets of the town. Photograph: Jesús Abad Colorado ©

CHAPTER V

Memories: the Voice of the Survivors

Between 2008 and 2012, the GHM collected hundreds of testimonies on a number of events which occurred during the armed conflict. These memories of the surviving witnesses and victims of violence provide data, but at the same time they describe the political and social events, settings and dynamics that show the impact this violence has had, and provide elements that help one to interpret the motives and rationales behind the conflict.

This chapter again looks at these accounts, now to document what those affected by the violence of the internal armed conflict in Colombia considered important to remember – particularly the victims and eyewitnesses with whom the GHM had contact – and relate, from their standpoint, what happened and why it happened. We present this testimonial archive since we find in it a living picture, brutal and human, of the suffering unleashed by the violent events, and the ways in which the victims both survived and recovered their lives even under the most adverse conditions. Thus, this chapter examines the memories of the victims and their meanings, and uses memory as an essential way to focus on the task of historical clarification which is the purpose of this report.

The preceding chapters described the scenario of violent events and the repertoires of violence, while this chapter employs the more creative and human approach of recalling and narrating what was experienced during those grave human rights violations. Examining the contents of these memories, their narrative and interpretive emphasis, and the meaning they have for those who tell us of their experiences brings us closer to understanding who the victims of the armed conflict in Colombia really are.[1]

This chapter shows that these memories are organized around three axes: 1) a *narrative one* that records the context of pain and cruelty in which the witnesses and survivors remember *what happened*; 2) an *interpretive one* that shows how the emblematic memories of complicity and stigma have set the terms in which the victims explain the origins and causes of the armed conflict in their region, that is, *why did what happened happen*; and 3) an axis of *significance,* which records the responses and resources of people in the face of the armed violence: the numerous acts of protection, solidarity, rescue, disobedience and direct and indirect resistance.

This task of reconstructing historical memory recognizes the heterogeneity of the accounts and their meanings, which refers to the diversity of subjects and groups that create memory from diverse experiences and contexts. This implies rejecting any attempt to condense these memories into a single narrational logic or explanatory framework, or assign them a rigid, fixed and immutable meaning. Thus, although this chapter offers certain generalizations about these emblematic memories and their narrative emphases and meanings, it does not present them as part of what some call *collective memory*, the kind that revolves around the

1. To draft this chapter, the collection of accounts and testimonies that the GMH compiled to write its reports on the emblematic cases of violence in Colombia were assembled and organized. The accounts were organized in terms of reference numbers and the subject matter of the emblematic cases and then codified on the basis of the questions which frame the analysis in this chapter: what is remembered and told about what happened? How is what happened remembered and in what ways is it interpreted? Starting with this codification, a number of thematic matrixes were built and an analysis was made of the frequencies, forms of narrative and kinds of accounts for each subject. We clarify that the exercise focuses on the memories evoked in the then present time – specifically, between 2009 and 2011 – by those who suffered the consequences of violent acts or whose rights were violated. We have not made a parallel exercise of reconstructing the memories of those who perpetrated or were accomplices in those violent acts, nor of those who, on occasions, witnessed them or were bystanders, which is a very important task that remains undone.



The graves of the disappeared cabinetmakers, whose father died of sorrow. Monument Park to the Victims, Trujillo, Valle del Cauca.
Photograph: Jesús Abad Colorado, CNMH, 2010.

shared suffering of a nation or even a region or community. However, given the plurality of voices that make up this historical memory, this exercise in acknowledging the memories of the victims is a public patrimony, whose imprint on Colombian society will help to consolidate its commitment to refuse to allow these events to be repeated.

5.1. The memories of suffering

[…] The important thing is that you are going to make the sorrow that Trujillo experienced known to others. We are not going to be forgotten, neither our pain nor our efforts to progress.[2]

The memory of suffering that war leaves in people, their social worlds and natural environments is a narrative thread that structures many accounts compiled by the GHM. These are narratives that show the horizon of pain and human cruelty in the lives of people and their communities. One of its central purposes is to testify to the suffering and cruelty the victims were subjected to in conflicts, which they often felt had nothing to do with themselves.

In the first part, we will examine the ways in which suffering is evoked in personal stories of pain and perseverance, and through accounts of how the violence breaks apart the spatial, social, spiritual and natural reference points that enabled families and social groups to organize their worlds. This record of sorrow is a record of the terror that was simultaneously inflicted on bodies, feelings, infrastructures, communities and nature. In the second part we will review the accounts which place a specific emphasis on recognizing the victimizers, what they did, and how they did it. These memories contrast the repertoires of cruelty that the victimizers used to dehumanize their victims, with a picture of the humanity of the victimizers, that is, their behavior and actions: their gestures, words, attitudes and emotions.

5.1.1. The faces of suffering

The testimonies about the repertoires of violence described in previous chapters trace a record of the suffering the victims experienced. The mothers, fathers, elderly persons, children and youngsters who have lived through these events and suffered the loss and/or disappearance of their loved ones – who were often tortured before their eyes – suffer deeply and respond to the terror in diverse ways.

The list of victims of the massacre in Trujillo (1987-1994), in the department of Valle del Cauca, includes ten victims who died from grief due to the disappearance, torture and assassination of their loved ones. All of them are commemorated in the Monument Park in Trujillo that honors the memory of the victims of the massacre, and they are also remembered in the accounts of the survivors:

> I saw the father of the Vargas brothers [two carpenters who were tortured and disappeared in 1990] seated on a bench in the park, in front of the mayor's office. They asked him, "And what are you doing here, sitting here all day? Look, it's going to rain, it's getting cold, it's nighttime." "I am waiting for my sons, I think they are going to come back at any time." That's how he died, from grief, and spent many days that way, morning, afternoon and night. That devastates both the one who experiences it and the one who listens to him.[3]

The father of the Vargas brothers took the profound pain that he felt to the park to call attention to his wish to find out about his sons and to publicize his determination to not abandon his mourning or "keep it at home". By sitting in front of the mayor's office and making his waiting and suffering public, his became the public embodiment of the town´s sorrow. The image of this man sitting day after day in the park stayed

2. GMH, *Trujillo. Una tragedia que no cesa* (Trujillo. An endless tragedy). Bogotá: Planeta, 2008, 206.

3. Interview of AFAVIT. GMH, *Trujillo: Una tragedia que no cesa* (Trujillo. An endless tragedy), 206.

in the memory of the community of Trujillo as a testimony to the suffering and perseverance of the man who was waiting for the safe return of his sons.

The memories of suffering that certain people have experienced as a profound sadness that torments their daily lives and expresses itself in the sickening of their bodies[4] illustrates the ways in which the witnesses evoke the violence, and construct a complex image of the victims that acknowledges their emotional responses, moral judgments, the physical scars on their bodies and their specific way of relating to the world.

Forced displacement and the loss of houses, animals, ways of life and territory are also recorded as memories of pain, as evoked by one of the daughters of María Antonia Fince. This elderly Wayuu woman directly witnessed how the paramilitaries took her daughter Margoth away to assassinate her. María Antonia, like the rest of the community, had to flee because of the massacre on April 18, 2004:

> That we are here looking at my mother, that we are with her chicks and hens, she stayed that way […] she doesn't speak anymore […] she said to me, when she was conscious, the year before last, before her relapse, she didn't talk after the relapse, but when she was still able to walk, she told me: "What are we doing in someone else's house […]." She herself said that to me, and she was in her granddaughter's house, but she said: "This is not my house, where are my chickens? Where are my goats? Where are my donkeys?" Every time she said that it would make me feel bad, when she asked where her animals were, where her gourds [dishes] were, she died talking about her goats and her chickens […] Even so, sometimes she spoke […] last year she said to some kids: "Hey, hey! Go get the goats, you are so lazy! Go get them!" We remember how she was, all of it; after that she couldn´t talk, but she was thinking about her animals…[5]

María Antonia embodies the sorrow and pain she felt for the absence of her loved ones and the ways of life that oriented her. She chose not to speak, in order to cut the links with her new world and inhabit the memories of her ancestral territory and her animals. She only spoke again to "return" to her territory, to give orders about her animals to her grandchildren and other relatives. The questions that she asked her daughter extended the chain of the family´s sorrow.

In these accounts we find a record of pain in which the faces of the father of the Vargas boys and the grandmother María Antonia are transformed into powerful signs that evoke emblematic memories of suffering. Both these accounts show the perseverance of grieving people who seek to reencounter their loved ones and their territory, as well as their denial of the situation they find themselves in through silence or a refusal to go home. The memories of suffering are not memories of passiveness or resentment, but they indicate the numerous ways people respond to the violence through silent or coded protests about the violation of innocence or injustice (of disappearance or displacement), and use their bodies to evidence their sorrow.[6]

The stories of the last farewell also make up an important part of these memories. The wife of one of the victims of the massacre in Remedios (eastern Antioquia) on August 2, 1997 reconstructs the night that the paramilitaries forcibly took her husband away:

4. Martha Colorado, "*Sufrimiento social y salud de las personas desplazadas y refugiadas*" ("The social pain and health of displaced persons and refugees"), In: *Migración forzada de colombianos en Colombia, Ecuador y Canadá* (The forced migration of Colombians in Colombia, Ecuador and Canada), ed. Pilar Riaño and Marta Villa (Medellín: Corporación Región, 2008) 419-465, *Poniendo tierra de por medio*, 419-465.

5. Interview #5. Maracaibo, June 2009. GMH, *La masacre de Bahía Portete. Mujeres Wayuu en la mira* (The massacre of Bahía Portete. Sights fixed on Wayuu women). Bogotá: *Semana*, 2010, 202.

6. Veena Das, "*Trauma y testimonio*" ("Trauma and testimony"), in Veena Das: *Sujetos del dolor, agentes de la dignidad* (Subjects of sorrow, agents of dignity), ed. F. Ortega (Bogotá: Universidad Nacional de Colombia, 2008), 145-170.



María Antonia Fince, Maracaibo, Venezuela.
Photograph: Jesús Abad Colorado, CNMH, July 2009.



Bahía Portete, Guajira. Photograph: Jesús Abad Colorado, CNMH, April 2010.

> The night that they took him, they came for many people […] So when I woke up, I called him, and he was also awake, but he was silent […] Then, they asked "So where is Carlos Rojo" and he got up and they said to him: "Do me a favor and get dressed and take your papers," and he didn't say anything, he was quiet. So he got dressed and they left. In the living room there were some shoes of the boys, they took off the laces and tied his hands. Then they told me to go into one of the rooms with the children and they closed the door. When they went out with him, one of the boys called him, and then the only thing he said to them was: "Goodbye, sons, be good to your mother." […][7]

This testimony evokes the moments in which life changes in a definitive way for the families and, often, for their communities. With his goodbye, the father announced that he knew what awaited him and he sought to sum up in one phrase what would await his sons in his absence. This record of a moment of change is also a record of the violent acts; for the members of such a family, the burden of memory is found in the last words and actions of their loved ones.

A mother in Trujillo recalled the moment in her life when she witnessed her son's torture, and spoke of his farewell:

> We were going to a farm when that white car began to pick people up, the white Toyota. What hurts me is what they did to my children, not my poverty so much because God illuminates you and there are good neighbors. A woman who lived there then told me: "Here comes the Army." "I'm not going to hide! Let them take me!" She said to me: "Look behind you!" and I saw that they were taking my son away, hooded, all covered up. When he saw me, he did something like this with his hand [waved goodbye]. I tried to go after him, but they told me that I shouldn't because they would kick me around. I let them go. He came back all beaten up, walking like he was lame, and I said "My son isn't lame…they're going to kill my boy." I went inside and I didn't remember anything else. That's when I woke up in the hospital.[8]

Over the years, the traumatic burden of witnessing the violence inflicted on the bodies of their children and seeing their loved ones depart has haunted the memories of those fathers and mothers, as well as their neighbors and people from their community. That is the same tone in which a resident of Vigía del Fuerte in the department of Chocó, reconstructs his memory of the massacre of Bojayá (2002) and its sequel:

> [...] we saw an old man coming with a boy, a young man of about 15 years old in a small launch… the old man was crying, with his head down and the boy was crying and said: "They killed them all"… it was like the kid´s body was on earth and his soul somewhere else, because he had a lost gaze, like it was I don´t know where… That was when they told us they had thrown a pipe bomb [gas cylinder] into the church, and we lowered our heads and we started to cry… then little boats with more people began to arrive and they were more alert, and they told us we had to find a way to stop the fighting in order to remove the wounded. The people from here went to get the wounded, but a moment later, they started shooting again and the people couldn't help the ones who were still alive.[9]

These memories of suffering reconstruct the distressed faces and hurt bodies of those who survived, as well as the suffering caused to others by the tragic events. At the same time, the memories underline the enormous but fruitless efforts of witnesses to rescue the wounded, efforts that were hindered by the combatants, who were indifferent to the need for humanitarian aid and acts of solidarity.

7. GMH, *Silenciar la democracia, las masacres de Remedios y Segovia, 1982-1997* (Silencing democracy, the massacres of Remedios and Segovia). Bogotá: Taurus/*Semana*, 2011, 107.

8. Testimony #17, GMH, *Trujillo*, 222.

9. Testimony, Workshop on historical memory, Vigía del Fuerte, 2009. GMH, *Bojayá: la guerra sin límites* (Bojayá: the war without limits), Bogotá: Taurus/*Semana*, 2010), 64.

For more than two decades, united by their shared suffering, the families of the fifteen members of the judicial commission who were massacred in La Rochela (department of Santander) on January 18, 1989 have been engaged in a joint search for the truth. As two of the widows explained, by bringing their individual and family sorrow into the public light they became a traveling community of memory and pain that fights for dignity and justice:

> […] we built a community of memory with people who came from different places in the country… […] When they killed our husbands, our children were very small, they didn't get to know their fathers, all our families were just starting to grow, we were almost all recently married. That is what got us to work for justice; so that our children would know that they can't kill our loved ones and we would just stand by, indifferent. We are fighting for our loved ones. We are also fighting so that our children, and society in general, would know that justice should be done. We have become like one family.[10]

5.1.2. The horizons of pain and terror

A woman who witnessed the massacre perpetrated by the paramilitaries on January 9, 1999 in El Tigre, Putumayo, remembers how the bodies of several men from her town were stripped of their clothing and left in public view after the massacre by the victimizers:

> At the edge of La Hormiga we found seven bodies. They were all young men. They only had their underwear on. It was very painful because the paramilitaries had left their bodies in a circle in the middle of the street. Their heads were placed at the center of the circle. They each had a bullet hole in their forehead.[11]

The interweaving in this narrative of bodies and places familiar to the inhabitants of the locality conveys the destructive power wielded by the paramilitaries and the suffering they caused. What they did to the bodies and the scenarios of social life caused feelings of pain and sadness that are difficult to overcome, since they murdered people´s neighbors and left them in very public places which have a symbolic value as the focus of daily interactions. This is what a witness of the massacre in El Tigre relates:

> […] We don't know how many people they threw into the river, and that's why we say "those who live in the river". It is impossible to know how many people live in that river. That makes us very sad. We found this bridge full of blood, and some things from the dead, like sandals and clothing, were thrown on the bridge.[12]

The river, the center of life and sustenance for the community, became a "home" for the anonymous dead and a sorrowful landscape. This also happened in other areas of the country, where plazas and meeting places were transformed into scenes of desolation; rivers and waterways became cemeteries into which hundreds of bodies were thrown.

The initial account of the massacre in El Tigre documents the topography of the killings: the victims were middle-aged men, left at the two ends of the town, in the middle of the street, arranged in a circle, face down, with their heads towards the center of the circle, shot in the head. The victimizers placed the victims' bodies on the main road of the town to convey an important message: strategically placing them at the two ends of the town was a way to mark out their power. The survivors evoke this topography to emphasize the cruelty of the victimizers, to describe what happened and to reconstruct the atmosphere of the town, familiar until it was transformed into a scenario of death and desolation. Just as the bodies of the victims were punished and tortured, the accounts show how even the physical town was violated by

10. Statement, Workshop Memories in dialogue and construction, Cúcuta, 2011.
11. Account #3, Workshop on memories, 2010. GMH, *La masacre de El Tigre, Putumayo* (The massacre at El Tigre), Bogotá: Pro-offset editorial, 2011), 27.
12. Account #3, Workshop on memories, 2010. GMH. *El Tigre*, 27.

the atrocities of the victimizers. This emphasis is likewise found in the account of one of the witnesses of the massacre in El Salado, Bolívar, in February 2000, who remembers the football field where most of the tortures, crimes and murders occurred:

> At the football field they told us "men on one side and women on the other" and they threw us face down there, and they straightaway chose one kid. They told him, "You stay here, with us, because you escaped from us in Zambrano but you are not going to get away from this one", they told him. He was the first one they killed on the field. They put a plastic bag over his head and they chopped off one of his ears first, and after that they skinned him with barbed wire, they laid him down and put the bag over his head. He screamed "don´t kill me, don´t kill me"; they kicked him in the stomach, kicked, punched him in the face, smashed up his whole face first and told us "Look and learn, so you see what will happen to you, so start to talk", they said. Then we said to them, "What are we going to say if we don't know anything." After that they threw him down on the grass, they did kill him, they shot him […].[13]

This account shows the cruelty of the paramilitaries and highlights how the victims declared their innocence, refused to speak and insisted that they did not have the information that the armed men wanted.

In addition to the methods of terror and the scars of sorrow left on the immediate surroundings of the crimes, these accounts also speak of how people fled in the midst of the chaotic circumstances, bewildered and overwhelmed by suffering. A survivor of the massacre in Dos Quebradas, in San Carlos (Antioquia), perpetrated by the FARC on January 16, 2003, evokes those moments:

> When we arrived at the bridge it was almost night, thank God. At every curve we got tense, we thought that the guerrilla was there, but we kept going down and no one stopped us. Then we arrived at the bridge here in San Carlos, the Army had just arrived: they had had to walk from San Rafael. A helicopter was flying overhead, because it was protecting the army, it was watching over them! There were policemen, journalists, the Army, a lot of people out there! But, why? I begged them to go for those dead people, but since it was at night, they went to Dos Quebradas but didn't dare go to where the corpses were: they picked up the ones along the road, the ladies with their throats cut and those they found on the highway. Then they let off some shots to pretend they had been attacked and they came back, the Army itself did that, they returned… and we were there waiting at night for the dead, when the Army came back without their bodies, how desperate we were![14]

Thus, these accounts highlight certain places and people in order to mark and describe the scenarios and topography of terror, and also to relate how familiar places were turned into ones of suffering and desolation: streets, plazas, sports fields, roads, ruins, thickets and rivers that also guard the story of what happened "on or in them" and bring back memories that enable the survivors to trace out the horizons of the pain they suffered and later evoke. It is through this kind of memory that grievances are articulated as well, ones to do both with the murdered victims and the survivors and their physical environs.

By remembering these places, they remember that these areas had a value and meaning before these violent events scarred them. It is also a way to protest on behalf of the innocence of the victims and meanwhile stress the vulnerability and defenselessness of both the living and the dead. These accounts bear testimony to the fact the events described are not lies or exaggerations, since the witnesses are present to confirm that they *did* take *place*.

13. Testimony #7, Young man, El Salado. GMH, *La masacre de El Salado: esa guerra no era nuestra* (The massacre of El Salado: that war was not ours), Bogotá: Taurus/*Semana*, 2009), 47.

14. Testimony of an adult woman, San Carlos, 2010. GMH, *San Carlos. Memorias del éxodo en la guerra* (Memories of exodus in the war), Bogotá: Taurus/*Semana*, 2010), 128.

The memories of desolation are also inscribed in a number of moments that marked a turning point in the lives of those who experienced them. Among the accounts of what life was like before the massacre in Bojayá (2000) and the subsequent exodus from the town that the GHM compiled in 2009, there stands out one, by a woman who survived, which shows the changes the town went through over time:

> These are the ruins [those of old Bellavista]… The truth is that after what happened I don't like to come here, it´s very hard, it´s very sad… there are many things that one doesn't understand, and since one doesn't understand them, well, it is very hard. And I especially ask myself: why us? Why did this have to happen? And it all falls apart… many things in our community are being lost, the customs… what you would call its ideology, now there isn't any… Here we were poor perhaps because we lived in little wooden houses, but we had everything we wanted… The river, that is our life here, the river that is now dead for use… we only use it for transportation and not to satisfy our wishes, like bathing, fishing, washing dishes, doing the laundry. You´d go and wash your clothes and it felt good to be with the other women… […] We have nothing.[15]

The past is relived through a discursive memory of how the daily rhythms of life and the human and productive relationship that women and men have with their environment were cut short. The moment of rupture on which that account is built also indicates a deeper breakdown, to do with the way the war upset the intimate relationship they had with the river as the symbolic and natural axis of their lives. The past is thus placed in a landscape that anchored the inhabitants to their environment, while the present is characterized by the absence of those features which structured and secured their lives.

In some cases, the violence is not only conceived of as something that happened in the past or at specific moments in times, like those of the massacres or forced displacements, but as a "live" and uncontrollable entity that continues to exist over time, with a devastating effect on their lives. This is illustrated in the verses that a witness of the massacre in Bojayá who participated in the exercises to recover memory has written:

> What happened in Bellavista on May 2nd / was something so unforgettable / we guard it in our memory / Without omitting details. // The war that we are living through / does not distinguish between the great or the small / it destroys our towns / and extinguishes our dreams.[16]

5.1.3. The faces and actions of the armed actors

The victims´ and witnesses´ accounts of their encounters with the armed actors show their impressions of the human nature of the latter and describe their particular physiognomy and factions, which were perceived as altered and disfigured during the moments of terror. A teacher from the town of San Carlos recalled that:

> […] When I went up the "old woman´s hill" and got to the corner, both sides were full of… paramilitaries. They stopped me there, and what impressed me a lot was to see their faces. I mean, I had not seen such awesome faces before; I don't know why but I hadn´t seen such awesome faces before, faces that were so… I mean, although some of them were young […] Awesome…? They looked like they were disfigured: it must have been my fear, but I saw them as monsters, very strange […].[17]

The eeriness that the teacher felt was – as he himself noted – caused by fear and also an anticipation of their capacity for evil, even in those he recognized as "some youngsters." The teacher thus expressed his ambiguous feelings upon recognizing young men, human beings, among these armed men. This testimony leads us to another set of accounts in which the victims and witnesses recognize or meet the armed agents and

15. Interview of adult woman, inhabitant of Bellavista, 2009. GMH, *Bojayá*, 109.

16. Poem, field diary #2, local memory facilitator. Bellavista, 2009. GMH, *Bojayá*, 282.

17. Testimony of teacher in San Carlos, Workshop on memory, 2010.



Town of El Peñol, Antioquia. Photograph: Jesús Abad Colorado © 1997.

ask about their perceptions and values. As we will see, the descriptions of the actions and behavior of these men and women are interwoven with a sort of moral judgment on the human quality of those who were directly responsible for these violent acts.

The accounts about these men and women who committed violent acts against civilians vary according to the region of the country, the armed regime (imposed by the guerrilla, the paramilitary groups or members of the Security Forces) and the local political and organizational background. However, the accounts of the people who lived in and/or were victims in those places have a common narrational emphasis that revolves around the manner in which the men and women who tell the stories take in the physical features, words and behavior of the armed agents, to later give them a face and voice, and from there, realize that those who committed the atrocities were men (and at times women) with faces, emotions and certain ways of behaving.

In a place like the Comuna 13 in the city of Medellín – whose inhabitants have lived through the oppressive presence of the militia (the urban wing of the guerrilla), paramilitaries and members of the Security Forces, as well as a constant surveillance and control over their daily lives and movements – encounters with armed agents were frequent:

> [...] why did they choose to store those weapons there, why did the Army go there, why the Office of the Attorney General? When the prosecutor was there, the whole world knew that they [the militia] were there, so, why?... They even said [to my wife] "Let us into the toilet," with rifles hanging on their backs, "Let us into the toilet" […] If they were nervous, imagine what were we like… and when they left I waited for them to strike: I imagined that they were coming, that at any moment those animals would come here.[18]

18. Collective interview, testimony of adult man, 2010. GMH, *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13* (The invisible footprint of the war. Forced displacement in the Comuna 13), Bogotá: Taurus/*Semana*, 2011, 122.

In this testimony the words that were spoken are remembered precisely, and the emotional state of the militia is also assessed, and that humanizes them: both the militia and the members of the family were nervous. It finishes with a clear statement of the repercussions that helping them (giving the militia refuge) might have had, and the narrator refers to those who might arrive as "animals," and thus notes their irrational behavior.

In Segovia, in the department of Antioquia, the people remember the assaults on the town and also the informants: "Some guys dressed in civilian clothing and others in green: some were masked, the masks were black, others were hooded, with wigs […] they were killing people, some from their cars and others on foot".[19] A witness to the massacre of Segovia recalls:

> I was walking towards La Reina street when I reached a corner and I saw a little car there, like light yellow; the car drove by and I recognized three of the ones who were on foot… they were from here, from Segovia but had left a long time ago. One was Mario, who lived in Montañita and worked in the mines. Another was Marcos, who had like a scar on his face, on the left side, and he also lived in Montañita and worked in the mines. And the other was Otoniel, who had some businesses here: in the Coco Hondo neighborhood, he sold meat and had like a store […] They were shooting, they came towards the center […] Marcos and Mario were called the "Yeyos" or "The ones with freckles" and Otoniel, the "Butcher." In this massacre there was a former police agent whom they called "Bipartisan", "Quasi," or "King-Kong," whose last name is Monsalve. He was working here as a policeman for a long time and was also in Remedios. There was also a former police agent named Marín, who was a bad guy.[20]

By recognizing three participants in the massacre, the one who tells the story gives a rigorous testimony about the ones who were responsible for the massacre. His attention to details, such as the exact location of the scar on one of their faces and the job of another, gives a list of evidence about the identity of the victimizers. Also, the one telling the story mentions the reprehensible conduct of the former policeman, Marín, and characterizes him as a man "who was a bad guy". In these types of testimony, the narrator makes a moral judgment of the immorality and capacity for evil of those who committed the crimes.

These narratives further recall conversations on walkie-talkies where a member of the guerrilla or paramilitaries received an order to "stop the massacre" and were reprimanded by their superiors, who even expressed their shock on learning of the magnitude of the tragedy that occurred. Therefore not only the vile conduct of the armed men is recalled, but also the senselessness and cruelty that surrounded the events:

> […] around four in the afternoon they called: "boss, we got 48, should we continue or stop?" Their chief – you could clearly hear him on that radio or telephone thing, told him: "Don't go on anymore, because you´ve already killed a lot of innocent people there, don't continue".[21]

> While they were bringing in the personnel, the subversives were there with their weapons, checking the boats that arrived to see whether there was an enemy of theirs to finish him off. Then we turned up and told the commandant of the guerrilla: "You know what, brother? You threw a pipe bomb on the church and killed a bunch of people. Tell your men to stop the combat so they can get the wounded out." Then he said: "What?... That can't be true!", and he started to cry… Then he called them and stopped that thing […].[22]

19. Criminal File 7583, 1988, original notebook #1, ff. 321–322v. GMH, *Silenciar la democracia: las masacres de Segovia y Remedios* (Silencing democracy, the massacres of Remedios and Segovia), 62.
20. Criminal File 7583, 1988, original notebook #3, ff. 78–80. GMH, *Remedios y Segovia*, 60.
21. Testimony, elderly man. GMH, *El Salado*, 114.
22. Testimony, Workshop on historical memory, Vigía del Fuerte, 2009. GMH, *Bojayá*, 64.

These two accounts show the contrasting rationales and emotions of the armed agents: while one stops because the numbers are too high, the other one recognizes the tragedy that has occurred. The witnesses and survivors observed the emotions and assessments of those who, immersed in the fighting, suddenly realize the horror that has been caused. This helps us to understand how memory exercises do not turn those who are responsible for violent acts into anonymous or stereotyped beings but show their differences and the ways in which these men were seen during critical moments. The accounts do not dehumanize those who are engaged in the armed violence: on the contrary, they portray their human condition, with their weaknesses and capacity for evil.

The stories told to the GHM by women in the village of El Placer, in the south of the country (Putumayo) — whose inhabitants have suffered under the armed regimes of the guerrilla and paramilitary groups – are full of descriptions of those agents of war as "bloodthirsty", "corrupt", "wild", "cannibals", "bad", "terrifying".[23] Two of their accounts tell it this way:

> They were the most corrupt people […]. At the start, those commandants were really bad, they didn´t even have a mother, I think. There was one of them they called J.J.; they aren't alive now, some of them were killed by their own people.[24]

> The first commandants were the most bloodthirsty […] they were like cannibals, like demons.[25]

In assessing the corrupt behavior of these men, the first woman attributes their vile character to an evil that can only be explained by the rupture of any filial ties and moral responsibilities for the world: "they didn´t even have a mother", as she put it. The other woman recognizes the diverse shades and levels of evilness among the victimizers and that leads her to distinguish between degrees of wickedness and categorize those with a greater capacity for bloody violence as demons or cannibals, that is, they reach extremes of wickedness symbolized by "the devil".

A number of accounts by the inhabitants of El Salado, Bolívar, gathered by the GHM in 2009, provide another key to understanding how the lessons of such stories amount to a mechanism for assessing the character of the paramilitaries who participated in the massacre:

> Here they had ordered some drums, an accordion, here there was a *gaita* (bagpipe) group. They had sent the instruments so the guys would start practicing, they took hold of them all. This sports field, this is where they killed so many: they played, they played drums, they played accordion and everything. They had recorders, because in the houses there were good recorders and they even grabbed them and they put on the music with that […] When they killed, they played music, it was all a party for them. That was a party for them.[26]

> They took drums from the *Casa del Pueblo* [House of the People], and they sang after they killed… you could see the pleasure they got from killing.[27]

The judgment made on the paramilitaries who perpetrated the massacre is expressed by the survivors through a language that characterizes them as beings possessed by a "thirst" to kill and a "pleasure" in violence that reached unimaginable limits, as when they celebrated the massacre with drums, while they drank alcohol in the corner stores.

These kinds of violence also affected their decisions and interactions with the townspeople, as seen in the victims' memories of death lists. The memories of the lists that the paramilitaries, guerrilla or Army used emphasize the arbitrary way they acted. In the victims' accounts,

23. See: GMH, *El Placer. Mujeres, coca y guerra en el bajo Putumayo* (El Placer. Women, coca and war in the lower Putumayo) Bogotá: Taurus/*Semana*, 2012), 112.
24. Interview #4, adult woman, El Placer, 2011. GMH, *El Placer*, 112-113.
25. Interview #29, adult woman, El Placer, 2011. GMH, *El Placer*, 112.
26. Testimony #2, adult woman and young woman, GMH, *El Salado*, 48.
27. Testimony #27, young man. GMH, *El Salado*, 48.

the armed men executed people on the lists in spite of the pleas of the detained persons or the townspeople, who tried to persuade them of the innocence of the victims: "no wounded or sick people can be left out", "all have to die."[28] These accounts also speak of the indiscriminate nature of the aggressions and humiliations dealt by the armed agents. A witness to the violent acts perpetrated in a pool hall in Rincón del Mar (near San Onofre, department of Sucre) by Rodrigo Mercado Pelufo, alias *Cadena*, commander of the Heroes Bloc in Montes de María, states:

> The thing that happened in the pool hall is that one morning "Cadena" ["Chain", the paramilitary Rodrigo Mercado Pelufo] arrived in a red Mitsubishi Montero and had names on a list. He brought some people so they would tell him where they lived. But "Cadena" was very angry that I wouldn't help him and he slapped two people around. He kicked me, he threw us to the ground, because [he said]: "Son of a bitch! How can you not know! Now I am going to kill you sons of a bitch, Black bastards!" Then he took us all to the part of the wall in the back and lined us up and slapped anyone who said "Oh, my God" or anything like that. He pointed the rifle at a boy and threatened him, and then he fired a few centimeters above his head […] he fired a few times like that. He turned the guys against the wall, he fired as if he were going to kill them, and then they left, they got in their vans, but no one helped them with the names on that list. Later they told them to flee.[29]

This account shows in detail the verbal and physical insults that reveal the racist conduct of *Cadena* and the armed order that was imposed in Montes de María (departments of Sucre and Bolívar). It offers a portrait of the capricious, irrational, and racist way in which the paramilitary chief implanted a regime of terror in this region of Colombia.

In the accounts about these violent agents we find a kernel of meaning which revolves around a memory of cruelty, which when it precisely describes the acts, gestures, behavior and words of the victimizers, categorizes and finds the significance of the victimizers in terms of their brutality and savagery and their senseless behavior, regarded as somewhere between irrational and bestial. We stress that the search for meaning in these accounts is not intended to dehumanize the armed agents, but on the contrary, to observe their human nature in order to understand the nature of their wickedness, that is, to make a moral judgment on their behavior. The members of the guerrilla, paramilitaries, militias and Security Forces all had a clearly-defined face in the eyes of the victims, and therefore they are judged from the standpoint of human responsibility.

The memories of both the cruelty of those who inflicted such violence and the acts of terror themselves form part of the record of the reminders of suffering, because they show the human impact of the repertoires of violence, as well as the victims´ and witnesses´ perceptions and assessments of such events and those who were responsible for them.

5.2. The protests and interpretations that result from the memories

This section presents a set of narratives that reveal fundamental truths about the past for those who relate such memories. It includes accounts which explain what the causes of the victimization of civilians in Colombia were and who were responsible for them. These memories situate the origins of the violence and repertoires of terror which were experienced in: a) collaborations and alliances of a wide network of people, politicians, public officials, and members of the armed forces, who promoted or inflicted the victimization and b) the stigma of belonging to the guerrilla or being affiliated with their militias which was attributed to communities and victims. The persistent protest articulated in these memories is that the complicities, stigmatizations and ongoing violence were or continue to be made possible by the abandonment in which the

28. Interview of judicial official in San Onofre, Sucre, 2010.
29. Interview #33, adult man, Sucre, 2010. GMH, *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano* (Women and war. Victims and acts of resistance in the Colombian Caribbean), Bogotá: Taurus/*Semana*, 2011), 124.

people in those regions lie and the impunity which prevails, which prevents the victims from exercising their rights to justice and truth.

5.2.1. Memories of collaboration and abandonment

The emblematic memory that appears in all the cases documented by the GHM is the complicity of a large number of actors in the acts of violence or the regime of armed control imposed on civilians and regions. This memory is emblematic because it offers an interpretive axis that captures what was, for this group of people, "an essential truth about their experience."[30] The memories of the victims and witnesses invoke a grey and shifting universe of collaborations and responsibilities during the day to day course of the war: political and military alliances, direct and material participation, economic or political support, incitements, strategic cover-ups, passive consent, help given out of coercion or fear, passive observers, and indifference.[31] Thus, in the memories of the victims complicity covers a spectrum of actions, with varying degrees of responsibility, which include direct and material collaboration, indirect support and support that takes place under coercion. Some of these complicities have been corroborated in judicial rulings both on a national and international level, and among the latter, those where the Colombian State was held to be responsible by the Inter-American Court of Human Rights (IACHR).[32]

In the cases documented by the GHM, the emblematic memory of complicity has two main nuances and distinctions. On the one hand, there is the memory that reconstructs the acts of State agents and the responsibility of State institutions, like the Army and Police, in victimizing communities, organizations and leaders. This memory narrates in detail who was involved in the war and what their roles were, in order to show the responsibility of State agents and politicians, public officials or financers. On the other hand, there is the memory that records the complex networks and internal forms of collaboration among neighbors, families and members of the community. While this memory does highlight responsibilities and manners of participation, at the same time it evidences the ethical and human dilemmas which the war, the presence of armed actors and complex networks of collaboration brought about for the residents of towns, neighborhoods and rural districts. For the most part, the accounts make no categorical discrimination between the different agents and their degrees of responsibility, but they do issue clear judgments on the gravity of their acts and the varying degrees of responsibility in accordance with those who committed them: the military, civilians, powerful local politicians or neighbors who were forced to collaborate.

30. Steve Stern, *Remembering Pinochet's Chile*, (Los Angeles: University of California, 2005), 113.

31. In the same manner, the literature on transitional justice defines the different degrees and forms of complicity and evil that take place in the context of an armed conflict or mass atrocity and distinguishes the differences and degrees of responsibility between acts of cooperation or direct collaboration or acts of connivance or passive acceptance. Bronwyn Leebaw, whose study is based on the work of Primo Levi, refers to these forms of complicity as a gray zone, "a space between victims and victimizers inhabited by ´gray, ambiguous persons´ who exist in every society but who may become ´vectors and tools´ of a criminal system". Brownyn Leebaw, *Judging State-Sponsored Violence, Imagining Political Change* (Cambridge: Cambridge University Press, 2011), 3. See: Chiara Lepora & Robert Goodin, "Grading Complicity in Rwandan Refugee Camps", *Journal of Applied Philosophy* 28 (2011): 259-276.

32. Among the rulings of the Inter-American Court on Human Rights that have condemned the Colombian State for events which occurred in the framework of these kinds of alliances, it is worth underling the following: 1) Case of massacre of Mapiripán Vs. Colombia. Merits, Reparations and Costs. Ruling, September 15, 2005. 2) Case of 19 Traders Vs. Colombia. Merits, Reparations and Costs. Ruling, July 5, 2004. 3) Case of the massacre of Pueblo Bello Vs. Colombia. Merits, Reparations and Costs. Ruling, January 31, 2006. 4) Case of the massacre of la Rochela Vs. Colombia. Merits, Reparations and Costs. Ruling, May 11, 2007. 5) Case of Manuel Cepeda Vargas Vs. Colombia. Merits, Reparations and Costs. Ruling, May 26, 2010. 6) Case of the massacres at Ituango Vs. Colombia. Preliminary Objections, Merits, Reparations and Costs. Ruling, July 1, 2006.

5.2.1.1. The State agents

> There was complicity on the part of the military. Unquestionably. Because it was them, killing the people the way they killed them […]. There had to be complicity so that absolutely no one was there, seeing what was happening, except for civilians […]. They were patrolling on foot […]. And that is where… I mean, how was it that there was absolutely nobody from the police around. Complicity… the police station: in the back part where they went with the people they caught, there were these holes that the police used to watch who was in the park […]. The route they followed the day the massacre happened, I don't know how many hours it took them. Because they were walking around like they owned the town.[33]

This testimony of a woman who survived the massacre on August 2, 1997 in Remedios, Antioquia, shows what she and other victims in the region regard as clear evidences of collusion of the Army and Police in the occurrences of that massacre. In the memory of the victims, one sign of this collaboration was the absence of the Army and Police, who "completely got lost" and were nowhere to be seen on the streets the night the massacre occurred. In the same way, a survivor of the Segovia massacre (perpetrated by the paramilitaries on November 11, 1988) shows the inexplicable absence of the Army in public areas:

> All the policemen and soldiers were in the police station and in the barracks, and this I know because they are always on the street, both the police and soldiers. The army never abandoned Segovia at night. And that night there was no one, neither policemen nor soldiers. I arrived from Zaragoza at 2 in the afternoon and I didn't see the Army around town, or policemen on the street.[34]

For the witnesses, the collaboration of the State agents was evidenced by their absence and inaction and also by their abandoning the residents of Remedios and Segovia. The veracity of the version of these narrators is found in a series of indications, which they witnessed themselves, of the Armed Forces´ indifference and failure to act. In the case of the Segovia massacre, one is that the events occurred very close to the installations of the Police and the barracks, "less than one hundred meters," and that the policemen "did nothing to prevent it,"[35] as another victim of the massacre in Segovia charged. The long time it took the victimizers to cover the route where they found their victims is another indication that the witnesses and survivors regard as proof that the ones who were protected were the victimizers, who moved about "as if they owned" the place.[36]

These stories about such complicities testify to the direct and indirect ways in which State agents and illegal armed groups collaborated with each other and give an account of the many forms in which the civilian population was abandoned and exposed to risk. These testimonies show how grave the neglect of the Security Forces was, and they also encompass a wider grievance, supported by the obvious fact of the negligence of the State at the time they were victimized. In addition, they demonstrate how those occurrences have resulted in a distrust of State officials and institutions. For those who remember them, the repeated mention of the absence of the troops highlights the reasons why the soldiers and policemen did not intervene in the detention and murder of their relatives, fellow inhabitants, neighbors and acquaintances, and emphasizes the asymmetry of forces, their own defenselessness and the frequent impunity which covered such crimes. A number of men and women who survived the massacre in El Salado noted:

33. Testimony of adult woman. GMH, *Remedios y Segovia*, 110.
34. Criminal file 7583, original notebook #3, ff. 364–366. GMH, *Remedios y Segovia*, 74.
35. See: Criminal file 7583, 1988, original notebook #3, ff. 35–36. GMH, *Remedios y Segovia*, 74.
36. In this case, the close complicity of the authorities with the criminals and their evident acquiescence in the events was the subject of judicial rulings. See the rulings by the Regional Judge of Bogotá, the judge of first instance (March 31, 1998), the National Tribunal (Tribunal Nacional), April 20, 1999) and the Criminal Chamber of the Supreme Court of Justice (October 25, 2001).

> They said "Nobody should flee to the countryside, because we can't be responsible," that's what they said; even the Marine Infantry said, "Don't hide in the bush, because we can't be responsible, because those people are near here," and the people would say to them, "But if they´re so close, why don't you go after them."[37]

The veracity of the statements that State agents had alliances with those who committed violent acts against civilians rests on the fact that they and many others ("everyone", as another witness to the Remedios massacre insists) were witnesses of the death marches:

> Starting at 12:30 at night, that march took place, it went through the whole town. They passed the back of the police station. They went down with a lady who was tied up and afterwards came back with three. […] At that hour people still hadn´t gone to sleep. Then, everyone whispered : "Look, they are in uniform!" "Look, they turned down there, went to get so-and-so and what´s-his-name". "Look, they went up to Monteblanco, they took the teacher away;" "Look, they grabbed Carlos Rojo" […] Everyone saw everything […][38]

The testimonies about instances of collaboration and even connivance between State agents and illegal armed groups is recorded in all the cases documented by the GHM. This thick archive of testimonies documents, from the standpoint of witnesses and survivors, the manners in which members of the Army and Police acted, cases where they abandoned the civilian population even though they were present when the acts were occurring. A resident of San Carlos in the east of Antioquia denounced this type of complicity as an "alliance," and the veracity of his story is upheld by precise descriptions of the places where the paramilitaries mounted their operations:

> How can one explain, for example, that here, in the park, just a half block from the station, the paramilitaries have a base where they retain people, torture people; where they cut off someone's head and play football with it; where on the other half of the block they take a hotel that is now the headquarters of CARE [Center for an Approach to Reconciliation], a headquarters that is so directly connected? Well, when they deny these things, they´re just trying to deceive us, and cover up what cannot be covered up, so that this alliance is there and a very big attack is coming.[39]

In addition to the alliances responsible for the negligence and indulgence of the State agents, and their direct participation in victimizing and carrying out massacres or forced disappearances, these testimonies also speak of another, more serious form of complicity, insofar as they indicate the possible involvement of some State agents as physical perpetrators and/or masterminds of the victimization of civilians and the atrocious crimes that were committed. Two members of the Wayuu indigenous group who witnessed the massacre in Bahía Portete (department of La Guajira) stated:

> The ones who took Margoth from her house were dressed in the same uniform as the soldiers. As a community, whatever we saw, it's not [just] because of the uniforms that, as we said, were military ones, but also because we saw them take the people to the military base in the Cerro de la Teta and leave them there. The people in uniforms did not massacre anyone, they grabbed the victims by the arm and turned them over to the paramilitaries. The road a car takes is a track where you have to loop around, while a Wayuu on his bicycle takes a shortcut and knows where to go, he knows the way. They are accustomed to camp out there with their flocks and they know the shortcut, the one you go along on bike, and so they followed the car.[40]

37. Testimony #1, three adult men and two adult women. GMH, *El Salado*, 117.
38. GMH, *Remedios y Segovia*, 108.
39. Testimony of an adult man, San Carlos, 2010. GMH, *San Carlos*, 87.
40. Statement, Criminal File, file 1941. GMH, *Bahía Portete*, 152-153.

> I stayed behind and heard shots on the beach. I saw something so horrible! […] We saw a white van go by, with a fat, dark man in it dressed as a soldier and they got out at the salt deposits. They didn't see us, we were on the track where my mother lived… […] We saw their shoe prints, and we were even scared to see that […].[41]

These testimonies link members of the Army to the April 18, 2004 massacre in Bahía Portete. Those responsible for the accounts base their version on two indications. On the one hand, they talk about the uniforms the people were wearing and on the other, they noticed where they went when they finished their rounds: the Cerro de la Teta, where the military base is.

Some residents of El Salado found another indication of the direct participation, by members of the Army, in the acts of terror: the presence of a helicopter during the massacre, and the maneuvers it carried out:

> "[…] We have proof that it was the government that did this, why? Because the one who has a ghost plane is the government, not the paramilitaries," he tells me. "Why do you say that?", "Because the ghost plane was backing them up, not the townspeople; they were backing up the ones doing the massacre."[42] [See illustration, Map of El Salado, on the following page].

In addition to the participation of State agents in the tragic events, the abovementioned testimonies speak of the role members of the Army had, beforehand, in intimidating, threatening or forcing civilians to collaborate. And how, following the tragic events, they likewise tried to denounce the victims, search for disappeared persons or recover the bodies of those who had been murdered. That the alliances which were established had been in place for quite a time is corroborated by the testimonies about the ultimatums and threats that members of the armed forces and the paramilitary groups gave to farmers in the La India village in Santander, in 1987, the year the paramilitary presence became evident in the region:

> […] they got the inhabitants of village of La India together to tell them: "Either join us, go with the guerrilla or leave the region: otherwise, you´ll die."[43]

> The Army itself, according to the story I heard, practically told the people to either go away with the guerrilla, support the paramilitaries or stay and face the consequences.[44]

The accounts of survivors, judges and relatives of the judicial officials who were massacred in La Rochela also emphasize a complicity that extended beyond the massacre itself in the form of warnings members of the Army gave to the relatives and the judges investigating the massacre and the way they clearly hindered the work of the latter and the former´s efforts to recover the body of the victims:[45]

> The Army not only failed to support the operations to recover the bodies… They also impeded the arrival of the other judges, who investigated the case… It wasn´t fair![46]

> I got in touch with a fellow worker who was in Barrancabermeja named José Cuesta and he told me that the Technical Unit of the Judicial Police in Barranca knew of the events, went to talk

41. Statement, Criminal File, file number: 1941. GMH, *Bahía Portete*, 60.
42. Testimony #1, three adult men and two adult women. GMH, *El Salado*, 117-118.
43. GMH, *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare (ATCC)* (Order disarmed. The struggle of the Association of Farm Workers of the Carare, ATCC), Bogotá: Taurus/*Semana* 2011), 306.
44. Interview of peasant-farmer, La India, 2010. GMH, *Informe ATCC* (Farm Workers of the Carare Report), 306.
45. These occurrences were acknowledged in the ruling against Colombia of the Inter-American Court. See: Case of the Massacre of La Rochela Vs. Colombia. Fund for reparations and costs. Ruling, May 11, 2007.
46. Interview of Gerardo Delgado, San Gil, 2009. GMH, *La Rochela. Memorias de un crimen contra la justicia* (La Rochela. Memories of a crime against justice). Bogotá: Taurus/*Semana*, 2010, 95.



Map of El Salado, workshop on memory in Cartagena. Photograph: Jesús Abad Colorado, CNMH, 2009.

> with the Commander of the Army, Farouk Yanine Díaz, about helping them to get the bodies out and the response of this Army officer was "I wish they´d killed those bastards," referring to my brother and his companions in the Commission. In the end, they refused to cooperate in transporting them to the place where it happened.[47]

In Bojayá, members of the Army looted and robbed the homes of the inhabitants, that, for its inhabitants, was another form of complicity.

> Our things, they used them to camouflage themselves… They even put on some of my pants. They put on [our] clothes, sandals… I found my neighbor's clothing in my house… I also found a bunch of malt drinks, beers, tinned milks, pots and plates that were not ours… anything they didn't want to use they left it there, in my house. The community store was also sacked… My father was also robbed of everything… they even took a pig, they killed it there in the house and they ate it there. All these things the Army did, it wasn't just the subversive groups… while some ran, others robbed […].[48]

To conclude, the memory of the complicity in the victimization of civilians that resulted from the collaborations between different armed agents underscores an overwhelming grievance about how those whose duty was to protect civilians left them defenseless, as well as the silence and fear they imposed. For those who lived through it, many questions are still unanswered, and as a resident of San Carlos suggests, that heightens their mistrust of the State:

> Why did the police leave us there? Why did they let us go there, if they were already here? Why didn't they stop those cars from leaving? The town could have said: "We didn't go because they didn't let us," but no, no, the people got in their cars and they went as if all were well. So that is why the people of San Carlos don't have faith in the State.[49]

This kind of narrative frames the memories of lost friends and loved ones in moral and political judgments that point to the responsibility of the State in acts of collusion, omission and participation in the violent acts against civilians committed by its agents.

> Because there are many more stories: of friends who were killed, the injustice that was seen, and now, from a distance, you begin to understand many things that outsiders perhaps don't understand. For example, the support the State gave to these groups, the permissiveness of the State. Anyone who says that the State didn't work together with the paramilitaries, well, he's living in a country that´s not Colombia.[50]

The interpretative strength of these accounts lies precisely in the way which they provide data and observations that support the veracity of their versions and establish causal links between and events and their effects. This is not a matter of something which only a few saw and lived through, it was witnessed by many: "Everyone saw everything." Also, in each and every account, the allegations of the absence or presence of the Army or Police and their refusal to help and their threatening of civilians has a negative corollary, whether it be the lethal consequences for civilians, the prevalence of impunity or the imposition of silence. In this sense, the memory of complicity designates and suggests specific responsibilities.

The testimonial strength of the memories of those alliances is offered as a counter-narrative to the accounts that stigmatize peasant-farmers, urban dwellers, youngsters, leaders and judges as the instigators of their victimization or associate them with subversion. The section on stigmatization will deal with that subject.

47. Interview of Alfonso Morales, brother of Orlando Morales. Testimony before the Inter-American Court on Human Rights, Costa Rica, January, 2007, GMH, *La Rochela*, 213.
48. Testimony, Workshop on historical memory, Bellavista, 2009. GMH, *Bojayá*, 70.
49. Testimony of adult man, San Carlos, 2010. GMH, *San Carlos*, 357.
50. Workshop for historical memory facilitators, San Carlos, 2010.

5.2.1.2. The collaboration of politicians and local powers

In the course of informal conversations, interviews and workshops, different people talked about the collaboration of mayors, town councilors, governors and other public servants, like notaries,[51] with the armed agents. Although some accounts the GHM had access to gave information about the possible complicity of different social agents in crimes or their participation in the criminal structures which made them possible, this information was meager and fragmentary, since the fear of possible repercussions often led the victims to opt for silence. Yet despite the difficulty of tracking down such collaborations, they were remembered by the inhabitants of those localities when they sought to explain how they were responsible for complex and intricate complicities which added to their stigmatization and victimization, and also brought about a climate of insecurity and mistrust during the years when those collaborations were in force or brought to the notice of the public.

Thus, in the case of the gulf of Morrosquillo, in the department of Sucre, the inhabitants remember the cock fights that went on in Berrugas in which both politicians and powerful local men and members of the regional elites sat on the same benches as *Cadena* or *El Oso*, commanders of the Heroes Bloc of Montes de María: "In the cockpit in Berrugas, what were the *para* (paramilitaries) doing? Cockfighting, but with cockfighting fans from everywhere. What you saw there were people with money, money, people from the Coast, from everywhere […]."[52]

Inhabitants of that region also recalled that at celebrations like Children's Day, Christmas or New Year, the paramilitary groups established connections and channeled and managed resources from the mayor's offices and municipalities:

> He [alias *Cadena*] celebrated Halloween with the children. He brought toys for the children, also on December 24th and 25th. They weren't expensive but it was something. They were sent by the San Onofre mayor's office but he gave them away. According to him, he was never part of the armed conflict but worked in social causes. And yes, he did work in social causes [ironically] because he forced two doctors from the health center to attend.[53]

Furthermore, in some testimonies the armed men not only channeled or took advantage of the resources of the local authorities, they also supplemented them with their own resources for such celebrations, which made their collaborative networks and relationships with civilians even more complex. Although some people allege that these relationships with local politicians and government officials enabled them to pocket some of the resources, others point out that the parties and celebrations were done with the consent of the local officials and that both legal resources and those of the paramilitaries were used.

Other witnesses recall that the paramilitaries at times made their support for certain local politicians clear through specific threats and the way they used violence to force many people to vote in their favor, even in towns distant from the ones where they were based. As a result, the power of the politicians who were their accomplices was secured and those who opposed or refused to support them were persecuted.[54]

51. See: GMH, *La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa caribe, 1960-2010* (The fight over land. Memories of forced seizures and peasant-farmer resistance on the Caribbean Coast) Bogotá: Taurus/*Semana*, 2010), 130.
52. Interview #2, adult woman, Sucre. 2010. GMH, *Mujeres y guerra* (Women and war), 111.
53. Interview #6, conversation with a man and woman who are leaders, Sucre, 2010. GMH, *Mujeres y guerra* (Women and war), 112.
54. On this subject, one may consult the research of Claudia López (2010) and Mauricio Romero (2007). The overwhelming amount of judicial cases being undertaken in different jurisdictions and judicial rulings already made about what has become known as "para[military]politics" are a subject that is analyzed in this report, in the chapter on "War and Justice". Claudia López, *Y refundaron la patria. De cómo mafiosos y políticos reconfiguraron el estado colombiano*. (And they refounded the fatherland. How mafiosos and politicians reshaped the Colombian State), Bogotá: Random House, 2010); Mauricio Romero, ed. *Parapolitica. La ruta de expansión paramilitar y los acuerdos políticos* (Para[military]politics. The route of paramilitary expansion and the political agreements). Bogotá, Corporación Nuevo Arco Iris, 2010.

> Cadena arrived here with the mayoral candidate Nelson Están. He put him up on the platform and said: "Anyone who doesn't vote for him, well, you know; it will be: boom, boom, boom!" [imitating the sound of a gun].[55]
>
> All of us here were forced to vote for Carlos Gómez, for Álvaro Uribe. They even made us go to the island of San Andrés: everyone here, even the dead, had to vote.[56]

Finally, such collusion also took the form of open and direct collaborations, either because the powerful men of the locality were the ones who called in the armed groups or because they let them use their lands and farms as places to apply their terror. Leaders of the National Association of Peasant Farmers (Asociación Nacional de Usuarios Campesinos – ANUC) remember similar forms of collaboration between the armed forces, drug-traffickers and paramilitary groups when they tried in the 1970s and 1980s to recover lands on the Caribbean illegally seized from their members and the manner in which that led to the murder of many leaders of the peasant-farmer movements:

> […] I think it was the Tulena family, who are very close cronies of the ones at that military base. They had a farm in La Rioja and from there, they shot at us.[57]
>
> It began with what we said: the first direct presence of the paramilitaries. The landowners began to hire hit men and began to selectively kill peasant-farmer leaders. We´re speaking here of well-known families, like the Mesas, the Méndez. They even began to hire secret agents of the State, retired police officers and soldiers, because we proved that in San Pedro. […] They killed Iván Salgado, they killed Ramiro Jiménez, they killed Narváez in El Piñal, they killed the three Narváez brothers, leaders of the village here in San Rafael, Ovejas. Also Jaime Narváez and another brother. They killed two companions at the Mula farm, also our friend Alberto Romero in San Pedro: it was a chain like that. They killed Gary Suárez who was from the plains of Corozal. They killed José in Betulia and the selective assassinations continued during the time of Turbay.[58]

Thus, the memory of the associations between politicians, party bosses and armed agents –including members of the Security Forces – shows how these were present in different ways, highlighting an undeniable agreement to patrol the locality, undertake a permanent surveillance of its daily life and quickly deal with any attempt to dismantle those alliances or interfere with their benefits. The men and women peasant-farmers interviewed by the journalist María Jimena Duzán in the Carare region remarked on that: "[...] On many occasions, the paramilitaries patrolled areas accompanied by members of the Army, and this was done under an agreement with the politicians and ranchers in the Magdalena Medio."[59] Leaders of the Association of the Peasant-Farmer Workers of the Carare (Asociación de Trabajadores Campesinos del Carare - ATCC), said that the strength of those links partly explains the persecution of the Association and its members.

These stories show the complex web of relationships and interests that has been maintained over time and the political responsibility and, at times, direct involvement of these local powers. The prevalence of this web of partnerships and local powers in everyday life helps to instill a climate of fear and consolidates the law of silence, as is recorded in the following testimonies:

55. Field diary. Interview of inhabitant of department of Sucre, 2010.
56. Field diary. Interview of inhabitant of department of Sucre, 2010.
57. Testimony of adult man, former indigenous leader, San Andrés de Sotavento, Córdoba, 2020. GMH, La *tierra en disputa* (The fight over land), 247.
58. Testimony of adult man, peasant-farmer leader, Los Palmitos, Sucre, 2009. GMH, *La tierra en disputa* (The fight over land), 250.
59. María Jimena Duzán, *Mi viaje al infierno* (My Journey to hell), Bogotá: Grupo editorial Norma, 2010). Quoted in, GMH, *El orden desarmado* (Order disarmed), 92.

> We did not denounce it because, first, there were pressures; moreover, we were scared to... They have told us: "Hey, why didn't you protest." But we never think about that… See, in these regions… you have to keep quiet, because if you start to talk or something like that… You have to face the consequences… You feel bad about all these things and it is very hard, but in these mining towns everything is forgotten […].[60]

> […] We are scared to talk because if it hadn't been for that, when they killed our son, we would have denounced it right there… The thing is that I was scared like that for three years… So we didn´t file a claim, out of fear… The thing is that no one did anything for the victims here… later they killed another one of mine there, in a little bar, they shot a son of mine also. And I went there and they asked me if I was going to denounce it. And I said to them: "But, why? If you aren't going to catch the one who shot him. You aren't going to go there. So, what for, brother?" That is what I told them […].[61]

The testimonies also reveal the grievance of victims who see that it would be impossible to attain justice, due to the power of fear and silence, the mechanisms used to reinforce the impunity in which most of the crimes remain.

5.2.1.3. Internal collaborations

The narratives that were heard and reconstructed put faces and names to the persons who established links with the armed groups by stepping over or "selling out"[62] neighbors, and they also point to those who, wanting to obtain economic benefits, even from the paramilitary or guerrilla groups themselves, often became victimizers or victims in turn, or both.

In these narratives, those people thought of themselves as "collaborators" and the stories describe how their actions affected their districts or countrymen. The assignation of responsibility which the survivors make in their testimonies reveals how the armed conflict causes internal ruptures and divisions in the community or town itself.

In the context of war, the networks of complicities, alliances, loyalties and disloyalties continually shift, along with the methods of voluntary or forced collaboration. The memories of these local collaborations see responsibilities in them for the destruction of trust and the silence which is imposed on the affected families and localities and even makes some members of a family afraid to speak with others. In her account of the massacre on November 11, 1988, a woman from the town of Segovia (Antioquia), reflects on the consequences of having recognized some familiar faces among the perpetrators of the slaughter: "And how sad, because one was scared of one's friend. Because one does not know if he is twisted [...] or not. It fucked things up... I still am very scared of people."[63]

A communiqué from some indigenous organizations about events related to the massacre in Bahía Portete in the Upper Guajira speaks of the alliances that were formed between the paramilitaries and members of the community to gain an advantage in local social and economic disputes:

> […] the argument about our ancestors' alliances that the members of the family of Chema Bala [José María Barros Ipuana] use to justify their actions is despicable, because they put these alliances on the same level with those that Chema Bala established with the paramilitaries. Our ancestors' alliances in a just war, formed to confront the Spanish invader, is one thing; quite another are the alliances that Chema Bala[64] made with the paramilitaries to massacre his own ethnic group of the

60. Testimony #52, Research on Segovia and Remedios, 2010.
61. Testimony #42, Research on Segovia and Remedios, 2010.
62. Interview of inhabitant. Field diary, Sucre. Research on Women and war, 2010.
63. Testimony #7, displaced adult woman. GMH, *Remedios y Segovia*, 205.
64. Chema Bala, a Wayuu indigenous man and a businessman in the port of Bahía Portete was arrested, tried and convicted for the events associated with the massacre of Bahía Portete in 2008. In 2009 he was extradited to the United States, where he is serving a sentence of 20 years for drug-trafficking.

> Wayuu nation and continue to keep his hands on the business of drug-trafficking.[65]

That statement emphasizes the fundamental difference between the alliances established by the Wayuu people in the colonial era (with English pirates and English buccaneers) in order to resist the Spanish colonization and the alliances Chema Bala, the Wayuu manager of the local port of Bahia Portete, made with the paramilitaries. Their argument rests on the idea of a war that was meant to defend the community from the invasion of their territory and the subsequent attempt to destroy their culture by the missionaries. This is contrasted with the motives of Chema Bala and his henchmen, who worked against the community in order to obtain an individual benefit (more money from drug-trafficking).

The testimonies of several people from the Gulf of Morrosquillo point to a case, similar to that of Chema Bala, where members of their community facilitated the committal of crimes, let the paramilitaries exploit their familiarity with the terrain and joined in their activities. They mention two women who, although they did not participate in the violent acts, played an important role as informants and acted as middlemen in the extortions and bribes the paramilitaries forced the inhabitants of the town to pay. "The people who were fined were summoned to the home of Eufemia and charged money [...] in the town of Libertad, the one with the alias 'El Oso' [the Bear] used Eufemia's house as his office […] 'El Oso' never came to bother us here. He spent his time on Eufemia's street."[66] In fact, they insist that it was the paramilitary commander´s suspicions about her dealings that finally led to the murder of both her and her daughter.[67]

The other woman they charge with openly collaborating with the paramilitaries was the owner of a restaurant in Rincón del Mar. Just like Eufemia, she is remembered for the way her relationship with the paramilitaries enabled her to rise in society. "In Rincón they built a restaurant called the Hotel Dorado that became the place. There were free shows, they brought in sound systems, bands and spent a lot of money on the thong [beauty queen] festival."[68] According to these testimonies, she was responsible for mending the uniforms of the paramilitaries[69] and providing information about the townspeople.

The accounts about these people show the various interactions that took place between the paramilitaries and the inhabitants of places like Bahía Portete and the Gulf of Morrosquillo, and, in turn, point to the responsibility of some of the local people in facilitating the crimes of the paramilitaries and the consequences for their own communities of their collaboration.

There is also another set of accounts in which people ask themselves whether the victims and members of the community were responsible for what happened. In El Salado and the Gulf of Morrosquillo, people made estimates of the percentage of the members of a certain social group or community who collaborated with the paramilitaries and even argued about the number of people or percentage of the population who were forced to collaborate with the armed groups, on the one hand, and those who did it voluntarily, on the other. The discussions became heated as people argued about whether it was "5 or 15 or 20 percent".[70] Nevertheless, they refer to responsibilities very different from the kind assigned to the victimizers or to those who entered into a direct alliance with the armed agents, because, in this case, the argument revolved around whether the voluntary or forced links people had with the guerrilla, for example, exposed them to more risk.

65. Akotchijirrawa Association of Bahía Portete; Munsurrat Wayuu Organization, Press release: "A call for solidarity with the victims of the massacre of Bahía Portete", 2009, in GMH, *Bahía Portete*, 194.
66. Interview #5, community leaders, Sucre, 2010. GMH, *Mujeres y guerra* (Women and war), 103.
67. Interview of woman official. Field diary, Sucre, 2010.
68. Interview #1, adult man, Sucre, 2010. GMH, *Mujeres y guerra* (Women and war), 98.
69. Interview of inhabitant. Field diary, Sucre, 2010.
70. Workshop on historical memory, Sucre, 2010.

5.2.1.4. The dynamics of collaborations

> When the guerrilla arrived, we worked with them not because we wanted to but because of how vulnerable we were. They had their weapons and would say – we need you to make us some soup – and at once you went to make it because, well…[71]

The memories not only reconstruct the local network of collaboration that is woven around the armed agents so that civilians may survive or even profit from the war. They also emphasize how those agents, backed by the power of arms, become linked to the social environment in these communities and coerced their collaborators. These networks of support show very diverse forms of participation, in accordance with the area's history and the kind of presence the armed groups have had there: differences, for example, between the types of partnerships in a region that had never been occupied by the guerrilla or paramilitary groups, as in Bahía Portete, and a region with a history of constant shifts in the presence of the guerrilla and paramilitaries, as in San Carlos or San Onofre, where the armed groups established operational bases and controlled many details and practices of daily life.

In the village of Libertad in the Gulf of Morrosquillo, the man whose alias was *El Oso* [The Bear] organized a beauty pageant with girls and adolescents, and some people remarked: "[...] The townspeople chose them [the candidates]", while others said: "*The Bear* was smart, he made the teachers take the girls there", "*El Oso* put the Community Action Boards to work, to choose the candidates, and then everyone went to Libertad".[72] A teacher who participated in this pageant said:

> […] it was an obligation, all the communities had to have a candidate, an obligation! And we had to attend it: my companions and I moved there for four days, we rented a house in Libertad because "El Oso" told us we had to, and oh! whoever didn't go […] so all of the communities were forced to participate and the job was given to the teachers, because the teacher is supposed to be the one who leads the community.[73]

This insistence on how "sharp" the paramilitary leader (to exploit people with central roles in social life) is linked with his capacity to be violent and make his desires and whims a reality. This narrative emphasizes how "armed men" like *El Oso* sought to regulate everyday life, and also compromise key people in the community, who were forced to support his project for establishing a "social base" for his domain, and turn this control into a source of power, personal profit, and pleasure.

But in these narratives, the memories also point to ambiguities and gray areas, both in the forced and voluntary collaborations, when this relationship occurs in an environment of intimidation, surveillance, continuous harassment and/or criminal activity as people and community leaders in such towns "open spaces" for the new armed group, be it guerrilla or paramilitary, and some end up accusing their neighbors:

> It happened to them [the community leaders who facilitated the entry of the paramilitaries], as well as to us, the community of San Carlos: at some point they saw the paramilitaries as helpers, they opened the doors to them, denounced their own neighbors as alleged *guerrilleros*. Strangers – because these paramilitaries were not from here – were the ones who made the room: "There are five there. See, here they got rid of two councilmen, and so forth...", "Wherever you come from, here I will help you; here you can sleep; here, you´ll have this or that thing". They also made use of them, and exactly the same happened to them. So, what happens? The paramilitaries the same as the guerrilla: when it gets ugly, they go and the people

71. Testimonies of adult women, peasant-farmer women, displaced women and leaders at the Workshop on memory, Cartagena, 2009. GMH, *La tierra en disputa* (The fight over land), 368.

72. Interview #24, adult woman, Sucre, 2010. GMH, *Mujeres y guerra* (Women and war), 63.

73. Interview #25, adult man, Sucre, 2010. GMH, *Mujeres y guerra* (Women and war), 63.

> who helped them in one moment, in the next become cannon fodder.[…][74]

In these accounts, some people saw this complex interweaving of relationships and collaborations between the armed agents and the residents as one of the reasons why they were victimized. As a man in El Salado put it: "What happened here was our fault. If we had agreed not to accept any armed group, as they did in Canutalito, well, it would not have happened."[75]

However, those who were interviewed also refer to incidents that call attention to the coercion those "partnerships" rested on and, therefore, the difficulty of making a moral judgment on or assigning responsibilities to those who faced these dilemmas and circumstances. A resident of Trujillo, Valle del Cauca said:

> […] At that time when we went back and forth: of course, it is the peasant-farmer who bears the burden: some because they like it and others because they have to, it's that simple. Because a paramilitary group comes here to this region, for example, here in Trujillo: imagine the number of kids who will join them! And whoever doesn´t want to, well, he has to. So, whether one likes it or not, one has to collaborate […].[76]

This complex web of partnerships, betrayals and accusations leads to a profound mutual distrust in the community and strengthens people´s silence and doubts about the responsibility local agents have in the violence. From this standpoint, the memories of local complicity are also records of the breakdown of the social order and moral foundations which uphold daily life. Hence, the complicity and collaboration of numerous people in their local life lead them to build a wall of silence which hides the truth of the alliances, loyalties and betrayals which made their neighbors, friends or relatives participate in or tolerate the violence and wind up on different sides of the fence. As indicated by the testimonies below, the dilemmas and ruptures in their daily life affected the residents of towns like San Carlos and El Salado:

> When they least thought it, they were killing people like themselves and I think there is something amazing about the way the youngsters knew who it was and who killed them and that everyone knew. But they also knew that they were their neighbors, who lived in their village, they were their relatives: that, they knew too.[77]

> How was it: the eagerness they [the paramilitaries] had [to impose themselves]? So that they caught hold of a kid – the guy had mental problems, if he didn't know you, you couldn't get a word out of him. So, since they knew it, they began to question him, and since he didn't answer anything, then they killed him [...]. The town lived under the intimidation of both groups [paramilitary and guerrilla] because oh, with so many weapons, so many weapons they had, suddenly you were involved, because they involved you […].[78]

This complex web of memories and silences remains in the communities as one of the many legacies of the war and helps to reinforce stigmas and stereotypes which were imposed on those who were victimized or had complex relationships in areas associated with one armed group or the other.

74. Testimony of adult woman, San Carlos, 2010. GMH, *San Carlos*, 136.
75. Testimony #20, adult man. GMH, *El Salado*, 136.
76. Testimony #7. GMH, *Trujillo*, 144.
77. Testimony of adult woman, San Carlos, 2010. GMH, *San Carlos*, 244.
78. Testimony #25 of displaced persons: three men and three women, three elderly men, two adults and a young man, Cartagena, San José de los Campanos neighborhood. Research on El Salado.

5.2.2. Memories of stigmatization

The stigma of being identified as a member, auxiliary or informant of the "other side" is another emblematic memory. This victimization arises from the imbalance between the consequences of the accusations against civilians made by the victimizers and those made by their collaborators. These accounts explain what happened as a result of such stigmatization. While the impacts of these stigmas were analyzed in Chapter 4, in this chapter we explore stigmatization as an emblematic memory with which one may interpret why what happened happened. In the testimonies of townspeople and victims, stigmatization is recognized as a process by which such aspects as a marked appearance or a person´s behavior, physical features or place of residence are taken as signs of membership in the ranks of the enemy and used as mechanisms to lay blame on and make accusations against civilians.

5.2.2.1. Allegations of membership that stigmatize

> They examined men's hands to see if they were workers, because the guerrilla have blistered hands and all that, busted up. They checked their shoulders to see if they had muscular shoulders from carrying rucksacks. Or if they had a scar, that was a problem because they said the *guerrilleros* had scars.[79]

> Now, the men carried a pump spray that leaves a mark here [indicating his shoulder] and since the *guerrilleros* had a mark due to the backpack, if they saw it they took off his shirt and looked at him, "he has the sign," and then he was a *guerrillero* because that was where they carried their rifles, but it wasn't true, it was the pump to fumigate.[80]

The "hunt" for signs on the body extended to the ways of dressing, behaviors and customs in rural life. This is how a woman from El Placer remembers it:

> Over there we were stopped, they told us to get down [from the bus], we were searched. They told me they were going to detain me because I looked like a *guerrillera*, a supporter of the guerrilla. They lifted my blouse up, they lifted my undershirt, they lowered my pants, they checked me here [on the shoulder] to see if I had the marks of carrying a backpack, equipment. To see if my mouth was cracked. They did not search her [her employer] as much as me, the thing is that I was wearing a black sweatshirt and black boots and that was the problem they had with me [...]. One of those men said: "Send those two old ladies over here, to put them to cook. I need them to make me lunch." Then I said: "I am not your employee." He said: "Ah! you're like upset, like angry. You're like a *guerrillera.*"[81]

Physical marks on the body were part of a number of aspects of day to day life – ordinary, local ones which included things usually unnoticed at first sight, like the color or type of their clothing – which the paramilitaries, at their blockades, considered to be marks which proved that they were informants for the guerrilla. "Men could not use ponchos, could not wear rubber boots. They had to properly tuck their shirt in."[82] "All the people in the village ate in the restaurant "El Placer" and one day the paramilitaries arrived and took all the kids who wore boots, also a boy with long hair."[83] "They could not wear black or red shirts, since these were associated with the insurgents."[84] Thus, age, gender, and ways of acting and dressing were used to stigmatize people and justify their abuses.

79. Testimony of adult woman. GMH, *El Placer*, 141.
80. Interview #38, adult woman, rural district of Los Ángeles, 2011. GMH, *El Placer*, 142.
81. Testimony of adult woman. GMH, *El Placer*, 145.
82. Testimony of adult woman. GMH, *El Placer*, 142.
83. Notes on the testimony of an unidentified person. GMH, *El placer*, 143.
84. Conversation with teachers. GMH, *El Placer*, 142.



Town of Cocorná, Antioquia. Photograph: Jesús Abad Colorado © 1994.

Similarly, the testimonies remember how productive and commercial activities were used as potential devices for persecution and murder. An inhabitant of El Salado recalls the fate of one business owner:

> [...] they threw it all outside and said that Alfonso Mena had a guerrilla store, that he wouldn´t even sell people a small bag of coffee on credit but would give it to the guerrilla and they did at all the stores they found in the town.[85]

These memories of the stigmas record the way which bodies and persons were humiliated and their daily lives subjected to a constant scrutiny. But at the same time, these memories refuse to stigmatize in turn and cry out for a recognition of their innocence and dignity:

> […] I would like it if, in a little place in that book that you´re going to write, you would say that my husband was a hard-working man, a good father and a good husband, he was not a *guerrillero* or a wrongdoer... that's what I most want and hopefully my children could read it and show it to everyone else.[86]

> Yes, that's very good [the recovery of the victims' memory] because [...] there are millions of people who did not know them and don´t know what their work actually was, and this way they will know what kind of people they were. The majority imagine that they were *guerrilleros*, that's not so, they were good people, hard-working.[87]

In conclusion, stigma is remembered as a burden and a judgment, that is, as a powerful method to accuse and blame the victims. From their standpoint, the victims demand truth and justice, that is, procedures which clarify responsibilities and "clean" the names of victims and communities of the sins and associations they were charged with.

> I hope that justice is done in this sense, that we would be vindicated because the excuse that they used to kill us was that we were supposedly leaders of the guerrilla in the town, when at that time we didn't know any town [like that]. The guerrilla hadn't even come to the town or anything and they came in accusing us of being *guerrilleros* so they could kill us, because at that time they were paying for every guerrilla soldier they killed. [When they wanted] to kill us, they found it very easy to accuse us of being *guerrilleros* […].[88]

5.2.2.2. The fate of living in a marked-out place

> Why in El Salado and not in the surrounding towns? What happened is that one of the points which the guerrilla most went to was there, and because of that, the paramilitaries had the idea it was a terrain that they used. They thought that everyone was a *guerrillero*, that the town was a guerrilla town, and looking at it in that manner, the only way they thought they could fight the guerrilla was to kill every last one of us, massacre the town. So they classified the town that way because they saw that it might be a fulcrum for those people, and eventually, well, what they did was kill so many innocent people, because they even got the village idiot.[89]

In the same way that memories of stigmas evoke the search for marks and signs on the bodies of the people, another group of narratives reveals the imposition of territorial landmarks and boundaries by armed

85. Testimony #11, adult woman who testified and was displaced, rural district of Canutalito, 2009.
86. Testimonies and opinions of the men and women victims who participated in the workshops on memory held in the Caribbean region. GMH, *Mujeres y guerra* (Women and war), 363.
87. Testimony of a Young woman. GMH, *Trujillo*, 195.
88. Testimony of adult woman, Workshop on memory, Magdalena, Research on Women and war, 2010.
89. Testimony #25, three displaced men and three displaced women, Cartagena, José de los Campanos neighborhood. Research on El Salado.



The Comuna 13 in Medellín, Antioquia. Photograph: Jesús Abad Colorado © 2002.

groups who regarded their inhabitants to be part of their "patrimony". Thus, the narratives of the residents of areas where the guerrilla or paramilitary groups had long had their domain depict how the community bore the burden of a territorial stigma (since the area was thought of as a "guerrilla" or "*paraco*" territory) and how this stigma was used to justify the continued victimization of and imputation of guilt to a whole town. This was noted by a woman in San Carlos:

> No, it's what I said before, the mere fact of being from a certain area, here in San Carlos, that meant you were stigmatized. They already had you marked out. So if, for example, you were from the Chocó, Santa Rita, San Miguel, then you were already a collaborator or already part of an armed group; and obviously that was not the case. We, we had to live in the middle of it, born and raised in the midst of illegal armed groups, but at no time did we share things with them.[90]

Other testimonies noted how these forced or voluntary relationships with the armed groups changed over the years as the guerrilla and paramilitary groups modified their repertoires of violence, as, for example, in the case of El Salado or San Carlos.

> So... no, just the same the guerrilla begins to put the community between a rock and a hard place; so, if you have some connection with the paramilitaries, then you are a military target, and if you have any connection with the guerrilla, then you are guerrilla and also a military target. Then the problem is – I want this to be clear – that the connection was not necessarily a matter of who had [chosen] to be there, but the fact that you live in a rural district which, let´s say, is declared to be a "guerrilla zone", so that merited your being a *guerrillero* or called one and if you have a meeting because the paramilitaries themselves caught you on the street and they took you to the meeting, then, you see, you're already supporting the paramilitaries, then you were between a

90. Testimony of adult woman. GMH, *San Carlos*, 269.

> rock and a hard place, you don't know what to do, if you do any little thing […]. If one group says you have to do that and you don't do it, they kill you, and if the other tells you not to do it, they'll kill you, that is, here they kill you from every side.[91]

The movements through and the length of time an armed group stayed in a territory was the justification for calling the inhabitants collaborators of that group and this "theory" triggered massacres, assassinations and displacements of the population Therefore, a common thread of these stories is the victims´ call for a recognition of the weight and consequences which the stigmatization of people and whole areas has had for them. The memories of stigma are related in this way to the alliances and complicities and thus point to how the armed conflict unsettled local relations and led some local inhabitants to get directly involved with the guerrilla, the military or Army intelligence. This does not justify labeling or making the whole town or community supporters of the guerrilla or paramilitary groups. One of the costs of a long and complex war is that it heightens the use of summary judgments derived from generalizations that are based more on prejudice than on empirical findings.

5.2.2.3. The criminalization of leaderships

The imposition of stigmas on community leaders and political activists is the third mechanism which was used to accuse people of belonging to the armed groups that is recalled in the memories of stigmatization. The stories about numerous detentions, disappearances, and assassinations of leaders in different regions of Colombia[92] link their persecution, torture, and death to the manner in which stigma operates by means of rumors that justify the belief in their membership of an armed group or proclaim judgments that justify their inclusion on lists which lead to death, detention or disappearance. This was the case with some leaders in El Tigre, Putumayo, or on the Caribbean Coast of Colombia:

> Here many of our leaders were killed or threatened. We know that we leaders have a tombstone hung around our necks.[93]

> First, they persecuted me for being a leader of both a Christian congregation and the community as a whole. Second, because I was a health worker. There, in that place, they killed many health workers because they said that we supported the guerrilla.[94]

> […] They killed Hector Malo, and many others, supposedly because they had ties to the guerrilla. They killed Eusebio Velásquez, who was the first indigenous teacher they killed. Because he was a so-called *guerrillero*. Then when the paramilitaries came they killed Ramiro Sandoval.[95]

The accounts document the repertoires of violence employed against women and men whose ideas or community work were assumed to be evidence of their belonging to the guerrilla. This stigma extends to social and community organizations, their collective actions and people who work in the same spirit, as this woman noted in reference to the events and background of the violence in Trujillo:

> […] It was horrible! We had no bad intentions, we only wanted to complain about the roads; therefore we were preparing a theater show, presenting a dance, but it was the army that made a theater out of us. It started with a shootout by the army... we don't forget, it was very horrible. Bullets were flying everywhere, we were going to be skinned because we were *guerrilleros.* Father

91. Testimony of a youngster. Workshop on memory with memory facilitators, San Carlos, 2010.
92. See: GMH, *La tierra en disputa* (The fight over land), GMH, *Mujeres que hacen historia. Tierra, cuerpo y política en el Caribe colombiano* (Women who make history. Land, the body and politics in the Colombian Caribbean). Bogotá: Taurus/*Semana*, 2011).
93. Interview #9, 2010. GMH, *El Tigre*, 45.
94. GMH, *Mujeres que hacen historia* (Women who make history), 152.
95. Testimony of adult man who is an indigenous leader. GMH, *La tierra en disputa* (The fight over land), 279.

> Tiberio opened the door of the church so that people could take refuge there, because that night it rained so much. That was practically when the thing with Father Tiberio started, because they called him a *guerrillero.* Everyone who helped these people was branded a *guerrillero*. Everyone was aware of it: the paramilitaries arrived and since they needed to eliminate the guerrilla they took advantage there, and that's when terror was sown in Trujillo, it all started with the [peasant-farmer] march.[96]

In the account, the incident which marked the start of a long violence was when the march and the leaders who organized it were stigmatized. The written memoirs of the Regional Indigenous Council of Cauca (CRIC) record how such accusations and suspicions about their leaders and the indigenous communities have a long tradition in the region:

> We have constantly been singled out as members of the guerrilla, the army, the paramilitaries or drug cartels. We are the victims of constant ideological invasions (by religions, parties of the right and left, governmental and private institutions and NGOs, among others) which have confused our communities.[97]

These suspicions and stigmatizations of social leaders and organizations are linked to a dark and complex terrain which was described in the section on complicities, and was exacerbated and manipulated to justify the systematic persecution of leaders and activists. In the memories of stigmatization, its capacity to trigger violence and repression is widely acknowledged.

96. Testimony of adult woman. GMH, *Trujillo*, 201.

97. Consejo Regional Indígena del Cauca (Regional Indigenous Council of el Cauca, Declaration of Jambaló): "For the autonomy of the indigenous peoples in the face of conflicts which assault our life project"), cyclo-styled copy, March 23, 1999. In: GMH, *Nuestra vida ha sido nuestra lucha. Resistencia y memoria en el Cauca indígena* (Our life has been our struggle. Resistance and memory in the indigenous Cauca). Bogotá: Taurus/*Semana*, 2012), 320.

5.3. Labors of dignity and resistance

> It is important to remember, so that our children, our neighbors and all those around us will someday be able to say that what we experienced here was not so easy, it was very difficult. That there were days when we had to leave our houses, that owning the property, we had to leave our homes. But here we are, we were brave and we resisted those ups and downs.[98]

The testimonies included in this section describe how the victims survived and what they did when faced with the violence they directly suffered or witnessed. They tell how they acted when trying to protect, modify, alter, or deal with the violent situations they lived through and the schemes of the armed agents. These individual and group acts include: 1) subtle, indirect and non-confrontational acts of protection, accommodation and day to day resistance which made daily life more livable in the face of the devastating power of violence; 2) acts of solidarity, kindness and humanitarian rescue which enabled the victims to survive, shore up relationships and maintain a certain autonomy and dignity; 3) acts of defiance, disobedience, rebellion, direct or indirect confrontation and civilian resistance to the controls and arbitrary acts of the armed powers, which are reflected in their versions about what happened and their silence about certain things; and 4) commemoration, pilgrimage, the reconstruction of memory and search for truth, the means by which those who organize the work of memory and social groups and organizations seek to make their claims visible, restore dignity and resist oblivion.

The accounts remind us that the victims and witnesses are human beings who, leaping over their defenselessness in the face of the armed agents, responded to adverse situations and sought to alter the results. Thus, the testimonies collected by the GMH vindicate the political significance and restorative role which these actions have for the survivors and witnesses.

98. Testimony at the Workshop on memories in El Tigre, Putumayo, 2010.

In some cases, the memories of these acts also highlight the judgments and moral and political positions of these people.

Recording these acts of survival, rescue and resistance in the midst of the armed conflict in Colombia is seen by those who narrate them as a fundamental duty, given the vital need to construct a historical memory of the war. Society has to know what happened. This means that it is necessary to keep a record of the devastation and examine why it happened, but also how they faced and resisted it. These stories are not necessarily memories of triumph, but rather, memories which, by reminding us that the victims and communities were individuals and groups who survived, responded and resisted, fulfill the role of dignifying them and recognizing their narrative truths.

5.3.1. Enduring the war and the labors of dignity

This section describes the memories of actions in which the skills and resourcefulness of some individuals, or the goodness, solidarity and wisdom of others, allowed the victims and witnesses to be protected and survive. The protective nature of such responses to the violence has a meaning that goes beyond survival. These social practices have enabled the victims to counteract, minimize or deal with the power of the armed agents and open up possibilities to protect and care for themselves, as well as give new meanings to and repair the scenarios of destruction. This creation of autonomous spaces and different forms of strategic mobility are what we call a resistance based on adapting themselves[99] themselves to the violence and schemes of the armed agents.

5.3.1.1. Reading the signs in the surroundings

Youngsters and women in the neighborhood of El Salado in Comuna 13, Medellín remember the fears they lived with in 2002 due to the persistent rumor that something was going to happen. The graffiti which appeared on the walls of their homes confirmed their fears, which became a reality in June of that year when the paramilitaries entered the neighborhood.[100] The inhabitants mention in their accounts that the graffiti and rumors were signs that warned them of what was to come: "They didn´t tell us directly, but word began to spread that there was going to be a black Saturday and a Sunday of tears."[101] (See illustration on the next page).

The rumors which circulated about what would happen, the graffiti of the armed groups and the warning signs that the victims and members of their families received appear in the memories of the survivors as signals that enabled them to spot danger, make decisions and act. Recognizing these signs in a timely manner required a strategic alertness[102] that was part of a repertoire of tacit resources they used to protect themselves and survive, and in some cases, keep their distance from or try to control the plans of the armed agents. On the one hand, there were the tangible signs like threats or verbal or written announcements which required a quick response. A peasant-farmer leader in Ovejas, Sucre, remembers: "They give you a letter and you get 48 hours to get out the area: you go with your family, even if it means leaving behind everything you have."[103] On the other hand, there were the recurring images

99. Luis Miguel Glave, "*Resistencia y adaptación en una sociedad colonial. El mundo andino peruano*", ("Resistance and adaptation in a colonial society. The world of the Peruvian Andes"), *Norba Revista de Historia* 18 (2005): 51-64.

100. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 25.
101. Pilar Riaño, "*Trayectos y escenarios del miedo y las memorias de las personas refugiadas y desplazadas internas*" ("Journeys and scenarios of fear and the memories of internally displaced persons who are refugees"), in: *Poniendo tierra de por medio*, eds. Pilar Riaño y Martha Villa, 411.
102. María Teresa Uribe, "*Emancipación social en un contexto de guerra prolongada. El caso de la comunidad de Paz de San José de Apartadó*" ("Social emancipation in a context of prolonged war. The case of the San José de Apartadó Community of Peace"), in: *Emancipación social y violencia en Colombia*, (Social emancipation and violence in Colombia), eds. Boaventura de Sousa Santos and Mauricio García Villegas (Bogotá: Norma, 2004), 75-117.
103. Testimony of an adult man who is a peasant-farmer leader. GMH, *La tierra en disputa* (The fight over land), 274.



Picture made at the workshop on memory in the Comuna 13 of Medellín. Photograph: Corporación Región © 2010.

of the graffiti, which marked their surroundings with signs of threats and violence, but were also interpreted as indications of the actions and intentions of the armed agents.

For inhabitants of the rural district of El Placer, in Putumayo, the critical moment when the paramilitaries arrived in 1999 and began a reign of terror was announced by the rumors that were heard after the massacre in El Tigre: "We arrived and we will stay," "Members of the guerrilla and their collaborators, get out!", "Collaborators and spies of the guerrilla, get out!", "The AUC, present!"[104] In response to these rumors, the men of the district organized nighttime guards, but it failed because the paramilitaries arrived in the morning and took them by surprise.

Similarly, intuitions and changes in the natural environment formed another category of signs that presaged or accompanied the violence. The Afro-Colombian communities in Bojayá, Chocó, and Vigía del Fuerte in Urabá, Antioquia, witnessed the armed confrontation between the FARC and the AUC which triggered the massacre on May 2, 2002. Weather indications which marked the rhythms of the combat were engraved on their memories:

> [...] During the day there was the sound of the gas-cylinder bombs and at night it was the thunder... Every night around 6 or 7 pm it began to rain, and that thunder which sounded the same as the cylinder-bombs, the same ugly sound... Later they told us, "Well... the army came to Napipí and there was a shootout, and the town was destroyed, and now what?". "Very simple, conclusion: or the guerrilla goes or we go…".[105]

> […] Night came and again the downpour and the thunder... It was as if the sky was weeping over the tragedy of the people of the Atrato river, as if it wanted, with tears of water, to clean away the blood of so many innocent people here […].[106]

The signs in this case were not read in an attempt to protect themselves, but to confirm the magnitude and impact of what happened. Those who recover these memories emphasize the changes in the weather to provide a factual evidence of the outrages and highlight the human drama that took place there. By describing the setting in terms of the "ugly" booming of gunfire/downpour/thunder bolts and using such figures of speech as "weeping over the tragedy" and "clean away the blood," the victims point to the catastrophic nature of the events and proclaim the innocence of those who died.

In a more urban setting, the relatives of the judicial officials who were victims of the La Rochelle massacre recall words and gestures which confirmed their intuitions about the approaching death of their loved ones. The words Judge Mariela Morales spoke to her husband Olegario a few days before she left on the investigative commission where she was to die are viewed by him as a sign which foreshadowed her destiny:

> "[…] If I die in the Commission... if anything happens to me, don´t forget to ask Gloria, my sister, to take care of Sergio Andrés, and my mother to take care of Nicolás". […] Olegario [her husband] remembers that she then began to give some strange orders which only afterwards did he understand anticipated the events to come. Two days before leaving, Mariela bought groceries in the *Supertiendas* [supermarket] and without even unpacking them, told her family "This should see you through!". Additionally, that same Saturday she went to her friend Esther de Torres' boutique and remarked with a touch of humor: "I need some jeans because I'm going on a sensitive mission and when they kill me, I want to be wearing new clothes!"[107]

When their relatives think back on the behavior of their loved ones, they highlight this state where they had an acute perception of the future, as in this case, when they recognized that the victim was going on a mission of high risk. The words the victims spoke and the way they acted remain

104. GMH, *El Placer*, 108.
105. Testimony at workshop on memory. GMH, *Bojayá*, 69.
106. Testimony of community leader. GMH, *Bojayá*, 64.
107. Testimony of adult man. GMH, *La Rochela*, 203.



Family of the judge Mariela Morales, victim of the massacre of La Rochela. Curití, Santander. Photograph: Jesús Abad Colorado, CNMH, 2010.

as traces of their presentiments, but they also persist as a record of their personal sense of responsibility[108] as they tried to control their destiny,[109] prepare their families, and say goodbye:

> Gabriel Enrique Vesga Fonseca had bad omens. Mariela Rosas Lozano, his wife, had given birth to little Marlon Andrés just two months before, and she remembers: That day – before leaving – he took off the ring… he gave it to my mother… and he said, because I don't want them to take it off me if they kill me… He said that he didn't want his name to remain there, the ring was engraved on the inside, as was the custom, the man's with the name of the woman and the woman's… he gave me back the gold chain that he had. He called me Rosas – my last name is Rosas – he told me: "Rosas, this commission is tough, what if they find us being eaten by meter-long worms?"[110]

5.3.1.2. Refuges and subterfuges

Throughout the 1980s, the rural population of La India and Cimitarra in the Magdalena Medio lived in constant fear due to the continuous presence of the paramilitaries, Army and guerrilla, and their use of torture and harassment against civilians. The memory of these years, which a woman spoke about with the GHM investigators two decades later, evokes the forms of intimidation, accusation and surveillance they used. The memories also rebuild the ways in which the small farmers turned to the Association of Peasant-Farmer Laborers of Carare (ATCC), which promoted neutrality as a principle of social organization. Witnesses recall the individual and collective strategies they employed to escape from the control imposed upon them, and to create places of refuge:[111]

> Around 1986, 1987, I took a mule from Borracho Bravo, have you been there? We couldn't have roosters, so they wouldn't crow, so they wouldn't know where we lived, or dogs, since they could bark, and when you would hear them say "the MAS [Death to Kidnappers] is coming with the Army," you had to leave. Because you had to tell where they lived, and if you told them, that was bad, and if you didn't, it was also bad, because if you did they said at once you were with the guerrilla. They also protected them or fixed things up. And that´s how it was […]. It was terrible at that time. And there were many of us who, from running away so often, had our hideout, we would make little huts up there in the mountain, we left the big house we had and we would make huts up there of cane poles.[112]

As the narrative emphasizes, under accusations of supporting the other side and under constant pressure to account for their whereabouts and travels, the rural population sought ways to escape from that oppressive control. These strategic retreats offered protection and tactically allowed them to escape from constraints and intimidation. The accounts express the various types of calculation, subterfuge, shelter and support which enabled them to conceal themselves or escape:

> One practically had another place to hide out in. You worked here and then you had a encampment buried there, and any comments, right then one took the food one had and took it and hid it there. When you´d see the troops coming, then one went this way and another one there, so to not leave any traces anywhere, and we were always on the alert.[113]

108. Certainty about one´s personal capacity to reach certain difficult goals and shape or affect changes. See: Kristen R. Monroe, *Ethics in an Age of Terror and Genocide. Identity and Moral Choice*. (Princeton: Princeton University Press, 2012).
109. Monroe, *Ethics in an Age of Terror*, 245-247.
110. Testimony in interview with Mrs. Mariela Rosas Lozano and Marlon Andrés Vesga Rosas, the widow and son of Gabriel Enrique Vesga. GMH, *La Rochela*, 206.
111. Uribe, "*Emancipación social en un contexto de guerra prolongada*" ("Social emancipation in a context of prolonged war"), 7.
112. Interview of peasant-farmer. GMH, *El orden desarmado* (Order disarmed), 318.
113. GMH, *El orden desarmado* (Order disarmed), 318.

The peasant-farmers countered the scrutiny and rationing of the Army and MAS by creating hideouts which were beyond their control and that allowed them to remain on the alert and employ a strategic mobilization.[114] These strategies are valued in the memories not only because they are acts that helped them to survive in times of danger, but because they show how they recovered their autonomy and posed an anonymous and indirect challenge to the control of the armed groups.[115]

In the midst of the hostile environment, the insecurity and fear caused by the paramilitaries when they established a full control over the town of San Carlos, Antioquia, the few remaining inhabitants tried to keep up some daily practices of getting together to ward off their desolation and isolation. The ability to read the environment, identify dangers and handle difficulties made it possible to meet each other in order to play sports, spend time together, and confront their fear. In places like the street (in front of their homes), the football field, the public square and the school; the resisting townspeople met to play sports, spend time together and confront their fear, in spite of the fact that the paramilitaries imposed curfews and banned their use.

> After the minister of transport closed the route to San Rafael, the town was very lonely, it was like a ghost town, empty, empty, and it bothered me that after 6 pm, there was no one on the street and in the park, [but] people met, a few or a lot of people who were there went to the park, until dawn [in] the park […].[116]
>
> […] So I never left because of that, I did not go because I felt that I could, like, help and somehow I think the ones who stayed, we did that. Yes... I think the mere fact of going out on the street at that time and seeing that the neighbors were there, if on a block 5 families were left (where there were perhaps 40 houses): among those who stayed, we got together and created those meeting places, and that's how we got by.[117]

The rural population of Buenos Aires in San Carlos survived one of the periods with the highest number of displacements in eastern Antioquia (2002-2003). This period coincided with the massacre in El Chocó perpetrated by the Metro Bloc paramilitary front, and the massacre in Dos Quebradas that was perpetrated by the FARC. The small farmers managed to resist because they found strategic places in the wilderness which allowed them to escape the harassment of the guerrilla and paramilitary groups.

A memory which illustrates their survival tactics is narrated by one of their leaders:

> So then we struggled to resist. In 2003, by the end of 2003, we were no longer able to resist, there was a period of sixteen days, which was the last, when we were putting aside *panela* (a type of raw sugar), and someone else rice, the others gathered a little bit of everything: *panela* and the chicks that were born... we were like rabbits, we planted a lot of cassava, 2,000, 3,000 plants. Then all went out with those crates, and we went with cassava, to eat it in the field; we would eat at three o'clock in the morning, from two to five a.m., then we would put out the fire, because it was too much fire for there. Since we were in the canyon, no one went down there, no armed group came there. We did it for the water and in the day we did not eat and we would struggle to stop the children from crying, anyway it seems that my God helped us.[118]

The narrator gives a political meaning to the strategies of stealth and care that this community used when he identified it as forms of "struggling to resist." That is, the memory gives coherence to the events and

114. Kalyanakrishnan Sivaramakrishnan, "Some Intellectual Genealogies for the Concept of Everyday Resistance", *American Anthropologist*, 107 3 (2005): 346-355.
115. Uribe, "*Emancipación social en un contexto de guerra prolongada*" ("Social emancipation in a context of prolonged war"), 7-8.
116. Testimony of adult man. GMH, *San Carlos*, 305.
117. Testimony of adult man. GMH, *San Carlos*, 305.
118. Testimony of adult man. GMH, *San Carlos*, 295.



Ritual to celebrate life in the church of Bojayá, six months after the massacre that took place there. Photograph: Jesús Abad Colorado © October 2002.

behaviors which at that time took people to the limit and made the witness even compare them to rabbits. These were ways to adapt in order to resist the power and designs of the paramilitary and guerrilla groups.[119] The residents of urban areas such as Comuna 13 also spoke of the war in this way, and evoke with minute details their ways of finding refuge during the fighting between the urban militias and the paramilitaries:

> There were many children of friends who came down, displaced, seeking refuge, even though my house is like a basement, up to fifteen people slept there, we had blankets on the floor and people came down from up there asking for help. So we all got in there until dawn, when we would seek refuge in the restaurant or La Independencia high school. They burned down the little shacks of a group of several ladies who came from there.[120]

In their accounts, people testify to the ingenuity behind these strategies and the protective and restorative meaning these shelters had. The testimonies illustrate their tactics to re-inhabit public spaces that had been destroyed and the ways they sought to free themselves from the chains of war.

These memories of refuge evoke acts and rituals to recover and cleanse their territory. Thus, some communities tried to rebuild their routines and work, and sought to repair the harms of violence in their lives. The return of the inhabitants of Bojayá four months after the massacre was accompanied by a Mass and a ritual where the youngsters who had survived danced, a fire was lit, music was played and the place was cleansed. The church was thus restored as a protective place, and the spaces for mourning were strengthened:

> Father Antún, spiritual leader of the community, commemorated with them the return of the displaced, and on the floor of the church drew a map of Chocó with 119 candles. That night, in addition to praying to the Christ Child and the Virgin Mary, they invoked the protection of Changó, the African god of war and fertility.[121]

These narratives also highlight that survival is not only owed to the resourcefulness and courage of the victims, but the solidarity of neighbors who sheltered them and acted with courage. These individual or collective acts of support and protection will be discussed in the next section.

5.3.1.3. Support and help

> I have always been well known in the village, thank God; when I went to El Alto, a lady saw me and said: "For God's sake, where are you going!" – "They told me I had to go to the park." And the lady told me: "No, no, no, come." And she took me into her house, put me in the farthest corner and shut the door, and they watched what was happening – I don´t where it was – and when they passed by, it was like they were herding animals, with all the people like that […].[122]

Remembering acts in which certain people saved, helped or protected others in extreme situations highlights the human kindness which allowed individuals or entire groups to flee, find refuge or deal with high-risk situations. The testimonies speak of confrontations with impending danger, but pause in the midst of the horror to acknowledge those who helped and intervened in favor of the victims. These memories, which often emphasize the absence of State institutions at critical times, clamor for a recognition of the rescue efforts of ordinary women and men and vindicate how their actions enabled people to survive. These memories stand as a testimony to

119. Ponciano del Pino H., "*Familia, cultura y 'revolución'. Vida cotidiana en Sendero Luminoso*" ("Family, culture and ´revolution´. Daily life in the *Sendero Luminoso*"), in: *Historizar el pasado vivo de América Latina* (Historicizing the living past of Latin America), ed. Anne Pérotin-Dumon (Santiago: Alberto Hurtado, 2007), downloaded May 20, 2013, http://www.historizarelpasadovivo.cl/downloads/delpino.pdf

120. Workshop on memory, testimony of adult woman. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 31.

121. GMH, *Bojayá*, 293.

122. Testimony of adult man. GMH, *San Carlos*, 258.

the decency of certain people, and their capacity to respond and act with goodness and moral strength against the vile crimes of others.[123]

A professor in San Carlos recalled his arrival in town during the years when it was under paramilitary control. As soon as he arrived, a lady warned him not to continue because the paramilitaries had just entered: "I got to the town and when I was arriving I saw a car flipped over, completely turned over, and a lady came and told me, "It's that the *paracos* (paramilitaries) came; don't go, *profe* [teacher]…".I was with another teacher, what could I do, I said, 'I have to go into town.'"[124] The teacher continued on his way despite the lady's warnings. Within minutes, the paramilitaries stopped him and thoroughly searched him, which deeply scared him. Finally they let him go, but there was still a risk because in the town park, where he was headed, the paramilitaries were stopping men and taking them away. A relative who saw him walk by used a different strategy to prevent the professor from reaching the park:

> […] I continued down the street that goes from the hospital to the park, when I was more or less at the area where my uncle Arnolfo lives, his wife came out and said to me, "For God's sake, where are you going with those boots on?"[125] and I said, "I need to go to the radio station and to the park." And she said to me, "No, you are coming into my house, change those boots, take them off, and you are not going to the park, you are going home," and I said, "And why?" and she said: "Because that park is frightful, do you want them to kill you?"[126]

Neighbors, townsmen or anonymous people helped give warnings about the danger with brief information, or even, as in this case, with "orders". Through these acts of kindness, a person or whole group could be protected and their lives saved. In times of chaos and terror, these gestures helped to recover a sense of humanity and solidarity.[127] During the massacre in Bahía Portete in La Guajira, several families hid for two days in the mangroves in the bay until some fishermen give them food and water and took them to another place. During this same massacre, the village schoolteacher and her daughter were saved thanks to a message conveyed by a neighbor. Those who helped were, on occasions, known to them, people with whom they constantly exchanged information, but there were also those who acted anonymously. This is how a young woman from the Comuna 13 in Medellín remembers it:

> […] Like, about a year later, I returned a year later... when one day in the afternoon the telephone rang and I answered it: "Sistah, go, they are coming for you, go, go, it's better if you leave, I also have to go." And I said: "What?" "No, no, go with whatever you have, however you can."[128]

These acts took place at a time when relations between the neighbors themselves had been profoundly affected by mistrust, because some of them were collaborating with the armed groups, or entered into alliances with them to obtain political or economic benefits. Their recollections of these human acts form part of a language which tries to reconcile suffering and personal survival within a fabric of collective relationships that were also severely affected by the abovementioned complicities and collaborations.

5.3.1.4. Humanitarian rescues

In 2000, women in the community of Valle Encantado, Córdoba, had banded together to participate in a cooperative project to work the land and create alternatives to feed their families and produce goods. At that time, the paramilitaries recruited some of the youngsters from the community

123. Ron Dudai, "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice", *Human Rights Quarterly* 34 1 (2012): 1-38.
124. Testimony of adult man. Workshop on memory, San Carlos, March 2010.
125. As was explained in the section on stigmatization, articles of clothing like boots were frequently used as factual evidence that a person was a *guerrillero*.
126. Testimony of an adult man. Workshop on memory, San Carlos, March 2010.
127. Jacques Semelin, Claire Andrieu and Sarah Gensburger, *Resisting Genocide. The Multiple Forms of Rescue* (New York: Columbia University Press, 2011).
128. Testimony of adult man. GMH, *Comuna 13*, 138.

through deceitful practices like offering them jobs on farms. When the mothers realized what had happened, they decided to rescue their children, despite the high risk involved at one of the most critical periods of the war. The daughter of a leader reconstructs the memory of this event:

> My mom called all the mothers and other women who wanted go search for their children and snatch them from the paramilitaries. At that time, about the middle of the year 2000, it rained a lot, and the mud reached to our knees – as it still does – but that didn't prevent us from organizing a great march to the nest of the *paracos*. At six in the morning we started the walk, and there were about 200 women who held each other up so they wouldn´t fall in the puddles of water in the road, which as usual were not passable. The place they were going to was far away, they had to go through a town called Guasimal, controlled by the paramilitaries […] My mother went telling the women not to show fear, that they couldn't be so stupid as to kill so many women. […] When the terrible commander was in front of them, and he asked what they were there for, they responded in unison, "Our children!"[129]

Hours later the women returned to Valle Encantado with their sons. Some of these narratives refer to the acts of bravery in which women and men confronted the victimizers in an organized or spontaneous way. Through these actions, the population sought to alter the schemes and intentions of the victimizers. In some cases, that type of defiant action was successful. That was the case of the women in Valle Encantado, in whose memories this event lives on as an example of resistance and the capacity to act collectively. Their defiance went so far as to make demands on the commander and threaten him that they would not leave without their children. Similarly, the women from El Placer interceded for men who were detained, to rescue them from the situation they were in. They capitalized on local perceptions of the war as a masculine space to develop their own maneuverability:

> Not only did Noemí's grandmother do this job – other women also intermediated in the decisions of the armed agents on behalf of the townspeople: "Men were treated worse, so one faced them, with fear, but one faced them. We knew how to band together to go and ask them to [release] them.[130]

Attempts to rescue or change the minds of the armed agents were not always successful. Their memories nevertheless record such resources as the spoken word, face-to-face negotiations, and the courageous attempts, in extreme situations, which mothers, women and men undertook to free their loved ones from an adverse or fatal destiny. These acts are of an extraordinary nature and amount to specific forms of civil resistance where people made a commitment to life or the fate of the victims, in opposition to the plans of the armed agents. A woman in Trujillo remembers when she and other parents faced the *guerrilleros* who were recruiting young people and children:

> […] When the guerrilla group came in, everything got complicated. […] When I went to La Sonora, I saw my son there and I asked him: "What are you doing here?" And he said, "Just talking with her." "And what are you talking about?" "No, personal things." "You don't have to be talking with her, because you are a minor. If you people are going to involve my son in something strange I'm going to denounce you." "If you are going to denounce us, we will have your whole family killed," that was the threat. I got angry, I didn't care that they were guerrilla, they had no right to win over my children. My son wasn't even 15 yet. "I don't accept that, and I'm going to talk to your leader." […] Then all the parents, we went and you know what they did? They threatened our children: "If you don't come with us, your parents will die." […] Those men arrived and said to me: "Good day, good day," "Come in." "We need to talk with you, it seems you have rebelled.'" "No, it's that I'm angry, imagine it, such young kids and you are going to force them, that isn't

129. Testimony of adult woman. GMH, *Mujeres que hacen historia* (Women who make history), 44.

130. Testimony of adult woman. GMH, *El Placer*, 316.

> right. We do things for our children. We don't want to lose them. You are dangerous." "No, we are forming a school." […] Well, that's how it happened, and they took them away.[131]

This various attempts this woman made to rescue her son failed to change the plans of the guerrilla and got nowhere due to the inflexibility of the armed men. Her story, however, brings back her capacity to respond to the situation and negotiate with the *guerrilleros*, and meanwhile shows the weighty reasons for actions founded on a sense of moral rectitude. In a like manner, during the massacre in Chengue, Sucre, perpetrated by the AUC on February 13, 2001, the women of the town resorted to the power of the spoken word and the physical protection of their children in order to save their lives. Although they failed to stop the massacre, they defended and rescued their children from that fatal destiny:

> In 2001, January 17, well, it was something memorable, something we won't forget, it was the massacre in Chengue, in the main square of Chengue, eh… The paramilitaries did it, well, it was something too atrocious, so to speak, because there were some very ugly deaths. To keep it short, I'll say that they gathered together the people in the park, that is, the men and some women, since the ones who managed to escape, well, they left […] In that period, they took the men, there were children 12-14 years-old. Those, we did manage to save as best we could, so that they wouldn´t do anything to them. However, they kicked them around. After they had killed the people they sent us to one house and they began to burn, burn, burn the [other] houses.[132]

In this account, the rescue of dignity through the work of memory is revealed by the use of the word "memorable" when referring to the massacre, and the actions taken by the women. Likewise, in the 1970s, another woman, Magola Gómez, a social leader and wife of the Liberal-party leader Germán Gómez Peláez, who was the first person kidnapped in Montería, turned to the peasant-farmers she knew in the villages to recover her husband's body after he was assassinated by the People's Liberation Army – EPL:

> Germán was kidnapped on May fifth and he was killed on the ninth of the same month, and we buried him on the twelfth because they killed him in the Llanos de Tigre, on the border between Córdoba and Antioquia […] They wanted to bury him in the mountain and I used the microphone of the radio station and called on the small farmers from Montelíbano, from San Francisco del Rayo, and I told them: "Fellow workers, they just assassinated the leader Germán Gómez Peláez, and the Army wants to bury him in the mountains of San Jorge. I ask you to take him to San Francisco del Rayo, take a hammock, throw lime on the body, and bring it to San Francisco del Rayo".[133]

The survivors of the slaughter in Bojayá evoke another form of humanitarian rescue that happened amidst the atrocities of war. The people recall the extraordinary efforts of the priest in Bellavista to take survivors to the riverbank and escape in boats:

> […] At that point out comes Father Antun, who was in the church... he went along the whole riverside, risking his life because he could have been shot, and moving people along so that everyone left... in a boat heading to Vigía [del Fuerte] so we could save our lives, because I tell you if it hadn´t been for Father Antun, we would have stayed in Bellavista and the guerrilla destroyed everything in the whole town... there, no one went to get their money or bags or food, everyone went with what they had on, no more, and they paddled that very big boat with their arms, because they couldn't even take oars […][134]

131. Testimony of adult woman. GMH, *Trujillo*, 166-167.
132. Testimonies of peasant-farmer women leaders. GMH, *La tierra en disputa* (The fight over land), 349.
133. Testimony of Magola. GMH, *Mujeres que hacen historia* (Women who make history), 61.
134. Testimony of an old man. GMH, *Bojayá*, 61.

In these testimonies, the protagonists are mostly women – mothers, wives and leaders – who worked to liberate persons who were detained and recover the bodies of people who were killed, and their ingenuity, skilful use of the spoken word and organizational networks are highlighted. The ultimate goal of those involved in such humanitarian acts was to change the course of what appeared to be the plans or immovable decisions of the armed agents. These memories also show how women, men, mothers, fathers or neighbors did not succumb to the barbarity of the victimizers or to the power of their weapons. On the contrary, the victims turned to the power of the spoken word, symbolic resources or even the physical defense of those under threat to protect their loved ones and try to change the situation.

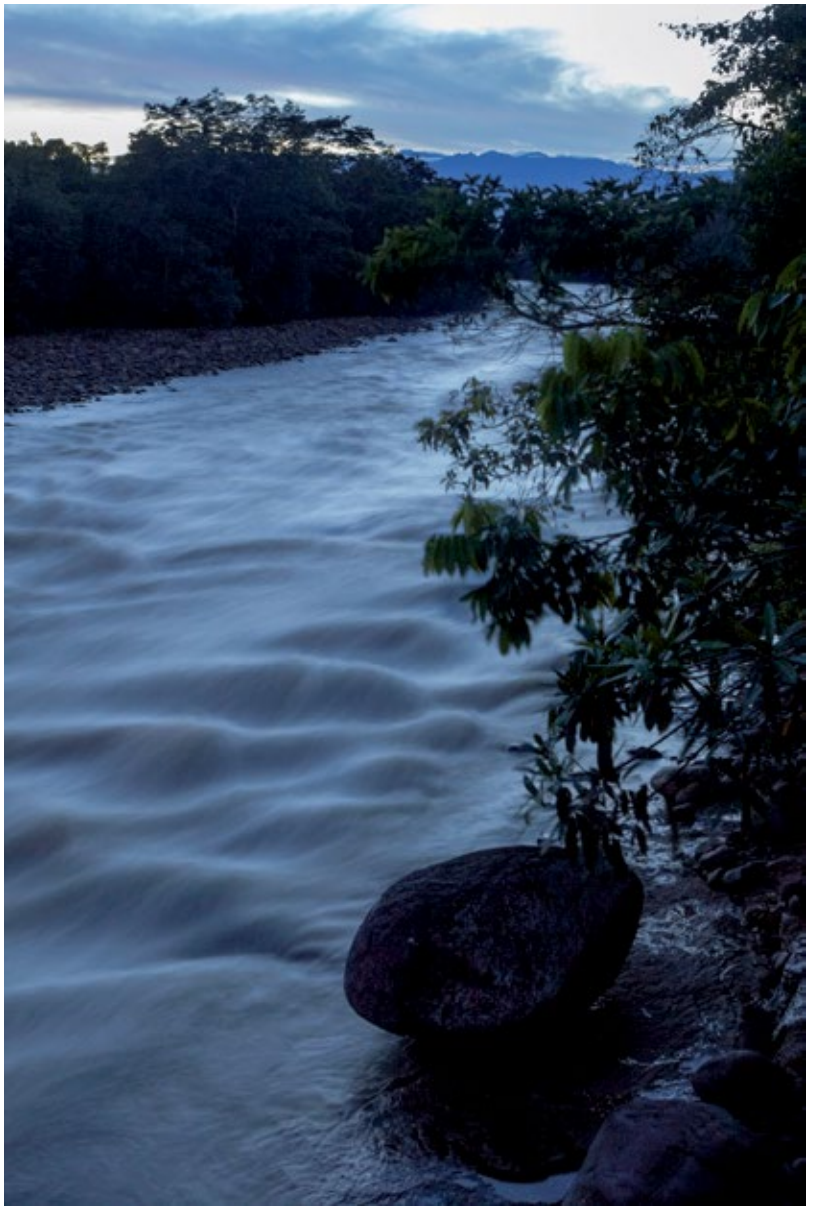
5.3.1.5. Extraordinary acts

The extraordinary acts which neighbors, relatives, leaders or unsung heroes performed to save the lives of those who were about to die or restore dignity to the bodies of the wounded or dead live on in the memories of those who benefited from or witnessed these acts. The accounts of these extraordinary actions emphasize the courage, human qualities and moral rectitude of these unsung heroines and heroes.

Twelve years after the massacre in El Tigre, Putumayo, in 1999, two women recall the way the authorities ignored them as they made immense efforts to recover the corpses thrown in the Guamez River and return them to their families:

> From the day of the slaughter we started keeping an historical memory, and that was 12 years ago. We, as courageous women, went through a silent process, but also a process of hope. When those macabre men left after the slaughter, we had the strength to recover the men from the river whose stomachs had been cut open. We sewed them up with a large needle and put their intestines back inside. There were four of us women.[135]

135. Statement at workshop on historical memory with memory facilitators, Cúcuta, 2011.



Guamuez river, rural district of Puerto Amor, Putumayo, into which hundreds of bodies were thrown. Photograph: Jesús Abad Colorado, CNMH, 2012.

> We collected all the bodies and took them to the marketplace. There were no authorities, the woman who was the police inspector we had at that time lived in another village. Later the fire department came, the Red Cross and the inspector from La Hormiga, but no policemen or judges or prosecutors came. The bravest of us took on the task of fixing up the bodies, of sewing them up, to deliver them to the people who wanted to take them.[136]

The brutal actions of the paramilitaries during the massacre, who placed the dead bodies at the town limits, imparted a clear message of intimidation to the townspeople. In this scenario of deep desolation, death and threats, and particularly the command to remain silent, recovering the bodies in the river was, as one of the leaders characterized it, an act of anonymous defiance and great courage.

Given the paramilitaries' determination to "discontinue the town," the account of these women emphasizes their courage. Their determination to not let themselves be defeated and their efforts to restore dignity to the violated bodies enabled others to carry out the rituals of mourning and funerals. In this way, they became righteous restorers of the dignity of the dead and facilitators of mourning. This silent work of repairing the bodies was also a gesture of social reparation to ensure that people could continue with their daily routines. As one of the leaders says, it also became an act of memory.

Similarly, some survivors of the massacre in Bojayá remember the behavior of a woman called Minelia in the chaotic moments following the launching of the gas-cylinder bomb which landed in the church of Bellavista. Day and night, this woman, who suffered from a mental illness remained in the church and the rectory after the massacre occurred. There, along with the missionary sisters and some community leaders, she helped care for the wounded and the dead:

> Minelia was the nurse. That day, after it was all over, after the bomb exploded and everything, I could not walk. I had to stay there with my daughter and the sun was very strong and that church had no roof and I was unable to walk. She helped all who were still alive and they talked, and I said to her: "Oh, Minelia help me get to the sacristy," and she really helped me, she helped my daughter, she lifted me, and dragged me there. I was in so much pain... I was bleeding heavily and I said to her, "Oh, Minelia, go and mix some salt and water for me," and she brought me there and said: "See, there is no salt here," and I said: "Yes, in the kitchen of the priests." And she really went, she brought the salt and made the salt water to help ease the bleeding.[137]

When the injured and survivors were finally able to leave the church and escape from Vigía del Fuerte, Minelia remained in the town and was the one "who put the mangled bodies of those who died in the church back together."[138] Like the women in El Tigre, the reparative work that Minelia did restored both body and humanity to the victims. But Minelia also fulfilled a central cultural role by mending the bodies, and thus restored communications between the world of the living and the dead.[139] This connection and intermediation was also essential to repairing the bond that must exist between these two worlds, which is a fundamental cultural belief of the Afro-Colombian communities on the Pacific coast. The survivors, who had to flee to protect themselves, could not collect their dead, or care for them, or offer rites which would allow them to make their final journey.

Furthermore, in some testimonies about massacres, executions or repertoires of terror, those who perished showed acts of courage and

136. GMH, *El Tigre*, 30.

137. Testimony of adult woman. GMH, *Bojayá*, 62-63.

138. Delma Constanza Millán Echeverría, "'*Ya no llega el Limbo porque la gente bailando está*'. ("'The Limbo does not come anymore because people are dancing'. Practices of memory in Bojayá, Chocó" (Master´s Thesis, Universidad Nacional de Colombia, 2009), downloaded May 22, 2013, http://www.bdigital.unal.edu.co/8828/1/478187.2009.pdf

139. Millán Echeverría, "*Ya no llega el Limbo porque la gente bailando está*" ("The Limbo does not come anymore because people are dancing"), 130.



Minelia Palomeque, Bojayá, Chocó. Photograph: Jesús Abad Colorado © October 2002.

decency that affirmed their humanity. A survivor of the massacre of Bahia Portete testifies about the last moments of Diana, one of the Wayuu women who was kidnapped in the massacre and whose body is still missing:

> I clarify, before killing Diana, they tied her up and headed with her to the man who lived near my house. He ran to tell me that Diana had been tied up by the *alijunas* [outsiders, non-indigenous] who had just been to his house and beaten him with rifles but had not killed him, because Diana had intervened to tell them to leave him alone. He told me that, and told me he was going to notify other people.[140]

This collection of accounts testifies to acts by which women, men, youngsters and children protected each other, showed their solidarity and lives were saved under adverse conditions. These accounts show the ways in which the victims communicated with each other and resisted the violence, and the moral values or judgments which anchor their memories. They vindicate individual and collective efforts which redefine survival as much more than staying alive, at the same time that they acknowledge friends, neighbors and even strangers and their acts of rescue in a setting of continuous violence. These memories rescue the acts of solidarity which affirmed the humanity and bravery of the victims and witnesses.[141]

5.3.2. Resisting the war

The forms of resistance in daily life during the war that were documented in the previous sections are methods of self-protection and solidarity that sustain people in the midst of violence. These mechanisms also create spaces for recovery and reparation which allow daily life to continue, and represent invisible acts of resistance that which instill autonomy and solidarity in social relationships. The memories of the kind actions of those who dared to help others exist alongside other memories of more a direct and organized resistance. This other type of action involves specific situations in which individuals or whole groups rejected orders imposed on them, directly facing up to and rebelling against their victimizers.

5.3.2.1. Disobedience and the recovery of spaces

The GMH found a wealth of narratives which highlight strategies and mechanisms which were used to resist the regulation of daily life imposed by the armed agents. They were sudden, hidden[142] and almost invisible ways to reject the activities of the armed groups. Memories of daily life under the control of the guerrilla or paramilitary groups also record ways in which the villagers refused orders that were imposed upon them, and defied prohibitions. In San Carlos, in eastern Antioquia, the residents of the town disobeyed the curfew imposed by paramilitaries of the Cacique Nutibara Bloc, and took to the streets to spend time together and play bingo despite orders to stay in their houses after 5:30 pm. At that hour, according to a witness, the residents "were taking out a table, night tables, whatever we could put our big bingo cards on, and making hot chocolate there on the street."[143]

This type of response to the commands of the armed agents amounted to an open, public and collective insubordination. Disobedience was expressed as a collective subversion which took back the street as a meeting place, and not a direct confrontation with those who suppressed them. Going outside was an act by which people sought to preserve cultural practices and social activities which, from their perspective, are a central aspect of their social life as a community, and by means of which, according to another resident of San Carlos, they "resisted there, playing, and it didn't matter what they [the paramilitaries] told them."[144]

140. GMH, *Bahía Portete*, 57.
141. Dudai, "Rescues for Humanity", 7.
142. James C. Scott, *Los dominados y el arte de la resistencia. Discursos ocultos* (The dominated and the art of resistance. Hidden discourses), Mexico City: Ediciones Era, 2000).
143. Testimony of adult man. GMH, *San Carlos*, 319.
144. Testimony of young man, Workshop for memory facilitators, San Carlos, 2010.

The narratives describe in detail these aspects of resistance because they were actions meant to recover and renew the social fabric. These acts of disobedience managed to maintain some sort of cohesion and strength among those who decided to violate the prohibitions and who, in turn, questioned what was happening in the eyes of those who passed by:

> […] Every night on the street of the fire brigade, and I always lived my whole life on the street of the firefighters… every night we played bingo and the armed people would pass by and they would make us go inside, well, some went inside but my grandmother told us that we shouldn't go in there […] the armed people always came by and made the people go in, and like I just said, my grandmother said no, that we should stay there, and we stayed there.[145]

The same situation happened in Berrugas, Sucre:

> In Berrugas they prohibited being in a part of the street where the women would play cards, but they kept playing and didn't follow the order, and a woman kept meeting with her friends in her house. Then one day a *paraco* (paramilitary soldier) arrived; he arrived and she got all nervous and said: "Mr. *Barajas* [the man of the cards], I promise you I won't play any more *paracos,*" and he laughed and said: "These old ladies! I forgive you this one time."[146]

These two testimonies reveal how the women disobeyed their orders and instructed younger ones to do likewise.

Those acts of insubordination in daily life required a strategic calculation to assess the risk, and, as evidenced in both testimonies, also prudence and the ability to negotiate or practice a certain kind of irreverent conformity.[147]

To alter the state of submission in which the victims lived and create options to meet together, they set about recovering social spaces and ties which had been weakened by the orders, prohibitions and violent actions of the paramilitary and guerrilla groups. In the Comuna 13 in Medellin, the testimonies of the young leaders of cultural groups highlight the reconstructive meaning of their initiatives. These young people recall how they decided to face up to restrictions on visiting other neighborhoods or meeting in the evenings between 2001 and 2002. The youth groups organized nocturnal tournaments to enjoy their evenings and confront their fears:

> Then we said: Come on, bro, let's put on a night tournament! And we also invited youth groups from other districts, with the other communities and we had their backing then, for example, they organized teams of men and women from the neighborhoods and other groups. A game at 10 and a game at 11, and at 12 pm we were still playing football. Avoiding them, and trying to make them see that there were people on the street, so they could not stir things up. It worked well, the whole time it was full, people went, the pitch was full, the bleachers were filled. The people walked around like normal, not with that silence which comes from fear, but with the uproar of people walking around and the teams returning to the neighborhoods and the people too, because we put music on full blast.[148]

145. Testimony of young man. Workshop for memory facilitators, San Carlos, 2010.
146. Interview of young man. GMH, *Mujeres y guerra*, (Women and war), 125.
147. Susan Thomson, "Whispering Truth to Power: the Everyday Resistance of Rwandan Peasants to Post-Genocide Reconciliation", *African Affairs* 110 440 (2011): 439-456.
148. Testimony of young man, displaced leader. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 208.



Showing of film by the Communications Collective of Montes de María. Photograph: Colectivo de Comunicaciones de Montes de María.

These acts of "taking space away"[149] from the armed groups also had the aim of reconstructing and recovering the nighttime activity of social gatherings in the streets. The strategy of taking hold of the nighttime spaces and sports facilities was both an act of confrontation and indirect disobedience, which unfortunately could not be maintained when the violence escalated in 2002.[150]

In the region of Montes de María, the Montes de María Línea 21 Communications Collective has worked with community radio, video and television programs since 1994. Based in Carmen de Bolívar, the Collective launched the initiative of an itinerant film club during the most critical moments of the armed confrontation, when four bombs exploded simultaneously in Carmen de Bolivar. The fear generated by the violence left the streets and meeting places empty, as one of the managers of this initiative recalls:

> When this whole situation started in the region and it became tense at night, we thought about lighting up those nights and it occurred to us do an itinerant film show, with *The Purple Rose of Cairo*, after 2000 and the massacre of El Salado, when nobody went out at night. We began to retake the public spaces and let the violent men know that we were not going to be scared. That is why we spoke of coming to life again and we did it through movies. We invented this tool for social change in the region. We have been running the project of historical memory for two and a half years, and with other allies we have invented the "Communication, Memory and Territory" program.[151]

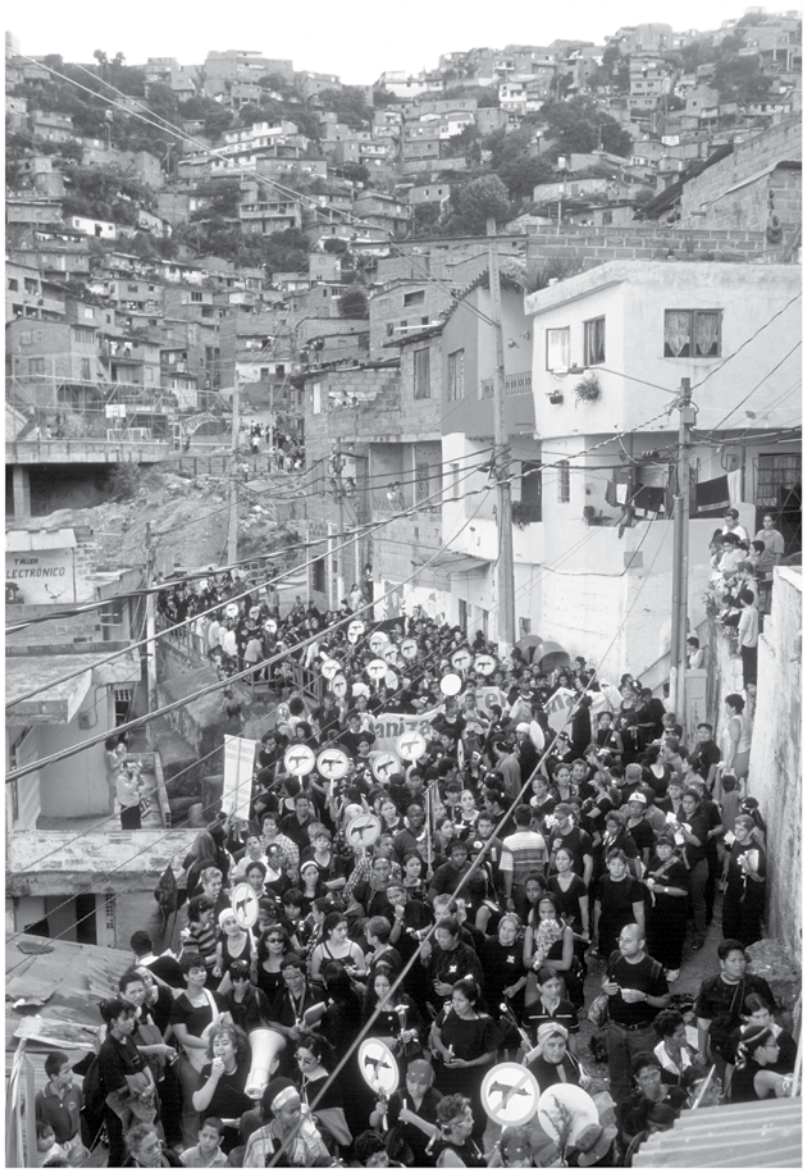
The people who started the film club regained control over their nights with this initiative, and overcame fear by defending an emblematic social space. Going out again onto the streets to gather with friends and see films opened spaces for community life and also sent a message about their rejection of the armed agents.

The leaders of the "Process of Black Communities" (PCN) on the Pacific coast, accompanied by national and international social organizations, have organized tours in which the acts of violence and historical injustice are commemorated and testified to. Thanks to these tours, the members of the PCN have kept alive a history of resistance which recognizes territorial markers and connects their present struggles with the historical memory of slavery. The tours, in the words of one of the leaders, "do not simply seek visibility and recognition, but are also searching for testimonies about these horrors which go beyond an acknowledgment."[152] Practices like walking through the area and commemorations (for example, that of the death of the Anchicayá River) demonstrate ways of resistance which restore meaning to the territory through cleansing ceremonial acts: "Our ancestors have to protect and cleanse the places where the massacres occurred, and that is where its reconstruction begins."[153] These practices constitute other forms of civil resistance which are anchored in the defense and recovery of the region.

5.3.2.2. Direct rejection and negotiations

In the midst of periods of domination and control, confronting the armed actors is remembered as a way people directly rejected the violence. Two types of rejection of the armed groups, whether coordinated or not, are recorded in the testimonies collected by the GHM. On one side, there are those who sought to defend the community or a part of it. These were usually social leaders. On the other, there were those who rose in self-defense, and in many cases, as a last resort to save their

149. Clemencia Rodríguez, ed., *Lo que le vamos quitando a la guerra. Medios ciudadanos en contextos de conflicto armado en Colombia.* (What we are removing from the war. The means of the citizenry in contexts of armed conflict in Colombia), Bogotá: Centro de Competencia en Comunicación para América Latina, 2008).
150. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 205-206.
151. Statement at workshop for memory facilitators, Cúcuta, 2011.
152. Interview of leader of PCN (Process of Black Communities) GMH, *Memorias en tiempo de guerra. Repertorio de iniciativas* (Memories in a time of war. Repertory of initiatives). Bogotá: Punto Aparte Editores, 2009, 169.
153. GMH, *Memorias en tiempo de guerrra* (Memories in a time of war), 168.



Silent march by women´s and youngsters´ organizations, Comuna 13 in Medellín. Photograph: Jesús Abad Colorado © November 2002.

lives. People used these acts to face up to the armed groups for the purpose of opposing their arbitrariness and abuses, or the damage they inflicted on the social order and everyday social relations. In the testimony that follows, a leader from Valle Encantado in Córdoba tells of his direct opposition to a paramilitary soldier´s attempt to cut off the head of a young man:

> […] They messed up our children, because when I saw that the man caught the kid, he took off his cap, and I saw that he immediately - boom! - put his hand on his machete and his expression changed. I said to myself: This young guy, this man has come to cut him up, to cut off his head, that´s what he'll do… they are going to kill us all here, so I immediately stood up and said to the man: "Look, mister, just a moment, you say that you have an order to come here and look for someone because there was a fight. Look, let me tell you, the internal problems that we have in this community, we solve them ourselves, because we have the authority and we have a committee for that, to solve our own problems."[154]

This story reveals the man's directness but also his sensitive, intelligent and flexible approach. In a similar situation in the same community, a woman leader faced the armed agents and lectured them on how to behave. Her daughter remembers:

> One of the armed men started walking among the young people, he reached into his pocket and pulled out a pair of scissors with which he was going to cut off the kids´ hair, who were already in a bad mood and by their reaction, it was obvious they would not let him do it so easily. My mother said to the man: "I think that this is not the best way to reach the people, I know that you have political plans for the future. These are the people who might vote for your proposals, but I do not think they will want that if you impose this game on them. Moreover, the

154. Adult woman, displaced peasant-farmer and leader. GMH, *La tierra en disputa* (The fight over land), 328.

> Constitution of Colombia says people have the right to the free development of their personalities and that means they can have the hairstyle they want. If you people are teaching standards, you should begin with what you find in the Constitution." The man was perplexed by these words; these groups imagine that people are stupid and ignorant and easy to fool. The man said, "Sorry lady, I did not know you were a lawyer." She told him she was not a lawyer, she was just a citizen who knew and abided by the rules of her country. The commander said it seemed fine to him that people settled their own problems, but warned that if they were going to start a fight, they would intervene, and with nothing left to say, he left with his men. The community was relieved to see them go, but the worst was to come.[155]

This woman created a situation of interaction with the armed agents, counseling them as an older and wiser person, and thus subverted the punitive and deadly rationale of the armed order. Her strategy was effective because the armed actors did not expect this kind of challenge, where they were treated as the ones who needed to receive advice and guidance, and in the midst of their bewilderment, they left.

In these meshes of coercion, violence and social response, the community leaders were the ones who confronted and managed to maintain a stance of outright rejection to the actions of the armed agents. They could draw on a number of resources, like the spoken word, their political capital and skill at negotiation, and even take the armed actors by surprise.[156] This type of negotiating strategy is remembered in the narratives because it involves a risky calculation which might be mistaken. The slightest mistake could have provoked an even more violent response or retaliation. These negotiating tactics also demonstrated a capacity for a political or emotional assessment of the counterpart, in which the victims of coercion can act to surreptitiously communicate or openly disagree. That is to say, the use of negotiation or face- to- face confrontation required reading the situation, the challenges, and the risk involved.[157]

This is evidenced by another act of resistance where some people objected to the order of the FARC that all the inhabitants of the municipality of San Carlos, including "children, youngsters, adults, mothers, fathers, and the disabled"[158] should be taken to a road leading to the city of Medellín and block it. During the meeting some people questioned the order of the guerrilla:

> We got them to accept that only men and women of a certain age had to go, so that children and the disabled didn't have to: in other words they were giving in, the guerrilla gave into us in many things […].[159]

The narratives of leaders and social activists linked to civic or peasant-farmers' movements also remember the tactics, mainly used by women, to protest against and annoy the armed agents. By using these actions, they sought to exert pressure on and alter the situation they were in. The many stories of resistance from the first generation of women involved in the National Association of Rural Workers (ANUC) include memories of land seizures, interventions of the Army and Police, arrests, the civil disobedience of women and children and their release:

> The other day the police came and we shouted: "No one is going to run away!"… Then, they burned down the shacks and they took us all prisoner, with our pots and children. They were crying. They were so frightened they got diarrhea… When we got to the mayor's office, in that tremendous heat, they put us in a cell for a while. Outside there were other women with sick children… Since, in spite of the commotion, they didn't want to let us go, we sent the other ladies to go up to the office with the kids

155. GMH, *Mujeres que hacen historia* (Women who make history), 42.
156. GMH, *San Carlos*, 313.
157. GMH, *San Carlos*, 313.
158. GMH, *San Carlos*, 316.
159. Interview with adult man. GMH, *San Carlos*, 316.

> so they'd shit there in the office of the mayor… A little while later they let us go… We asked them to return our pots and machetes and we told them: "Tomorrow we will wait for you out in the fields." We were already losing our fear of them.[160]

This form of protest and civil disobedience called on other physical resources and devices, such as defecating in the office of the local authority. This is therefore a form of "dirty protest"[161] that had clear results. Thus, the face-to-face rejection and challenge to the orders of the armed agents, or in this case, the police authorities, did not always involve a radical action against them. At times, the population used stratagems learned from social and political negotiations and managed to challenge, either subtly or angrily, the ideas and emotions of the armed agents and exploit some unexpected factors. Since they were at a significant disadvantage in the face of armed groups, the communities turned the situation around or preserved their dignity by using a power of persuasion which was imposed on the power of weapons, or they took advantage of unexpected circumstances to defy them.

These attempts to change situations and define an autonomous space were central to the formation of the Association of Peasant-Farmer Workers of the Carare (ATCC):

> We did not know where we were going, but because of the problem we formed a board of directors and at that time established monitoring committees. Each village had 2 or 3 that reported what was going on, watching what was happening. That is how the ATCC was born, that's when it began to take shape. It was born as a phenomenon without a previously-established design... then we went shaping it, we designed statutes, we began to design a peace policy. We knew what had happened in other countries. Afterwards, we started to get books from other resistance movements. Civil Resistance is what we called it later, people looked at us with pity, people told us, "what are you going to without weapons'", but weapons create more violence. This country doesn't need more weapons, what have the world wars solved? We had conversations with the guerrilla, with the self-defense groups, we told them all that, that neither the guerrilla nor the self-defense groups had solved the problems of this country.[162]

These acts of organized resistance which asserted autonomy in the face of the armed agents occupy a special place in the memory of those social leaders and members of the community organizations. These memories reconstruct the ways they fought against the war with an organic resistance which was structured and planned. In one of the numerous meetings held with the FARC, one of the leaders of the ATCC entered into an open verbal dispute with the armed groups to defend the neutrality and autonomy of the community:

> In this meeting the guerrilla said to us: "We are the ones who give the orders here and you are the ones who obey." But Josué got up and said: "No. We did not come here so that you would set the conditions. We came to set ours. This is where it ends. We do not accept conditions from anyone. We prefer to die before accepting conditions from anyone. If what you want is to kill us, kill us here, right now […]."[163]

The Indigenous Guard of the indigenous communities of Cauca set another emblematic example of organized resistance as an act of autonomy, which, for the indigenous groups, includes "cultural identity, self-government and land."[164] Composed of children, women, men and adults, the Indigenous Guard was created in the late 1990s as a direct way to resist the armed actors and defend their communities.

160. GMH, *Mujeres que hacen historia* (Women who make history), 134.
161. Begoña Aretxaga, "Dirty Protest: Symbolic Overdetermination and Gender in Northern Ireland Ethnic Violence", *Ethos* 23 2 (1995): 123-148.
162. Interview of founding member. GMH, *El orden desarmado*, (Order disarmed), 369.
163. Interview of peasant-farmer. GMH, *El orden desarmado* (Order disarmed), 334.
164. Pablo Tattay, "*Construcción del poder propio en el movimiento indígena del Cauca*" ("The building of autonomous power in the indigenous movement of el Cauca"), in GMH: *Nuestra vida ha sido nuestra lucha* (Our life has been our struggle), 74.


CRONICA

Esta es la historia de los siete mil campesinos que ganaron el Premio Nobel Alternativo. Es Es un hermoso canto a la vida. Cuando se cansaron de recoger sus muertos, convencieron a la guerrilla, a los paramilitares y al Ejército, que la paz era posible. EL TIEMPO los visitó.

Un Nobel hecho entre fusiles

Paz entre el M-19, campesinos del Carare y autodefensas campesinas

¡ATCC por el derecho a la vida, la paz y el trabajo

Newspaper article on the peace prize awarded to the Association of Farm Workers of el Carare, Santander. Photograph: Archive, Asociación de Trabajadores Campesinos del Carare - ATCC.

Its purpose is described in a collective document of the Regional Indigenous Council of Cauca (CRIC):

> The Indigenous Guard is conceived of as an ancestral organism of our own and as an instrument of resistance, unity and autonomy in defense of our territory and the life plans of the indigenous communities. It is not a police organization, but a humanitarian tool of civil resistance. It seeks to protect and disseminate our ancestral culture and to exercise our own law. It derives its mandate from our own assemblies, so that it directly depends on the indigenous authorities. It is born from the need to defend ourselves from all the agents who assault our villages, but the Guard only defends itself with its "*chonta*" or commander's staff, which gives it a symbolic value.[165]

Thus, the actions of the indigenous guard staged a direct, head-on resistance which relied on the symbolic and ancestral value of their territory, and the use of a commander's staff to give an alternative meaning to territorial defense. This meaning is an alternative when contrasted with the way the armed agents exert territorial control through the use of arms and invasion of territories.

The other type of direct rejection is the one where people individually resisted the actions and abuses that the armed actors aimed to inflict. In El Salado, the community remembers the resistance of Francisca Cabrera before she was brutally murdered:

> The part that most hurts me is when they attacked Francisca Cabrera de Paternina. They hit her with a shovel, she resisted, she confronted them, and when she was on the floor, they struck her in the face. They put a bayonet on their rifle and inserted into her chest. "She is still alive," so they shot her in the face.[166]

165. GMH, *Nuestra Vida ha sido nuestra lucha* (Our life has been our struggle), 78.
166. Testimony of young man. GMH, *El Salado,* 52 -53.



Indigenous Guard, March for the life, dignity and resistance of the indigenous peoples, Bogotá. Photograph: Jesús Abad Colorado © November 2008.

Two women leaders from the Magdalena, in Chivolo and Zona Bananera, give their testimony on the way they negotiated when they were detained after being accused of collaborating with the guerrilla. In the first case, the victim was sexually violated, and in the second, they attempted to murder her. These women remember the individual resources they used to challenge and negotiate, which helped them under circumstances of great adversity:

> They arrived [the Cheperos in 2000] and they said to me – Are you a health worker? – Yes, I responded, because I had told the mayor that I was going to quit but he told me he would transfer me. Good. I argued with them for about three hours. I stopped them, they were close to town […] He said: We are from the AUC. We are the self-defense groups of the peasant-farmers. I answered: That is what we thought when they told us that you were coming, but you are just the killers of them because, don't you see how you have us here? […] He told me: Shut up! – I'm not going to shut up! […] I told them: You're not brave. You are a bunch of cowards because to do something you people need 20, 30, 40 men to do any criminal act that you want to do to us, because just one of you is not enough to do what you want to do. [And they responded]: Oh! So she thinks she's brave! – No, I am not brave. I am telling you the truth.[167]

> […] When they had me with one revolver in front and one at my back, it came to me like it was a video[movie] […] and so I turned around, and I said to the guy: Let's negotiate my death, at least tell me why you are going to kill me. He looked at me, he was shorter than me, and he looked at me like that […] and he told me: - Because your name is […] what is your name? – If you are going to kill me you should at least know my name. He said to me: Oh! You are […] and he said any old name and I said to him: And you, what's your name? And again he said just any old name and I turned and said to the other, - And you, what's your name? He also told me any old name. – Good, now that we have met, why are you going to kill me? And the same guy, there was one who was very violent, that was the one who was in front of me, he said to me: – Who are you? – And I returned the question, and who are you, and why do you want to kill me? He began to point the gun and I told him: You have to shoot quick because we are on a street and now there's going to be […] people who are walking by and he realized it – because I realized they had realized it […].[168]

The confrontation and challenges these women had to face at moments when their lives hung in the balance illustrate the extraordinary resources of those who questioned their oppressors. Both women questioned the manliness of their perpetrators and their self-representation as brave men. Their accounts precisely reconstruct how they spoke to them directly, demonstrating their lack of evidence when accusing and victimizing them, and showing the moral weakness evident in their decisions and actions.

Such reactions are understood by the people who narrate them as acts of heroic and fearless resistance. The situation of inequality and total vulnerability they were in is emphasized in these stories. This inequality is also stressed in the memories of those whose individual resistance, from the point of view of witnesses, was only possible because the actors showed emotional and mental distress. According to the narratives, this distressed state encouraged and promoted conducts which caused admiration and surprise in others:

> Some of his men [alias *El Oso*] came to take me out of my home, but without having orders from him, so I went out with my machete in my hand, like a madman, and since they were not armed, they fled, and the next day they came to apologize to me. Especially so that the boss wouldn't hear about the incident.[169]

167. GMH, *Mujeres que hacen historia* (Women who make history), 152-153.

168. GMH, Interview at workshop on memory with women, Santa Marta, 2009.

169. Interview of adult men. GMH, *Mujeres y guerra* (Women and war), 182.



Map of the body made at the workshop on memory, Magdalena. Photograph: Jesús Abad Colorado, CNMH, 2009.

> Only one kid confronted "El Oso". But he was crazy and was prone to fits. "The Bear" threatened him with a revolver and the guy said, "Kill me!" And he took a bottle and broke it and held the tip in his hand, and he waved it at him. He was taken to their farm, but a lady, the mistress of "Cadena," interceded on his behalf.[170]

These types of defiance are considered strange because those who undertook them were unlikely to be successful, to survive.[171] These gestures of rebellion, seen by some witnesses as courageous acts of resistance, are described by the ones who did them as resulting from moments of anger and exasperation. However, they were also acts which have a political significance in terms of what civil resistance in daily life is like during a war, and they made the frontal attacks and explicit resistance of the victims possible.

5.3.2.3. Rebellion and mutiny

Rebellions and uprisings were perhaps the most direct and fearless type of resistance used by communities which were victims of a sustained violence against all aspects of their private and social lives that lasted for several years.[172] The case of Libertad, in the gulf of Morrosquillo, is emblematic in this regard.

In 2004, the man whose alias was *Diomedes*, successor to the recently captured AUC commander in the area, *El Oso* (Marco Tulio Pérez Guzmán), arbitrarily detained and threatened to kill a young man during a social gathering. This triggered a collective resistance in which the townspeople wound up lynching and assassinating the new commander. Then they

170. Interview of official of the Office of the Attorney-General (Fiscalía General de la Nación). GMH, *Mujeres y guerra* (Women and war), 182.
171. GMH, *Mujeres y guerra* (Women and war), 181-182.
172. Here we refer to acts of resistance which are more spontaneous or do not result from an organized strategy of collective action.

expelled the paramilitaries from the town and took control of Libertad for several days, until troops from the Colombian Army arrived.[173]

> Luis Carlos [with the help of his uncle], the person whom Diomedes persecuted, was the one that started the resistance [...] the people got organized, rebelled, and got them out of there. The people caught Diomedes and killed him.[174]

The narratives of these acts emphasize how the reaction and self-defense of Luis Carlos and his uncle led to a collective armed rebellion and a totally unpredictable execution. However, the greatest emphasis is on the events which followed the death of *Diomedes*:

> They closed off the village. No one enters or leaves here [...] They found six rifles, grenades, and people got organized: Who had been in the army?[175]

> The people got organized and watched the entrance to the village. It was the only time the people united, they came out with shotguns, with sticks, with machetes. Us women made coffee for them, everyone was patrolling the village [...] After the death of Diomedes, people came to guard the entrances. The people identified the paramilitaries and caught them. At that time, the people stopped trucks and searched them.[176]

These testimonies show a series of vindications which the community made that had to do with their particular and circumstantial way of resisting the armed actors. As a first step, the narrative exalts more than the death of a paramilitary soldier; they specifically value the fact that the townspeople had found a way to band together, "the only time," to defend themselves against the paramilitaries. The amount of detail in their memories on how the work was divided up and organized in order to avoid reprisals by the paramilitary commanders expresses how people were tired of the presence of the armed actors. In the narratives there is also evidence that people had been waiting for an opportune time when they would have at least a small advantage that might allow them to act and throw off the yoke of the perpetrators. In this sense, the narrative draws a picture of the war where the people were not accustomed to violence, nor did they accept it. Therefore, their resistance lay dormant, waiting for the right time, for the right situation to occur.

Acts of rebellion in which the townspeople risked their own lives in order to banish the armed agents also took place in El Salado, Montes de María. There, the people rebelled against members of the FARC who tried to return to the village after the massacre that occurred in 2000:

> —When you come back, will the guerrilla pressure you again?
> Victim: No. Because they came once and we kicked them out right away.
> When they came back, did you ask them for any explanation about what they had done?
> Victim: Of course, it was because of them that this happened to us, they had to leave, we didn't want to see them at all, at all.
> What did they say when you demanded an explanation?
> Victim: Oh, I don't know, that they were going to help us, "how did you help us the last time? Because of you they killed everyone, was that help? And we all decided that no, and no […].[177]

Tired of the incursions of the FARC and the stigma that was attached to the community due to their alleged links with the guerrilla, the community of El Salado sent the guerrilla back to their camps to warn the commander that they were willing to die before allowing them to enter the town again.[178] The villagers, decimated first by one of the bloodiest

173. GMH, *Mujeres y guerra* (Women and war), 190-197.
174. Interview of community leaders. GMH, *Mujeres y guerra* (Women and war), 192.
175. Interview of adult man. GMH, *Mujeres y guerra* (Women and war), 192.
176. Interview of community leaders. GMH, *Mujeres y guerra* (Women and war), 193.
177. Testimony of elderly woman. GMH, *El Salado*, 154.
178. GMH, *El Salado*, 126.

massacres in the recent history of Colombia and then mass displacement, confronted the armed actors:

> […] When they were working on the road, the people stopped them, they [the townspeople] said to them, "What is going on, we're hungry, we have to work and if they offer us a job, we have to do it. We are in the town because that town belongs to us, and because we have gone through a lot in other places, and why are they going to make us leave the community again, where have already been through so many things. We are not going to endure another displacement again, so you have to [respect us].
> - No, because they´re the orders, they said.
> - Well, whoever gave you that order, whoever you have to take that order to, tell them that we will wait for you all, that you can kill us, bomb the town, do what you want, but we'll be there, we are already tired of this situation.[179]

These narratives reveal how people managed to prevail against the armed groups. This mainly refers to acts of resistance and protection which sought to restore the good name of the victims, tainted by statements in the media made by the military and paramilitaries. It is in this tone of rejecting violence and injustice and defending of their lives and territory that the people in Cimitarra, Santander, remember how they rebelled against the *guerrilleros* of the FARC. In March 1981, the FARC accused a man from that town of being an informant and after a brief trial, murdered him. A group of eighty peasant-farmers reacted by angrily rioting against the eight *guerrilleros* who committed the murder and forced them to flee the village. The significance of this event lies in the community's open and collective challenge when faced with crimes done by the FARC at a time when the law of silence prevailed.[180]

Other narratives of rebellion and collective revolts emphasize the townspeople's rejection of some of the actions committed by the armed actors. In San Carlos, eastern Antioquia, a paramilitary group seized a young man who demanded they pay for things they consumed in his store. The young man was taken from his home and dragged down the road as they tortured him. His mother went to the priest and he, from the community radio station, called people to go out on the streets: "Go, go everyone, don't wash first, get out."[181] The account continues:

> With the pyx aloft, the priest set off on the march [...] running after those who had caught the son of Mrs. "A." They had torn his ear off and they were dragging him alive through the street, and there was a trail of blood to the bridge, up to there. And the people felt no fear, the priest was there with the pyx which he´d blessed and the lady who was screaming "Give him back to me," and they put him to death in a very sad way but they weren't able to disappear him, because at that moment the townspeople were on to them [they went out into the streets in his defense].[182]

One of the important points of this account is their courage. First, the young man, who finally ended up being murdered; secondly the mother, who dared to ask for help; then the parish priest, who defied the power of the armed agents; and finally that of the whole community. While this did not prevent the murder, it did stand between the victim´s death and forced disappearance, which would have led to years of fruitless searching. The town, in an act of disobedience against the codes of silence imposed by the armed actors, were "on to them," and avoided the disappearance of the young man. This kind of crime was one of the most widely used by the various armed groups. These acts which rejected the

179. GMH, *El Salado*, 154 -155.
180. GMH, *El orden desarmado* (Order disarmed), 316-317.
181. Testimony of young man. Workshop on historical memory, San Carlos, 2010. GMH, *San Carlos*, 321-322.
182. Testimony of young man. Workshop on historical memory, San Carlos, 2010. GMH, *San Carlos*, 321.

violence, and in this case had the protection of a sacred ritual,[183] were repeated on several occasions and took place during extended periods of harassment.[184]

The repertoire of the acts of resistance which were recounted to the GHM clearly illustrate the very different ways in which people lived through and survived the war and tried to recover their lives by maintaining dignity. There were many acts by both individuals and groups, and their memories tend to emphasize the skill, courage and sagacity with which they wielded resistance by adapting to the circumstances or through acts of disobedience and revolt. Retelling these acts gives the word back to the people who were victims or witnesses, and those who work to dignify f memory by reconstructing it, recognizing the stigmatization they were subjected to and the impunity for many of the crimes they suffered. It is precisely this fight against impunity and the work of dignifying the memory of victims and their communities which make up the initiatives of memory which will now be discussed.

5.3.2.4. Resisting through the reconstruction of memory: Initiatives of Memory

The actions which commemorate and dignify the memory of the victims and raise civil society´s awareness of what happened are an integral part of living through and surviving a protracted war. Furthermore, these actions are part of the repertoire of resistance undertaken by victims' movements, those who organize memory initiatives, social organizations, human rights defense organizations, and Indigenous and Afro-Colombian communities, in the midst of the conflict. The accounts collected by the GHM reveal how important it is for the victims to communicate their own version of the events and their ways of resisting the conflict. Therefore, their memory initiatives reconstruct their own history of humanization, dignity and strength and those virtues are evident in their accounts.

183. GMH, *San Carlos*, 321-322.
184. GMH, *San Carlos*, 321-322.

This section presents a brief description of such practices and initiatives and their means of expressing them, and meanwhile digs deeper into the uses and functions of these initiatives. This helps identify ways in which these experiences are transformed into practices of memory which are restorative and instructive and vindicate their rights.

A range of expressions

Despite the adverse conditions of a protracted war like the one in Colombia, diverse communities, groups and individuals have taken on the task of undertaking memory exercises about the violence. These are expressed in various ways: cultural and documentary works such as books, archives and audiovisual displays; artistic practices like murals, sculptures, paintings, songs and plays; sociocultural practices found in oral traditions like verses and ceremonies; building commemorative sites like monuments, museums and galleries; different performative acts like marches, sit-ins and religious celebrations; and particularly commemorative rites.[185] There is a great diversity: the GHM records 177 non-governmental memory initiatives between 1974 and 2010, corresponding to 60 distinct types of expressions.[186] Some of these initiatives have endured over time, others have been temporary, and still others arose from organizational efforts which were cut short by the armed conflict and caused the memories of the war to be silenced.

185. To learn about more initiatives, see: GMH, *Memorias en tiempo de guerra* (Memories in a time of war), 2009.
186. Between 1974 and 2010 the records of memory initiatives show a steady growth. Starting with some localized initiatives, mainly in Bogotá, they accelerated in the first decade of the 21st century, with an explosion of local and regional memories that covered the whole of the nation, including records in 20 departments. The GMH´s report, *Memories en tiempo de guerra* (Memories in a time of war), provides an in-depth study of several representative cases of this repertory.



Performance of the play "Asphalt", La Gotera Theater Group of San Carlos, Antioquia. Photograph: Jesús Abad Colorado, CNMH, 2011.



Commemoration of the massacre of Segovia, Medellín. Photograph: Jesús Abad Colorado, CNMH, 2011.



Pilgrimage in Trujillo. Photograph: Jesús Abad Colorado, CNMH, 2008.



Father Nelson Cruz, founder of the museum in El Placer, Putumayo. Photograph: Jesús Abad Colorado, CNMH, 2011.



The "Never Again" hall, Granada, Antioquia. Photograph: Jesús Abad Colorado © 2008.



Commemoration of the massacre at Bahía Portete. Photograph: Jesús Abad Colorado, CNMH, 2012.



Commemoration of the massacre of El Salado, Photograph: Jesús Abad Colorado, CNMH, 2010.



Performance of the play "Among the ruins", youngsters from Bellavista and Vigía del Fuerte, Bojayá, Chocó. Photograph: Jesús Abad Colorado, CNMH, 2012.



Relatives of the victims and victims´ rights organizations in the Plaza de Bolívar when three paramilitary leaders spoke at the Colombian Congress, Bogotá. Photograph: Jesús Abad Colorado © July 2004.

Organizing to remember

There is a close link between memory initiatives and the organizational undertakings of the victims, their relatives and groups and communities affected by the armed conflict, as well as social organizations and institutions. Here we should especially highlight the work of the churches and religious groups which have accompanied these processes. All of these enterprising individuals have been instrumental in the organized communitarian reconstruction which takes place through memory exercises.

One of the first organizations which was devoted to recovering memory was the Association of Relatives of the Detained and Disappeared (ASFADDES), which in the 1980s expanded its expressive range to incorporate the use of memory through, for example, the Memory Gallery. Organizations which were started in the 1990s – such as the Association of Relatives of Victims in Trujillo (AFAVIT), in the Valle del Cauca; the Communications Collective of the Montes de María; the Community Council of the Integral Peasant-Farmer Association of Atrato (COCOMACIA); and the Process of Black Communities (PCN) – all held memorials and pilgrimages and documented victims' testimonies in order to not forget these acts, and fight impunity for these human rights violations. These extended projects were accompanied by social and educational organizations – like the Center for Research and Popular Education (CINEP), Justice and Peace, the Catholic dioceses and pastoral teams and human rights organizations devoted to the legal aspects (CAJ-CCJ) – which facilitated interchanges and networking relationships between different regional organizations, and others.

Starting in the 1990s, memory initiatives and actions multiplied in the form of networks in the regions, especially among women and young people, but also with regional and local organizational processes in communities. The documentation of memory supported by the Diocese of Quibdó in Bojayá, the Women's Association of Eastern Antioquia (AMOR), the Pacific Route for Women, the Youth Network in Comuna 13 in Medellin and the Process of Black Communities (PCN) on the Pacific coast are examples of these initiatives which,

working from the regions and localities, call on victims and communities to work on projects to reconstruct memory. Some of these organizations and entrepreneurs grew until they converged into the National Movement of Victims of State Crimes (MOVICE), which emerged as a response to the transitional process outlined in Law 975 of 2005, known as the Law Justice and Peace.

The uses and functions of memory

The memory initiatives arising from the armed conflict are diverse and have various meanings and purposes, in accordance with the goals of the social groups and communities which organize them. In the village of El Placer, for example, a priest began to build a museum with objects of the war that have been found on the streets, sidewalks or fields, in order to make the conflict in the region visible.

The Mothers of La Candelaria in Medellin are active every Wednesday at noon in the atrium of the Church of La Candelaria, with the goal of resisting the oblivion and silence which clouds the fate of their loved ones; the Community of Peace in San Jose de Apartadó built memory in marches and celebrations as a strategy to address impunity. Thus, these uses of memory shape the expressive forms and the meanings they wish to convey. Based on their uses or functions, three ways of working with memory can be seen: memory as protest, memory as a tool of social pedagogy and reparative memory.

Memory as protest

The task of remembering the violent deeds and human rights violations which took place in the context of the armed conflict is expressed through memory initiatives which call for a clarification of what happened. Reporting human rights violations and demanding the enforcement of civil rights intertwine these initiatives with expressive practices in which, using pictures, memory galleries and lists of names, among other resources, a face is put to the people who have been victimized. These initiatives convey the facts of the violence and their impacts, and recover the silenced story of the victims.

This dimension was seen in memory initiatives from the early 1980s. This was the case with the "White Carnations Marches" which the ASFADDES organized, where besides carnations, they carried posters with enlarged photographs of the missing persons and sandwich boards with messages about forced disappearance. They were pioneering initiatives to re-appropriate public spaces and bring memory to the forefront, at the same time that they took to the streets to question both the government and civil society.

> At the beginning of 1983, we began street marches. We decided to march every Thursday at noon, we met in front of the Presidential Palace and there we began our march along the Carrera 7 to Calle 19, and from there we descended to Carrera 8 and returned again to the Palace of Justice, making a short stop at Carrera 8 with Calle 16 where the Procurator General's Office was at that time, where we shouted slogans for a few minutes and then we continued. At that hour many people would leave their offices to have lunch and they would stop to watch the march, since we had large photos of the missing people in the form of banners. Sometimes we handed out flyers about the protest.[187]

In a period when the authorities were denying the occurrence of forced disappearance, the work of the ASFADDES gave the victims a public identity, saying that the victims do exist, they have a face and their family wants them alive and back home: "We want them alive, because alive they were taken away."[188]

187. Asociación de Familiares de Detenidos Desaparecidos – ASFADDES (Association of the Relatives of the Detained and Disappeared). *Veinte años de historia y lucha* (Twenty years of history and struggle), Bogotá: ASFADDES, 2003, 35.
188. The aim of the political struggle of the ASFADDES (Association of the Relatives of the Detained and Disappeared) during the 1980´s was to win an official

Memory initiatives undertaken by victims' organizations such as the AFAVIT in Trujillo turned memory into a protest against the prevalence of impunity. In 1995, the AFAVIT organized the first pilgrimage in Trujillo to commemorate the fifth anniversary of the murder of Father Tiberio Fernández[189] under the slogan "A drop of hope in a sea of impunity."[190] Another memory practice related to the massacre in Trujillo was the creation of the Monument Park, which was established as a permanent way to question the local community, as well as the government and Colombian society. Sister Maritze Trigos stated: "That's why the Monument Park is uncomfortable, because it is a protest, because it is a cry for justice, it is a permanent denouncement."[191]

Direct protest, which was the feature of such initiatives, also marked the struggle to recover memory and difficult, ongoing efforts to make the voices of victims heard in the midst of the war. This was the case of social organizations in the northeast of Antioquia, led by the Human Rights Committee, as well as many others around the country. For the 7th annual commemoration of the massacre on November 11, 1995, these groups undertook the "National Pilgrimage and Regional Forum: Peace with Justice and Truth." The slogan of the event was: "Seven years of intolerance and forgetfulness... People, your memory has been not lost!"[192]

Moreover, such a resort to the spoken word which make this victimization public has also been found in commemorative practices and oral traditions, songs and chants. These creations condense integral representations into narratives of the events that occurred, and express the impact that violence has had on the victims, and their interpretations and their demands on the government. The verses composed by a survivor of the massacre of Bojayá illustrate how these forms of memory combine with the dances and "cleansing of places" that the descendants of Africans practice throughout the Colombian Pacific:

> Listen, mister president!/ Oh, doctor Andrés Pastrana!/ has come to visit this beautiful land of Chocó/ look at my town/ all the houses are shut up/ the inhabitants of Bellavista have been displaced / the FARC with the self-defense groups, and those two were fighting/ the FARC threw their cylinder-bomb and it landed on the church/ what they did to my town, Oh my God, it doesn't make sense/ to kill so many innocent people with no motive/ I beg you, oh my God! Why do you punish us?/ My town does not deserve to have its children and elderly killed/ and also the Virgin of Carmen, the patron saint of my town, is completely destroyed/ Look at these things, which are a "remembrance" that on May 2, a date I cannot forget/ something happened in Bellavista/ the whole world was moved/ when I entered the church and saw the people destroyed/ my heart stopped while my eyes cried/.[193]

Nevertheless, the communicative resources in artistic memory initiatives have not been limited to texts which document the facts and the direct expression of grievances. They have also sought to convey what happened through the use of theater and symbols. One example was the work of a group of young people in Bogotá, known as the Youth Network, who organized the first Day for Peace, Memory and Nonviolence in the Comuna 13 in 2004. This group staged events and memories of the Operation Orion, a major military operation which Colombian armed forces undertook in that area of the city in October 2002 that resulted in fatalities, disappearances and the displacement of inhabitants of the neighborhood:

acknowledgment of this kind of violence and the role of State agencies in it. See: *Veinte años de historia y lucha* (Twenty years of history and struggle).

189. Tiberio Fernández Mafla was a priest who is widely remembered by the people of Trujillo for his leadership and work on behalf of the community. He was murdered and disappeared on April 17, 1990.

190. GMH, *Trujillo*, 186.

191. Conversation with sister Maritze Trigos. GMH, *Trujillo*, 197.

192. Field diary. GMH, *Silenciar la democracia* (Silencing democracy), 311.

193. Interview of elderly man. GMH, *Bojayá*, 282.

> It was a very shocking type of performance: you heard the sound of the helicopters and weapons used during Operation Orion and then the actors came out in camouflage uniforms. It was a protest and act of memory in the intermission of a concert. It was held at the San Javier metro station.[194]

Memory as social pedagogy

The reason for some of these initiatives is to provide a reconstructed history of the violence and offer a structured account or specific interpretation of what happened. These initiatives summarize meanings which run through all memory exercises. These include: *not forgetting,* so that the human rights violations are not repeated; *making the narratives of the victims known*, to make public the stories of those who experienced human rights violations, or their relatives, neighbors or friends; *raise public awareness,* by making sure that these messages reach those unfamiliar with the grave human rights violations committed during the armed conflict, or have stayed on the margin of the community efforts organized as a response to those violations.

Most of these initiatives have been documented and guarded in archives, such as: "The Black Book of Repression 1958-1974" (*El libro negro de la Represión 1958-1974*), by the Committee for Solidarity with Political Prisoners (CSPP) in 1974; the Bulletin of the Standing Committee for the Defense of Human Rights (CPDDH) (*Boletín del Comité Permanente por la Defensa de los Derechos Humanos*) 1980; the Bulletin of Justice and Peace (*Boletín de Justicia y Paz*) that began in 1988 and would wind up becoming the database for the CINEP; and the archive of the Colombia *Nunca Más* [Never Again] Project (PCNM) in 1998, from which multiple reports would be published such as the one about Zones 7, 14, 5 (the jurisdictions of the7th, 14th and 5th Brigades of the Army), among other initiatives.

Moreover, books which cover local history are another group of projects which recreate the painful past as historical chronicles or narratives. The GHM found, among others, the text of Dairo Alonso López López: "Segovia: My Own World - Cultural Stories" (*Segovia: mi propio mundo. Relatos culturales*), published in 2002. In this account there is a section entitled "The Segovia Massacres and Genocide," which recounts the violent events the author considers to be the most important from 1938 to 2002.[195] In Trujillo, the massacre and the life and assassination of Father Tiberio were also documented in a book that has a special place in the Monument Park. In Granada, the "Never Again" Hall of the Association of Victims (ASOVIDA) documents the milestones of violence, and the biographies, pictures and memories of the victims.

Similarly, in El Placer, Putumayo, there are literary and musical initiatives which also have an educational function. One example is the story, "The Three Dragons" (*Los tres dragones*), written by a woman teacher there, Delia Alicia Escobar, which captures what happened in prose: "This is a true story which began between 1987 and 1988 and has not yet ended."[196] It is a narrative that seeks to convey and give meaning to the violence which was experienced as an educational and social tool.

The case of El Placer shows the need to recount painful acts for the purpose of informing and educating those who do not know about them, inside or outside the community. But it also expresses the urgent need to undertake an ethical assessment of the violence that occurred and the actions of those who participated in it; hence its pedagogical strength. These aspects are also expressed in musical initiatives, like the "Rap of El Placer", composed by Blanco and Roca Pola, young men of this community. Its message is found in the words of the song:

> Massacres, murders, a lot of violence/ Something which happened here often/ Rivers of blood running through the streets/ This you know but they cannot find the guilty ones/ If you want

194. Testimony of young man and leader in la Comuna 13. GMH, *La huella invisible de la guerra* (The invisible footprint of the war), 224.

195. GMH, *Silenciar la democracia* (Silencing democracy), 320.

196. GMH, *El Placer*, 325.

> to know how many people died here/ Count the stars and tell me if they have an end […]. Death, innocent people fall/ Envy of incoherent souls/ My society is full of what?/ Hell on earth.[197]

Reparative memory

In recent years, when communities and social groups have undertaken tasks of social reconstruction and the search for truth, recognizing memory reconstruction as a process of social (re)bonding has become important. These efforts to remember and rebuild memory favor such actions as: 1) activating processes to remember and acknowledge the losses to facilitate mourning; 2) encouraging memory processes which aim to restore the broken social ties of communities, and in some cases, their life projects.

A representative case of the reparative meaning which memory initiatives can have is the annual commemoration of Yanama (collective work), undertaken by the women of the Wayuu community in Bahía Portete, and relatives of victims of the massacre that took place in 2004. For the celebration, displaced members of the community returned to the region in the company of other indigenous people and their companions. The act of returning was in itself a defiance of the paramilitaries who perpetrated the massacre and their leaders, since they still controlled the territory and continued to threaten community leaders until 2011. The meaning of the Yanama gatherings may be defined by idea of re-inhabiting, which means to recover and reestablish their connection with their territory in order to restore life:

> In the midst of sorrow, there is also joy, because we are in our territory once again eating, sleeping with our dead, we are walking. We don't have that fear we had three years ago, now we feel as if we could stay here forever [...].[198]

> The Yamana has been about breaking and returning, trying to heal, not only with the ritual part associated with weeping for the dead, but also the determination not to be torn apart culturally.[199]

In addition, memory exercises have been carried out which redefine the body and activate healing processes. The group of women who are known as the "Promoters of Life and Mental Health" (PROVISAME)[200] in Marinilla, eastern Antioquia, organized body-memory workshops in 2007, where the victims explored negative memories in order to symbolically take them apart and rebuild the figures of their bodies in order to perform rituals of "burying" their corporal tensions.[201] In this case, the reparative theory works with their subjectivities and rebuilding ties within the victimized communities. In a certain way, these initiatives work inwards without ceasing to express other kinds of meaning.

This type of work reconstructs social ties by activating a direct expression of the victim's pain, or a collective expression through the memory initiative. Thus, communication between members of the community becomes possible, and what the fear of each individual has silenced is made audible. The same purpose is found in the play "Asphalt" by the young people of San Carlos, who created it from the testimonies of victims of violence. They recount their experience on the night of the premiere:

> So the first step was very tense, we even thought they were going to do something against us for saying this... there is a lady who came to see this play, her son is disappeared, we thought when the play was over... so we thought the play would destroy her and when the play was over, we looked at the old lady and the old

197. GMH, El Placer, 328-330.
198. GMH, *Memorias en tiempo de guerra* (Memories in a time of war), 141.
199. GMH, *Bahía Portete*, 187.
200. The PROVISAME group ("Women who work for life and mental health") is led by women who are trained in providing psycho-social care to victims of the armed conflict. It is a joint initiative of the CINEP and Conciudadanía organizations.
201. Data base: *Repertorio de memorias vivas sobre el conflicto colombiano*. (Repertory of living memories of the Colombian conflict), GMH, 2012. Record.

> lady was happy, she was radiant and us too... because we know that the play is harsh but she left and looked at everyone in that way: it was like she had regained her voice and could now say something that at one point maybe she wanted to say but, for all the reasons we know, couldn't say it.[202]

In a prolonged armed conflict like the one in Colombia, where impunity persists despite all efforts to the contrary, surviving and resisting has meant making an arduous effort to listen to the voices silenced by the war. Hence memory initiatives, which publicly convey what has happened and how it has affected the communities, have been an important means of expression. It should be noted that these efforts to recover memory by the victims and civil organizations have received support from academic institutions international organizations, and even some State agencies.

Thus, the victims, the enterprising people who help them and social and human rights organizations have felt the need to perform these memory exercises over the past 40 years. In this long journey, these groups have found that the efforts to retrieve memory have the virtue of aiding the victims, witnesses and survivors to reconstruct themselves on an individual basis and have also served to construct collective subjects, since they make it possible to rebuild social links of solidarity in communities shattered by the war.

202. Interview with adult man. GMH, *San Carlos*, 346.



Signing of the Law of Victims in the presence of the Secretary General of the United Nations. Casa de Nariño, Bogotá, June 10, 2011. Photograph: Felipe Ariza - SIG.
At: http://wsp.presidencia.gov.co/Fotos/2011/Junio/Paginas/20110610.aspx

PUBLIC POLICY RECOMMENDATIONS

What are you going to do with my words?[1]

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.

This chapter includes recommendations that 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

1. This is one of the questions that the victims repeatedly asked when they offered us their testimonies.

comply with the commitments that 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 that 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´ 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.[2]

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

2. See: Law 1448 of 2011, Art. 143.

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 persons 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 that 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 facilitate 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 that 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.[3] 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 should be reformed in accordance with the standards of good governance and the rule of law.

3. (Joinet, 1996; Theo van Boven, 1996; Orentlicher, 2005).

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 that 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 that 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 that 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 that 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.



On April 9th of 2015, citizens and victims' organizations gathered in the main cities of the country to commemorate the "Día de la memoria y la solidaridad con las víctimas" (Day of the memory and solidarity with the victims). Photograph: Maria Paula Durán for the CNMH, 2015.

ANNEX

Judgments of the Inter-American Court of Human Rights against the Colombian State

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Las Palmeras vs. Colombia	Judgment on Merits Judgment on Reparations and Costs	On January 23, 1991, the Departmental Commander of the Putumayo Police ordered to members of the National Police to carry out an armed operation in the town of Las Palmeras, Mocoa District, Department of Putumayo. The National Police was supported by Colombian Army personnel. In the morning of this day, some children waiting for the classes to start and two workers that were repairing the septic tank were present in the rural school of Las Palmeras. The two workers were Julio Milciades Cerón Gómez and Artemio Pantoja. In a bordering field, the Cerón Rojas brothers, Wilian Hamilton and Edebraes Norverto, were milking a cow. Hernán Javier Cuarán Muchavisoy, the schoolteacher, was about to arrive to the school. The Army forces opened fire from a helicopter and wounded a child, Enio Quinayas Molina, then 6, who was on his way to school. The Police arrested in the school and in the surrounding area the schoolteacher Cuarán Muchavisoy, the workers Cerón Gómez and Pantoja, the Cerón Rojas brothers, and one more non-identified person that could be Moisés Ojeda or Hernán Lizcano Jacanamejoy. The National Police extrajudicially executed at least six of those cited before. National Police and Army personnel made numerous efforts to justify their conduct. In the same vein, they dressed the corpse of some of the executed with military uniforms, burned their clothes and intimidated a number of witnesses of the case. Similarly, the National Police presented seven bodies as rebels killed in an alleged armed confrontation. Among those bodies, there were six corpses of the persons arrested by the Police and a seventh, whose circumstances of death are yet to be clarified.	Judgment on Merits of December 6, 2001: The State is responsible for the death of N.N./Moisés o N.N./Moisés Ojeda in violation of article 4 of the American Convention on Human Rights. The State violated, to the detriment of the relatives of Artemio Pantoja Ordóñez, Hernán Javier Cuarán Muchavisoy, Julio Milciades Cerón Gómez, Wilian Hamilton Cerón Rojas, Edebraes Norverto Cerón Rojas, NN/Moisés or NN/Moisés Ojeda and Hernán Lizcano Jacanamejoy, the judicial guarantees and judicial protection enshrined in articles 8.1 and 25.1 of the American Convention on Human Rights. Open the reparations stage. Judgment on Reparations and Costs, November 26, 2002: The State must comply with the reparations measures, compensation and guarantees of non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Mapiripán vs. Colombia	Judgment on Merits, Reparations and Costs	Early 1997, the United Self-Defense Forces of Colombia (AUC) carried out a number of meetings with the objective of organizing their incursion in the Mapiripán area. The inhabitants of this municipality became military objective for the paramilitary leader Carlos Castaño Gil. At dawn of July 15, 1997, more than 100 armed men encircled Mapiripán overland and by river. The men forming the paramilitary group were wearing clothing exclusive to the Military Forces. They were carrying short and long-range weapons, which are of restricted use of the State, and were also using high frequency radios. Upon arrival in Mapiripán, the paramilitary took control of the town, over communications and government offices, and then intimidated the inhabitants of the town. They later proceeded to abduct and kill people. The declarations of Edison Londoño Niño, of the Second Mobile Brigade, on the collaboration between the Army personnel and members of the AUC show that such collaboration was not limited to refrain from preventing the arrival of the AUC to Mapiripán, but it also included the supply of provisions and communications. When the paramilitary reached the town of Mapiripán, during the events in July 1997, neither the mayor nor the city officials were present in town. The paramilitary remained in Mapiripán from July 15 to 20, 1997, during which time they restricted the free movement of the inhabitants, they tortured, dismembered, eviscerated, and cut the throat of approximately 49 persons and they disposed the remains into the Guaviare River. In addition, once the operation was concluded, the AUC destroyed a large share of the physical evidence, in order to obstruct the gathering of evidences. The Security Forces arrived at Mapiripán on July 22, 1997, after the completion of the massacre and after the arrival of the media, when the paramilitary had already destroyed most of the physical evidence.	Judgment of September 15, 2005: The State violated to the detriment of a number of victims – the State itself estimated that number at "approximately 49" –, the rights to personal integrity and life. The State violated to the detriments of the relatives of the victims the right to personal integrity. The State violated to the detriment of the underage victims the rights of children enshrined in Article 19 of the American Convention on Human Rights. Likewise, the State violated to the detriment of the children of Mapiripán who were displaced, which have been individualized in this judgment, the rights of children enshrined in the article cited above. The State violated to the detriment of the relatives of the victims the rights to judicial guarantees and judicial protection enshrined in the articles 8.1 and 25 of the American Convention on Human Rights.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Caballero Delgado and Santana vs. Colombia	Judgment on Merits	On February 7, 1989, in the location known as Guaduas, jurisdiction of the Municipality of San Alberto, Department of Cesar, Isidro Caballero Delgado y María del Carmen Santana were captured by a military patrol, composed of Colombian Army units stationed in the Libano military base (jurisdiction of San Alberto) attached to the Fifth Brigade based in Bucaramanga. The arrest would have occurred given the active participation of Isidro Caballero Delgado as union leader of the education sector in Santander for 11 years. Previously and for the offence of illegal carrying of arms, he had been detained in the Modelo Prison in Bucaramanga and he was granted release in 1986. However, since then, he had been permanently harassed and threatened. María del Carmen Santana was also affiliated with the M-19 Movement (Movimiento 19 de Abril) and collaborated with Isidro Caballero Delgado promoting the people's participation in the organization of the "Meeting for Coexistence and Normalization" that would be taken place on February 16, 1989 in the Municipality of San Alberto. Elida González Vergel, a peasant farmer that was passing by the same place where the victims were captured, was detained by the same Army patrol and later released. She was able to witness Isidro Caballero Delgado wearing a military uniform and also a woman that was with them. Javier Páez, a resident of the area who worked for them as a guide, was arrested by the Army, tortured and released afterward. Due to the interrogations he was subjected to and the radio communications of the military patrol that arrested him, he learned about the arrest of Isidro Caballero Delgado and María del Carmen Santana. Once released, he told the labor unions and the political organizations they were part of, which in turn informed the victims' families.	Judgment of December 8, 1995: The State violated to the detriment of Isidro Caballero Delgado and María del Carmen Santana the rights to life and to one person's liberty. The State has not violated the right to personal integrity. The State has not infringed the obligation to take measures to implement the rights to judicial guarantees and judicial protection. The State must continue with the legal proceedings regarding the disappearance and the alleged death of the persons mentioned and sanction in accordance with its domestic law. Decides that the State is obliged to pay a fair compensation to the relatives of the victims and to compensate the expenses that they have incurred in their petitions before the Colombian authorities on the occasion of these proceedings.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
19 traders vs. Colombia	Judgment on Merits, Reparations and Costs	The 19 traders, all men, were dedicated to activities such as freight or passenger transport, buying goods at the Venezuelan border and selling in cities like Bucaramanga, Medellín and other intermediate cities. The leadership of the paramilitary group, which had great control over the town of Puerto Boyacá held a meeting in which they took the decision to kill the traders and seize their goods and vehicles, since the traders did not pay the "taxes" that the paramilitary were charging for transiting in this region. Another reason was that the alleged victims were supposedly selling weapons bought in Venezuela to guerrilla or subversive groups in the Magdalena Medio region. This meeting was held with the acquiescence of a number of Army officials. On October 4, 1987, the traders travelled from Cúcuta to Medellín in a truck, a van, a taxi and a jeep. They were transporting goods to be sold. On October 6, 1987, in the afternoon, they passed by the village of Puerto Araujo, where they were detained by members of the military forces, and that was the latest official information about their whereabouts. That same afternoon, the traders were held by members of the "paramilitary" or criminal group that operated in Puerto Boyacá, near the "El Diamante" estate, property of the mentioned group located in Cimitarra. About 15 days after the disappearance of the 17 traders, Juan Alberto Montero Fuentes, brother-in-law of the alleged victim Víctor Manuel Ayala Sánchez, and José Ferney Fernández Díaz went searching for the disappeared by motorcycle. While searching, they were detained by members of the mentioned "paramilitary" group, and suffered the same fate as the first 17 disappeared.	Judgment of July 5, 2004: The State violated the rights to personal freedom, to personal integrity and to life enshrined in the articles 4, 5 and 7 of the American Convention on Human Rights, in relation with article 1.1 of the Convention, to the detriment of the traders. The State violated the rights to judicial guarantees and judicial protection enshrined in the articles 8.1 and 25 of the American Convention on Human Rights, in relation with article 1.1 of the Convention, to the detriment of the traders (Judge Medina Quiroga partially dissenting). The State violated the right to personal integrity enshrined in the article 5 of the American Convention on Human Rights in relation with article 1.1 of the Convention, to the detriment of the traders' relatives. The State must, within a reasonable time frame, effectively investigate the fact of the present case, in order to identify, judge and sanction all the perpetrators of the violations committed to the detriment of the 19 traders and comply with other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Gutiérrez Soler vs. Colombia	Judgment on Merits, Reparations and Costs	In the afternoon of August 24, 1994, National Police Colonel Luis Gonzaga Enciso Barón, commander of the National Police's Anti-Extortion and Abduction National Unit (hereafter "UNASE"), and his cousin Ricardo Dalel Barón, formerly Army's Lieutenant Colonel, were present on Carrera 13 with Calle 63 in Bogota, where they had summon Wilson Gutiérrez Soler. Enciso Barón and Dalel Barón arrested him and took him to the basement of the UNASE. Once in the basement, they handcuffed Gutiérrez Soler to a water tank and tortured and mistreated him. Wilson Gutiérrez Soler was subject to cruel, inhuman and degrading treatment, consisting in burning of his genital organs and other serious injuries. After three hours of torture, some Permanent Office of Human Rights personnel interviewed Gutiérrez Soler, and told him to answer all the questions with yes, if he wanted to have his life spared. Therefore, Gutiérrez Soler was induced under duress to make a "voluntary" declaration on the facts used as ground for detention. Gutiérrez Soler did not have access to an attorney nor a public defender while declaring. In the absence of a defender, Security Forces personnel asked for the presence of a religious sister in order to have her present in the interrogation protocol together with Gutiérrez Soler. At the time of the judgment, no person has been sanctioned for the arbitrary detention of Gutiérrez Soler and the tortures inflicted on him.	Judgment of September 12, 2005: The State violated the right to personal integrity to the detriment of Wilson Gutiérrez Soler and his relatives. The State violated the right to personal freedom and judicial protection, to the detriment of Wilson Gutiérrez Soler. The State violated the obligations to prevent and sanction torture, to the detriment of Wilson Gutiérrez Soler. The State must comply with the measures provided for regarding its obligation to investigate the facts denounced, as well as identify, judge and sanction the people responsible, and comply with other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Pueblo Bello vs. Colombia	Judgment on Preliminary Objections, Merits, Reparations	The village of Pueblo Bello was a rural community devoted mainly to agriculture, located on the southeast of the city of San Pedro de Urabá and on the northeast of the city of Turbo, in Urabá (Department of Antioquia). Between January 13 and 14, 1990, a group of approximately 60 heavily armed men, belonging to a paramilitary organization created by Fidel Antonio Castaño Gil called "los tangueros" because of their relation with his estate "Las Tangas", left Castaño's "Santa Mónica" ranch, located in Valencia, Department of Córdoba. Their goal was to attack the village of Pueblo Bello to abduct a group of individuals allegedly collaborators of the guerrilla, based on a list they held. The personal motivation of Fidel Castaño to carry out such attach would have been based on the fact that on late December 1989, the guerrilla would have stolen several heads of cattle from him and they would have transferred them through Pueblo Bello to another location. For this reason, Fidel Castaño would have regarded the inhabitants of Pueblo Bello as the offenders or accomplices of the theft. Besides, on an unspecified date, the "butler" of the "Las Tangas" estate would have been killed in the village square of Pueblo Bello. On January 14, 1990, between 8:30pm and 10:50pm, the paramilitary group violently raided the village of Pueblo Bello in two vehicles. The paramilitary looted some houses, abused the house occupants and dragged out an undetermined number of men, taking them to the village square. Additionally, some members of the armed group stormed the church located opposite the square, where they ordered the women and children to remain inside and the men to exit the church and go to the square. There, they put them face down on the ground, and with list in hand, they chose 43 men that were tied, gagged and forced into two trucks used by the paramilitary. Of those abducted, two were underage. Furthermore, some of the paramilitary burned down a shop and a house, presumably owned by a person called "Asdrúbal", which had not been captured. The two trucks, with the abducted persons, left Pueblo Bello approximately at 11:30pm and went back to the "Santa Mónica" ranch through a track connecting Pueblo Bello and San Pedro de Urabá in a zone declared to be "of emergency and military operations". Along the road, there was a military checkpoint whose function is to stop all the vehicles, request identification and inspect the vehicles. They arrived approximately at 1:30am on January 15, 1990, at the "Santa Mónica" ranch where they were welcomed by Fidel Castaño Gil, who ordered to take the abducted persons to a beach on Sinú river, located on the "Las Tangas" estate. Once there, Fidel Castaño Gil ordered to take the trucks away and to divide the detainees in two groups of three to five people to interrogate them "about a livestock that he had lost days before and also about the death of Humberto Quijano". During the interrogations, to some abducted they cut the veins, ears, genitals or they pierced the eyes. As a result, 20 people were killed. Around 7am on January 15, 1990, Fidel Castaño Gil proceeded personally with the interrogation; the survivors had been "beaten with kicks and punches" to death. Later, the paramilitary transferred the bodies to the "Las Tangas" estate. Around 22 corpses were transported to another beach along Sinú river on the same "Las Tangas" estate, where they were buried. Today the whereabouts of the 37 alleged victims is unknown.	Judgment of January 31, 2006: The State violated, to the detriment of Juan Luis Escobar Duarte, José Leonel Escobar Duarte, Andrés Manuel Peroza Jiménez, Jorge David Martínez Moreno, Ricardo Bohórquez Pastrana and Ovidio Carmona Suárez, the rights to life, personal integrity and personal freedom. The State violated, to the detriment of the 37 disappeared persons, the rights to life, personal integrity and personal freedom. The State violated, to the detriment of the relatives of the persons disappeared and deprived of life, the rights to freedom of thought and speech. The State must immediately carry out the due diligence to activate and efficiently complete, in a reasonable time frame, the investigation to determine the responsibility of all the participants in the massacre, as well as of those responsible whether by act or omission of the infringement of the State obligation to guarantee the rights here violated. Furthermore, the State must take other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
La Rochela vs. Colombia	Judgment on Merits, Reparations and Costs	In the morning of January 18, 1989, fifteen members of the Judicial Commission moved from Barrancabermeja towards La Rochela, in order to record the declarations of witnesses notified the day before. During the trip, the members were intercepted by a group of 15 heavily armed men in uniforms that identified themselves as members of XXIII Front of the FARC. The man that identified himself as the commander of the so-called "Front" interrogated the members of the Judicial Commission, asking them the motive of their presence and the number of people integrating this Commission. It is proven that the man that passed himself off as the top leader of the mentioned front of the FARC was in reality Alonso de Jesús Baquero Agudelo, one of the leaders of the paramilitary group called "Los Masetos". It has also been proved that the armed men that passed themselves off as members of the FARC front were part of such paramilitary group. Then, the members of the paramilitary group kept enclosed and in custody the members of the Judicial Commission in a room of approximately 12 meters for around two hours and a half. At around 12:00, the 15 members of the Judicial Commission had their hands tied behind their backs and were forced to get into two cars. The paramilitary were in other two cars. The members of the Judicial Commission were taken without knowing their destination for approximately three kilometers towards Barrancabermeja, until they reached the site known as "La Laguna". The armed men formed a line at approximately 10 meters of the cars and, following signs that one of them made, they opened fire indiscriminately and endlessly against the members of the Judicial Commission for several minutes. Afterwards, the paramilitary stated to give the victims the "coup de grâce". It lasted approximately a minute and a half. There were two survivors. Before leaving the scene, the paramilitary painted on the outer surface of the vehicles "MAS out! Paramilitary out!", in order to ensure that the massacre would be attributed to the guerrilla. Before retreating, the paramilitary took with them 23 of the 25 files that the Judicial Commission was carrying.	Judgment of May 11, 2007: The Court accepts the partial acknowledgment of international responsibility by the State of the facts occurred on January 18, 1989, and establishes the following responsibilities: The State violated the rights to life, personal integrity, personal freedom and judicial guarantees. The State must, in a reasonable time frame, carry out efficiently the legal proceedings that are in progress and those that might be required, and it must take all the necessary measures that will allow the clarification of the facts of the present case in order to determine the responsibility of those who participated in such violations. Regarding reparations, the Court approves the "Partial Agreement concerning some measures of reparation", signed by the State and the representatives of the victims and their relatives on January 31, 2007. Furthermore, the State must take other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Escué Zapata vs. Colombia	Judgment on Merits, Reparations and Costs	Germán Escué Zapata was a Cabildo Governor of the Indigenous Reservation of Jambaló, which was engaged in agriculture, just as the other members of his community, as well as the defense of the indigenous territory. February 1, 1988, in the evening hours, Colombian Army personnel stormed in the house of Germán Escué Zapata. Once there, the military tied him up and kicked him out of his home. After taking the alleged victim away, his mother went to the home of relatives and heard gunshots. Soon after, she found his lifeless body near a hamlet located in the reservation of Jambaló. The body of Escué Zapata had signs of abuse.	Judgment, July 4, 2007: The Court accepts the acknowledgment of international responsibility by the State, and establishes the violation of the rights to life, personal integrity and liberty of the person. The State violated the rights to the inviolability of the home, judicial guarantees and judicial protection. The State must make the payments by the amount established in this ruling for material damages, immaterial damages and reimbursement of costs and expenses within the legal timeframe of one year from the date of notification of the judgment. The State must effectively carry out criminal proceedings that are still pending, and those that may initiate in order to determine the corresponding responsibilities for the facts occurred in this case and implement the consequences that the law makes provision.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Manuel Cepeda vs. Colombia	Judgment on preliminary objections, merits, reparations and costs	Senator Manuel Cepeda Vargas was a political leader and member of the Patriotic Union (UP) and the Colombian Communist Party (PCC). He was a social communicator with an orientation towards critical opposition. He was member of the leadership of both parties and was elected at the House of Representatives during 1992-1994 and as senator for the period 1994-1998. August 9, 1994, around 9am, Senator Cepeda Vargas was assassinated when commuting from his home to the Congress. The Senator's car was intercepted and the perpetrators fired several gunshots that instantly killed the Senator. The escort reacted immediately fired several times with his handgun, with no results. Afterwards, the assassins left the car they were using 1,5 km away from the scene. At least two Army sergeants participated in the assassination. They were later convicted for this crime. The parties in the present case recognize that the motive for the assassination of Senator Cepeda Vargas was his political opposition activism, acting as leader of the UP and the PCC, in his parliamentary activities as senator, and in his publications as social communicator.	Judgment of May 26, 2010: The Court accepts the partial acknowledgment of international responsibility by the State, and established the following responsibilities: The State violated the rights to life and personal integrity of the Senator. The State violated the rights to judicial guarantees and judicial protection to the detriment of the Senator. The State violated the right to protection of honor and dignity, freedom of thought and expression, freedom of association and political rights to the detriment of the Senator. The State violated the rights to personal integrity, protection of honor and dignity, right to circulation and residence, to the detriment of the Senator's relatives. The State must carry out efficiently the internal investigation in progress and, where applicable, those that might need to open to identify, judge and sanction all the persons responsible for the extrajudicial execution of Senator Manuel Cepeda Vargas. Furthermore, the State must take other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Ituango vs. Colombia	Judgment on preliminary objections, merits, reparations and costs	Ituango, an essentially agricultural municipality, brought an increasing incursion of dissident armed groups in the region. It also brought an increase in activity of the so-called paramilitary of self-defense structures, and a greater presence of the Army as well. Around the year 1996, the troops of the "Colonel Atanasio Girardot" Tenth Infantry Battalion were deployed in the Municipality of Ituango. Besides the Army, there also was the presence of a Police station in the town, with approximately 20 policemen. During the first months of 1996, a number of sector of society, leaded by Jesús María Valle Jaramillo, expressed to the Department authorities their fear and concern regarding the possibility of an armed paramilitary incursion in the Ituango area. On June 11, 1996, around 22 heavily armed men with rifles and handguns, members of paramilitary groups, headed in two trucks towards Ituango, precisely towards the village of La Granja. The paramilitary group started its route in the surroundings of the municipality of San Andrés de Cuerquia, where they passed very closely by a police station, without the Security Forces taking any action to stop them. Arriving to the village of La Granja, the paramilitary ordered to close all public establishments. Once the paramilitary took control over the village, a series of targeted killings began, without any opposition from the Security Forces and at sight of the villagers. On November 20, 1996, the defender Valle Jaramillo contacted the Governor of Antioquia and the Ombudsman of Medellín in order to ask for protection for the inhabitants of Ituango. Between October 22 and November 12, 1997, there was a paramilitary incursion in the village of Builópolis, better known in the region of Ituango as El Aro. The series of targeted killings, perpetrated by a paramilitary group that was moving for several days on foot with the acquiescence, tolerance and support of Security Forces personnel, began in the village of Puerto Valdivia, starting point of their route. During the incursion, the paramilitary seized between 800 and 1200 heads of cattle, horse and mule belonging to a number of ranches in the area. Personnel of the Colombian Army not only offered their acquiescence to the actions perpetrated by the paramilitary, but there were also episodes of direct participation and collaboration. Indeed, the participation of State agents in the armed incursion was not limited to facilitate the access of the paramilitary to the region, but they also omitted to assist civilians during the development of the incursion and during the seizure and transfer of the livestock.	Judgment of July 1, 2006: The State is responsible for the violation of the right to life. The State is responsible for the violation of the right not to be constrained to perform forced or compulsory labor. The State violated, to the detriment of the persons that lost assets in El Aro, the right to private property. The State violated, to the detriment of the persons whose homes were destroyed in El Aro, the right established in article 11.2 of the Convention regarding the prohibition of arbitrary or unlawful interference with privacy and home. The State violated, to the detriment of the displaced persons from El Aro and La Granja, the right to circulation and residence. The State violated the right of minors to be protected. The State violated the right to judicial protection. The State must carry out the necessary diligences in order to provide justice in the present case and take other measures of reparation, satisfaction and non-repetition.

Case	Judicial Order	Description of the facts	Meaning of the ruling and date
Valle Jaramillo vs. Colombia	Judgment on Merits, Reparations and Costs	On February 27, 1998, two armed men entered the office of Jesús María Valle Jaramillo in Medellín, where there were also Carlos Fernando Jaramillo Correa and Nelly Valle Jaramillo, Jesús María Valle's sister. Subsequently, a woman entered, together with two men, and attached and restrained the hostages. Jesús María Valle was murdered with two shots in the head and died instantly. After the extrajudicial execution, miss Valle and mister Jaramillo Correa were dragged from the open space to the bureau. There, they were threatened with firearms. The perpetrators left the office. Carlos Fernando Jaramillo had to go into exile for fear of the threats he received. The available elements of information show that the motive for the murder was to silence the allegations of the Human Rights defender Jesús María Valle regarding the crimes perpetrated in the Municipality of Ituango by paramilitary in collusion with Security Forces personnel. After almost nine years three civilians have been convicted in their absence, and there is no judicial investigation aimed at determining any responsibility of agents of the State.	Judgment of November 27, 2008: The Court accepts the acknowledgment of international responsibility by the State and establishes the following responsibilities: The State violated the right to personal integrity, but the violation of the rights to honor and personal freedom was not proven in this case. The State must make the payments by the amount established in this ruling for material damages, immaterial damages and reimbursement of costs and expenses within the legal timeframe of one year from the date of notification of the present judgment. The State must investigate the facts that produced the violations in the present case and take other measures of satisfaction and non-repetition.
Santo Domingo vs. Colombia	Judgment on Preliminary Objections, Merits, Reparations	On December 13, 1998, a number of aircrafts were flying over the Santo Domingo area in the morning hours and in greater numbers from 9am onward. As part of the operations carried out in the region, at 10:02:09am, the crew of the UH1H 4407 helicopter of the Colombian Air Force, composed of the pilot Lieutenant C.R.P., the copilot Lieutenant J.J.V. and the technician H.M.H.A., launched a cluster device ("AN-M1A2"). Regarding the events occurred in Santo Domingo between December 12 and 14, 17 persons were killed, 6 of which were children, and at the same time, according to the Merits Report of the Commission, 27 persons were injured, among them 10 children.	Judgment, November 30, 2012: The State is responsible for the violation of the right to life, to personal integrity, to private property, to movement and residence. The violation of the rights to judicial protection and judicial guarantees, and to protection of a person's honor and good name was not proven.

BIBLIOGRAPHY

Abel, Chistopher. *Política, iglesia y partidos en Colombia*. Bogotá: FAES/ Universidad Nacional de Colombia, 1987.

ACNUR. "Situación Colombia Indígenas". Visited May 10, 2013. http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Colombia/2012/Situacion_Colombia_-_Pueblos_indigenas_2012.pdf?view=1

Aguilera, Mario. *Las FARC: La guerrilla campesina, 1949-2010. ¿Ideas circulares en un mundo cambiante?* Bogotá: Corporación Nuevo Arco Iris/ASDI/OIM, 2010.

____ "El ELN: entre las armas y la política". In *Nuestra guerra sin nombre. Transformaciones del conflicto en Colombia*. Coordinated by Francisco Gutiérrez et al, 209-266. Bogotá: Norma, 2006.

____ *Contrapoder y justicia guerrillera*. Bogotá: IEPRI, Universidad Nacional, 2014.

Alape, Arturo. *El Bogotazo: memorias del olvido*. Bogotá: Editorial Universidad Central, 1983

Amnistía Internacional. *Colombia: Cuerpos marcados, crímenes silenciados: la violencia sexual contra las mujeres en el marco del conflicto armado.* Madrid: EDAI, 2004.

Andreu-Guzmán, Federico. *Sistema judicial y derechos humanos en Colombia*. Bogotá: Comisión Andina de Juristas, Seccional Colombiana, 1990.

Arango, Jorge. *Libro negro de la represión*. Bogotá: FICA, 1974.

Aretxaga, Begoña. "Dirty Protest: Symbolic Overdetermination and Gender in Northern Ireland Ethnic Violence". *Ethos* 23 2 (1995): 123-148.

Arenas, Jacobo. *Cese al fuego. Unas Historia política de las FARC*. Bogotá: La Oveja Negra, 1985.

Arocha, Jaime, Fernando Cubides and Myriam Jimeno. *Las violencias: inclusión creciente*. Bogotá: Centro de Estudios Sociales, 1998.

Asociación de Familiares de Detenidos Desaparecidos – ASFADDES. *Veinte años de historia y lucha*. Bogotá: ASFADDES, 2003.

Ávila, Ariel. "La guerra de las FARC y la guerra contra las FARC" *Arcanos* 15 (2009): 4-21.

Ayala Diago, César Augusto. *Resistencia y oposición al establecimiento del Frente Nacional. Los orígenes de la Alianza Nacional Popular, ANAPO. Colombia 1953-1964*. Bogotá: Universidad Nacional de Colombia, 1996.

Bedoya, Jineth. *En las trincheras del Plan Patriota*. Bogotá: Intermedio, 2008.

Bello, Martha Nubia, et al. *Bojayá, memoria y río. Violencia política, daño y reparación*. Bogotá: Universidad Nacional de Colombia, 2005.

____ Elena Martín Cardinal and Fernando Jiovani Arias, eds. *Efectos psicosociales y culturales del desplazamiento*. Bogotá: Universidad Nacional de Colombia – PIUPC, 2000.

Bejarano, Ana María. *Democracias Precarias. Trayectorias políticas divergentes en Colombia y Venezuela*. Bogotá: Universidad de Los Andes, 2011.

Bejarano, Jesús Antonio. "La política de paz durante la administración Barco". In *El Gobierno Barco: política, economía y desarrollo social en Colombia, 1986-1990*. Bogotá: Fedesarrollo/ Fondo Cultural Cafetero, 1994.

Berquist, Charles, Peñaranda, Ricardo and Gonzalo Sánchez (editors). *Violence in Colombia; the contemporary crisis in historical perspective*. Wilmington, Scholarly Resources, 1992.

Betancourt, Darío. *Matones y Cuadrilleros*. Bogotá: Tercer Mundo Editores, 1991.

Betancourt, Darío and Martha L. García. *Contrabandistas, marimberos y mafiosos: historia social de la mafia colombiana 1965-1992*. Bogotá: Tercer Mundo Editores, 1994.

Bonilla, Guido. *La violencia contra la Unión Patriótica: Un crimen de lesa humanidad*. Bogotá: Centro de Estudios e Investigaciones Sociales, CEIS, 1993.

Bonnet Locarno, Manuel. "Operación Marquetalia. Surgen las FARC". In *Hablan los generales. Las grandes batallas del conflicto colombiano contadas por sus protagonistas*. Compiled by Glenda Martínez. Bogotá: Norma, 2006.

Botinelli, María Cristina. "La impunidad como crimen de lesa humanidad". In *Atención Integral a víctimas de tortura en procesos de litigio. Aportes psicosociales*. San José: Instituto Interamericano de Derechos Humanos, 2007.

Buitrago, Jorge. "De víctimas a actores sociales: el rol de los familiares en la superación de la impunidad". In *Atención integral a víctimas de tortura en procesos de litigio. Aportes psicosociales*, 357-393. San José: Instituto Interamericano de Derechos Humanos, 2009.

Cabarcas, Gina. *Militares, política y derecho. Sobre los silencios de la Constituyente de 1991*. Bogotá: Universidad de los Andes, 2012.

Camacho, Álvaro and Álvaro Guzmán. *Colombia: Ciudad y violencia*. Bogotá: Ediciones Foro Nacional, 1990.

Camacho Guizado, Álvaro. "Empresarios ilegales y región: la gestación de élites locales". In *Territorios, regiones, sociedades*. Edited by Renán Silva. Cali: Universidad del Valle/ CEREC, 1994.

Caracol Radio. "En Colombia hay entre ocho mil y 14 mil niños combatientes". February 12, 2012. Visited June 9, 2013. http://www.caracol.com.co/noticias/internacional/en-colombia-hay-entre-ocho-mily-14-mil-ninos-combatientes/20120212/nota/1623200.aspx

Casa de la Mujer, Mujeres que crean, Ruta Pacífica, and Vamos Mujer. "Informe Violencia Sexual y Feminicidios en Colombia". Presented to the Inter-American Commission of Human Rights – ICHR, Washington, 2008.

Carranza, Mario. *Fuerzas Armadas y estados de excepción en América Latina*. México: Siglo XXI Editores, 1978.

Carroll, Leah Anne. *Violent Democratization. Social Movements, Elites, and Politics in Colombia's Rural War Zones, 1984-2008*. Notre Dame: University of Notre Dame Press, 2011.

Castaño, Bertha Lucía, Luis Eduardo Jaramillo and Derek Summerfield. *Violencia política y trabajo psicosocial. Aportes al debate*. Bogotá: Corporación AVRE, 1998.

Celis, Luis Eduardo. *Ejército de Liberación Nacional (ELN). Una aproximación a sus dinámicas sociales y comunitarias*. Bogotá: Corporación Nuevo Arco Iris/ GMH, 2010.

Centro Nacional de Memoria Histórica – CNMH. *Informe final del proyecto "Dinámica de la desaparición forzada y el secuestro en Colombia, 1970-2010"*. Bogotá: CNMH/ Unión Europea, 2012-2013.

CINEP. *Marco conceptual. Banco de datos de Derechos Humanos y violencia política*. Bogotá: CINEP, 2008.

Claramunt, María. *Abuso sexual en mujeres adolescentes*. San José: Organización Panamericana de la Salud: Programa Mujer, Salud y Desarrollo, 2000.

Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia – COALICO and Comisión Colombiana de Juristas. *El delito invisible. Criterios para la investigación del delito de reclutamiento ilícito de niños y niñas en Colombia*. Bogotá: COALICO/ Comisión Colombiana de Juristas, 2009.

Colombia Diversa. *Situación de los derechos humanos de lesbianas, hombres gay, bisexuales y transgeneristas en Colombia, 2006-2007*. Bogotá: Colombia Diversa, 2008. Visited May 13, 2013. http://colombiadiversa.org/colombiadiversa/images/stories/PUBLICACIONES_FINAL/DOCUMENTOS/INFORMES_DH/documentos/InformederechoshumanopoblacionLGBT2006_2007.pdf

Colorado, Martha. "Sufrimiento social y salud de las personas desplazadas y refugiadas". In *Poniendo tierra de por medio. Migración forzada de colombianos en Colombia, Ecuador y Canadá*. Edited by Pilar Riaño and Martha Villa, 419-465. Medellín: Corporación Región, 2008.

Comisión Andina de Juristas. *Justicia para la Justicia. Violencia contra jueces y abogados en Colombia: 1979-1991*. Bogotá: Comisión Andina de Juristas, Seccional Colombiana, 1992.

Comisión de estudios sobre la violencia. *Colombia: violencia y democracia*. Coordinated by Gonzalo Sánchez. Bogotá: La Carreta Editores, 2009.

Comisión de Verdad y Justicia, Paraguay. *Informe final, Anive haguã oiko*. Asunción: Comisión de Verdad y Justicia, 2008. Consulted June 9, 2013, http://www.cipae.org.py/V2/informe-final-anive-agua-oiko/

Comisión Interamericana de Derechos Humanos, Organización de los Estados Americanos – OEA. "El sistema de la justicia penal militar". En *Tercer informe sobre la situación de Derechos Humanos en Colombia* doc. 9. February 26, 1999. Consulted June 20, 2013. http://www.cidh.oas.org/countryrep/colom99sp/indice.htm

____ *Segundo informe sobre la situación de derechos humanos en Colombia* doc. 39v. October 14, 1993. Consulted June 20, 2013. http://www.cidh.org/countryrep/colombia93sp/indice.htm

Comisión Nacional de Reparación y Reconciliación – CNRR/GMH. *Trujillo. Una tragedia que no cesa*. Bogotá: Planeta, 2008.

Comisión Nacional de Verdad y Reconciliación, Chile. *Informe final de la Comisión Nacional de Verdad y Reconciliación*. Santiago de Chile: Corporación Nacional de Verdad y Reconciliación, 1991. Visited June 9, 2013. http://www.ddhh.gov.cl/ddhh_rettig.html

Comité de Derechos Humanos del Meta. *Ceder es más terrible que la muerte, 1985-1996: Una década de violencia en el Meta*. Bogotá: Sobrevivientes del Comité Cívico por los Derechos Humanos del Meta/ Abogados Demócratas/ ASCODAS/ Justicia y Paz/ Ilsa, 1997.

Corporación AVRE. "Peritazgo sobre impactos psicosociales en casos de violencia sexual en el marco de la violencia política". In *Informe de la Corporación* AVRE. September 26, 2011. Visited May 12, 2013. http://www.pazconmujeres.org/archivos/Peritazgo_AVRE.pdf

Corporación Humanas. *La violencia sexual. Una estrategia paramilitar en Colombia*. Bogotá: Corporación Humanas/ Ediciones Antropos, 2013. Visited June 9, 2013. http://www.humanas.org.co/archivos/libro_La_violencia_sexualcompleto.pdf

____ and Centro Regional de Derechos Humanos y Justicia de Género. *Guía para llevar casos de Violencia Sexual. Propuestas de argumentación para enjuiciar crímenes de violencia sexual cometidos en el marco del conflicto armado colombiano*. Bogotá: Ediciones Ántropos, 2009. Visited May 13, 2013. http://www.humanas.org.co/archivos/Guia_para_llevar_casos_de_violencia_sexual.pdf

Corporación Observatorio para la Paz. *Las verdaderas intenciones de los paramilitares*. Bogotá: Intermedio Editores, 2002.

Coordinación Colombia - Europa - Estados Unidos, Observatorio de Derechos Humanos y Derecho humanitario. "Desapariciones forzadas en Colombia. En búsqueda de la justicia". *Documentos temáticos* 6 (2012). Visited May 13, 2013. http://www.corporacionavre.org/files/documentos%206%20FINAL%20mayo%2031.pdf

Deas, Malcolm. *Intercambios violentos: reflexiones sobre la violencia política en Colombia*. Santafé de Bogotá: Taurus, 1999.

De la Calle, Humberto. *Contra todas las apuestas. Historia íntima de la Constituyente de 1991*. Bogotá: Editorial Planeta, 2004.

Defensoría del Pueblo. *Informe para el Gobierno, el Congreso y el Procurador General de la Nación: Recomendaciones del Defensor del Pueblo; estudio de casos de homicidio de miembros de la Unión Patriótica y Esperanza, Paz y libertad*. Bogotá: Ediciones Jurídicas Gustavo Ibáñez, 1992.

Departamento Nacional de Planeación. *Informe del Gobierno nacional a la Corte Constitucional sobre el avance en la superación del estado de cosas inconstitucional declarado mediante la Sentencia T-025 de 2004*, 132. Bogotá: SNAIPD, 2011. Visited June 9, 2013. https://www.dnp.gov.co/linkclick.aspx?fileticket=iyva4a77stc%3d&tabid=1552

Díaz-Callejas, Apolinar. *Colombia, la reforma agraria y sus documentos fundamentales*. Cartagena: Universidad de Cartagena, 2002.

Duncan, Gustavo. *Los Señores de la Guerra*. Bogotá: Editorial Planeta, 2006.

Echandía, Camilo. *Dos décadas de escalamiento del conflicto armado en Colombia, 1986-2006*. Bogotá: Universidad Externado de Colombia, 2006.

El Espectador. "Piden a Santos acciones contra ejércitos anti-restitución". November 29, 2012. Visited June 2, 2013. http://www.elespectador.com/noticias/politica/piden-santos-acciones-concretas-contra-ejercitos-anti-r-articulo-389813

____ "Acusan a juez militar que reclamó proceso contra coronel Plazas Vega". February 22, 2012. Visited May 31, 2013. http://www.elespectador.com/noticias/judicial/articulo-328047-acusanjuez-militar-reclamo-proceso-contra-coronel-plazas-vega

____ "La ingeniería jurídica permite que uno de los mayores narcotraficantes y paramilitares de Colombia quede en libertad". December 28, 2001. Visited May 31, 2013. http://www.derechos.org/nizkor/colombia/doc/carranza.html

____ "20 años después de la bomba a El Espectador ¡seguimos adelante!". 2006. Visited June 9, 2013. http://static.elespectador.com/especiales/2009/09/8e8b0ba3fba6b4e8d26c5a5a27413929/a3.html

El Tiempo. "Purga militar, mensaje a 760 investigados". October 30, 2008. Visited May 31, 2013. http://www.eltiempo.com/archivo/documento/MAM-3164560

____ "Paramilitares se habrían unido". April 20, 1997. Visited June 23, 2013. http://www.eltiempo.com/archivo/documento/MAM-513963

____ "¿Convivir o no convivir?". March 27, 1997. 9A.

Das, Veena. "Trauma y testimonio". In *Veena Das: Sujetos del dolor, agentes de la dignidad*, Edited by Francisco Ortega, 145-170. Bogotá: Universidad Nacional de Colombia, 2008.

Dávila Ladrón de Guevara, Andrés. *El juego del poder: Historia, armas y votos*. Bogotá: Cerec/ Uniandes, 1998.

Defensoría del Pueblo. *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001*. Bogotá: Defensoría del Pueblo, 2002.

Delgado, Álvaro. *Todo tiempo pasado fue peor*. Bogotá: La Carreta, 2007.

Dudai, Ron. "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice". *Human Rights Quaterly* 34 1 (2012): 1-38.

Fajardo, Darío. *Violencia y desarrollo: transformaciones sociales en tres regiones cafetaleras del Tolima 1936 – 1970*. Bogotá: Fondo Editorial Suramérica, 1979.

Fernández Sessarego, Carlos. "Daño al proyecto de vida". *Revista Jurídica de la Universidad Interamericana de Puerto Rico* 34 3 (2000): 427-534.

Ferro, Juan Guillermo and Graciela Uribe. *El orden de la guerra: las FARCEP, entre la organización y la política*. Bogotá: Centro Editorial Javeriano, 2002.

Fisas, Vicenç and Escola de Cultura de Pau. *Anuario de procesos de paz 2012*. Barcelona: Icaria, 2012. Visited June 22, 2013. http://escolapau.uab.cat/img/programas/procesos/12anuarie.pdf

Fiscalía General de la Nación, *Revista Huellas* 71 (August 2010).

Franco, Saúl. *El quinto: no matar. Contextos explicativos de la violencia en Colombia.* Bogotá: Tercer Mundo Editores, 1999.

Frühling, Michael. "Los Derechos Humanos, el Derecho Internacional Humanitario, el secuestro y los acuerdos especiales". Presentation in the forum: Panel Internacional Sobre Acuerdo Humanitario y los Niños en la Guerra, 2003. Visited May 19, 2013. http://www.hchr.org.co/publico/pronunciamientos/ponencias/od=19&cat=24

Gaitán, Fernando. "Una indagación sobre las causas de la violencia en Colombia". En *Dos ensayos especulativos sobre la violencia en Colombia*, compiled by Malcolm Deas and Fernando Gaitán. Bogotá: FONADE/Departamento Nacional de Planeación, 1995.

Gallón, Gustavo. *La república de las armas. Relaciones entre fuerzas armadas y estado en Colombia 1960-1980*. Bogotá: CINEP, 1983.

Garay, Luis Jorge, Albarán Salcedo and Isaac de León Beltrán. *De la captura a la reconfiguración cooptada del Estado. Una síntesis analítica*. Bogotá: Grupo Método/Avina/Corporación Transparencia por Colombia, 2009.

García, Clara Inés. *Urabá: región, actores y conflicto*. Bogotá: CEREC, 1996.

García-Peña, Daniel. "La relación del Estado colombiano con el fenómeno paramilitar: por el esclarecimiento histórico", Análisis político 18 53 (2004). Visited May 31, 2013. http://www.scielo.unal.edu.co/scielo.php?script=sci_arttext&pid=S0121470520050000100004&lng=es&nrm=

García-Villegas, Mauricio. "Constitucionalismo perverso. Normalidad y anormalidad constitucional en Colombia: 1957-1997". In *El caleidoscopio de las justicias en Colombia*. Bogotá: Siglo del Hombre, 2001.

____ Javier Revelo and José Espinosa, *Los Estados del país*. Bogotá: Colección Dejusticia, 2012.

____ and Javier Revelo. *Estado alterado. Clientelismo, mafias y debilidad institucional en Colombia*. Bogotá: Dejusticia, 2010.

____ César Rodríguez and Rodrigo Uprimny. ¿Justicia para todos? Sistema *judicial, derechos sociales y democracia en Colombia*. Bogotá: Editorial Norma, 2006.

Gasser, Hans-Peter. "Actos de terror, 'terrorismo' y derecho internacional humanitario", *Revista Internacional de la Cruz Roja* (2002). Visited June 8, 2013. http://www.icrc.org/spa/resources/documents/misc/5ted8g.htm

Gilhodes, Pierre. *Luchas agrarias en Colombia*. Bogotá: La Carreta, 1974.

Giraldo, Javier, S. J. "Carta de objeción de Conciencia". June 17, 2011. Visited June 3, 2013. http://www.cinep.org.co/index.php?option=com_docman&task=doc_details&gid=20&Itemid=79

____ *Fusil o toga. Toga y fusil. El Estado contra la comunidad de paz de San José de Apartadó*. Bogotá: CINEP, 2010.

____ "El paramilitarismo, una política de Estado que devora al país". August 2004. Visited May 31, 2013. http://www.javiergiraldo.org/spip.php?article76

Ghersi, Carlos Alberto. *Daño moral y psicológico*. Buenos Aires: Astrea, 2002.

Glave, Luis Miguel. "Resistencia y adaptación en una sociedad colonial. El mundo andino peruano". *Norba Revista de Historia* 18 (2005): 51-64.

González, Fernán. *Para leer la política. Ensayos de historia política de Colombia*. Bogotá: CINEP, 1997.

González, Fernán, Íngrid Bolívar and Teófilo Vásquez. *Violencia política en Colombia: De la nación fragmentada a la construcción del Estado*. Bogotá: CINEP, 2003.

González, José Jairo. "El Pato: una resistencia en la historia y el espacio". *Revista Esfera* 1 (2011): 111-140.

____ "La Violencia en el Huila, 1946-1966". In *Historia general del Huila*, vol. 2. Edited by Bernardo Tovar Zambrano. Neiva: Academia Huilense de Historia, 1996.

Grajales, Jacobo. "El proceso de desmovilización de los paramilitares en Colombia: entre lo político y lo judicial", *Desafíos* 23 2 (2011).

Granada, Soledad, Jorge Restrepo and Andrés Vargas. "El agotamiento de la política de seguridad: evolución y transformaciones recientes en el conflicto armado colombiano". In *Guerra y violencias en Colombia. Herramientas e interpretaciones*. Edited by Jorge Restrepo and David Aponte. Bogotá: Pontificia Universidad Javeriana/ CERAC, 2009.

Grueso, Libia Rosario and Juliana Emilia Galindo. *Comunidades negras y procesos de Justicia y Paz en el contexto del estado de cosas inconstitucional.* Bogotá: Deutsche Gesellschaft für Internationale Zusammenarbeit - GIZ, 2011. Visited May 13, 2013. http://www.profis.com.co/anexos/documentos/pdfpublicaciones/enf_diferencial.pdf

Grupo Interdisciplinario de Estudios de Género de la Universidad Nacional de Colombia – GIEG, and Alcaldía Mayor de Bogotá. *Investigación ¡A mí me sacaron volada de allá!* Bogotá: Alcaldía mayor de Bogotá, 2012.

Grupo de Memoria Histórica - GMH. *Justicia y Paz. Los silencios y los olvidos de la verdad.* Bogotá: Taurus/ Semana, 2012.

____ *Justicia y paz. Tierras y territorios en las versiones de los paramilitares*. Bogotá: Taurus/ Semana, 2012.

____ *Nuestra vida ha sido nuestra lucha. Resistencia y memoria en el Cauca indígena*. Bogotá: Taurus/ Semana, 2012.

____ *El Placer. Mujeres, coca y guerra en el bajo Putumayo*. Bogotá: Taurus/ Semana, 2012.

____ *La huella invisible de la guerra. Desplazamiento forzado en la Comuna 13*. Bogotá: Taurus/ Semana, 2011.

____ *Justicia y Paz: ¿verdad judicial o verdad histórica?.* Bogotá: Taurus/ Semana, 2011.

____ *La masacre de El Tigre, Putumayo*. Bogotá: Pro-offset editorial, 2011.

____ *Mujeres que hacen historia. Tierra, cuerpo y política en el Caribe colombiano*. Bogotá: Taurus/ Semana, 2011.

____ *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano*. Bogotá: Taurus/ Semana, 2011.

____ *El orden desarmado. La resistencia de la Asociación de Trabajadores Campesinos del Carare (ATCC)*. Bogotá: Taurus/ Semana, 2011.

____ *Silenciar la democracia, las masacres de Remedios y Segovia, 1982-1997*. Bogotá: Taurus/ Semana, 2011.

____ *La masacre de Bahía Portete. Mujeres Wayuu en la mira*. Bogotá: Taurus/ Semana, 2010.

____ *La Rochela. Memorias de un crimen contra la justicia*. Bogotá: Taurus/ Semana, 2010.

____ *San Carlos. Memorias del éxodo en la guerra*. Bogotá: Taurus/ Semana, 2010.

____ *La tierra en disputa. Memorias del despojo y resistencias campesinas en la Costa Caribe, 1960-2010*. Bogotá: Taurus/ Semana, 2010.

____ *El despojo de tierras y territorios. Aproximación conceptual*. Bogotá: CNRR/ IEPRI, 2009.

____ *La masacre de El Salado: esa guerra no era nuestra*. Bogotá: Taurus/ Semana, 2009.

____ *Memorias en tiempo de guerra. Repertorio de iniciativas*. Bogotá: Punto Aparte Editores, 2009.

Gutiérrez, Francisco. "Tendencias del homicidio político en Colombia: una discusión preliminar". In *Nuestra guerra sin nombre. Transformaciones del conflicto en Colombia*. Coordinated by Francisco Gutiérrez. Bogotá: Norma, 2007.

Gutiérrez, Francisco, Gonzalo Sánchez and María Emma Wills (eds.). *Nuestra guerra sin nombre*. Bogotá: Editorial Norma, 2006.

Guzmán, Diana, Miguel La Rota and Rodrigo Uprimny. *Factores de impunidad frente a violaciones graves de los derechos humanos ocurridas en el contexto del conflicto armado*. Bogotá: Dejusticia, to be published.

Guzmán, Germán, Orlando Fals Borda and Eduardo Umaña. *La Violencia en Colombia*. 1962.

Hartlyn, Jonathan. *La política del régimen de coalición. La experiencia del frente Nacional en Colombia.* Bogotá: Tercer Mundo Editores, 1993.

Henderson, James. *Cuando Colombia se desangró*. Bogotá: Tercer Mundo Editores, 1994.

Herman, Judith. *Trauma y recuperación. Cómo superar las consecuencias de la Violencia*. Madrid: Espasa, 2004.

Hoskin, Gary. *La administración Barco: del caos político a una salida*. Bogotá: Fedesarrollo/ Fondo Cultural Cafetero, 1994.

Human Rights Watch. *Aprenderás a no llorar: niños combatientes en Colombia*. Bogotá: Editorial Gente Nueva, 2004.

____ "Colombia: Civiles Sufren Gravísimos Daños por Minas de las Guerrillas". July 25, 2007. Visited June 9, 2013. http://www.hrw.org/es/news/2007/07/24/colombia-civiles-sufren-gravsimos-da-os-por-minas-de-las-guerrillas

ICBF, Sistema de Información Programa Especializado. "Niños, niñas y adolescentes desvinculados". Visited June 9, 2013. http://www.icbf.gov.co/portal/page/portal/RecursosWebPortal/Prensa/ABRIL%2016%20INFOGRAFIA%20RECLUTAMIENTO%20WEB.pdf

IPUI. "Pastora Mira García: 'Si el dolor no nos une, ¿qué nos puede unir?'". Visited May 12, 2013. http://espanol.upiu.com/view/post/1247612930719/

Kalyvas, Stathis. "La violencia en medio de la guerra civil. Esbozo de una teoría". *Análisis Político* 42 (2001).

Kienyke.com. "El ex secuestrado que sigue cautivo". April 25, 2012. Visited May 14, 2013. http://www.kienyke.com/historias/el-ex-secuestrado-que-sigue-cautivo/

____ "El testamento del coronel Duarte". December 5, 2011. Visited May 14, 2013. http://www.kienyke.com/historias/el-testamento-del-coronel-duarte/

La Silla Vacía. "¿Tuvo que ver la directiva sobre recompensas del exministro Ospina con los falsos positivos? Vea el documento completo". June 9, 2009. Visited May 31, 2013. http://www.lasillavacia.com/historia/2357

Lair, Eric. "Reflexiones acerca del terror en escenarios de guerra interna". *Revista de Estudios Sociales* 15 (2003).

Leal, Francisco. *El oficio de la guerra, la seguridad nacional en Colombia*. Bogotá: IEPRI, Tercer Mundo, 1994.

Leebaw, Brownyn. *Judging State-Sponsored Violence, Imagining Political Change*. Cambridge: Cambridge University Press, 2011.

Lemaitre Ripoll, Julieta. "La Constitución de 1991 y el fin de la violencia". In *El derecho como conjuro. Fetichismo legal, violencia y movimientos sociales.* Bogotá: Siglo del Hombre Editores/ Universidad de los Andes.

Lira, Elizabeth. "Trauma, duelo, reparación y memoria". *Revista de Estudios Sociales* 36 (2010): 14-28. Visited May 13, 2013. http://res.uniandes.edu.co/view.php/646/view.php

____ and María Isabel Castillo. "Psicología de la amenaza política y del miedo". *Revista Psicología Política* 6 (1993). Visited May 13, 2013. http://www.uv.es/garzon/psicologia%20politica/N6-5.pdf

López, Claudia and Ariel Ávila. *Y refundaron la patria. De cómo mafiosos y políticos reconfiguraron el estado colombiano*. Bogotá: Random House, 2010.

López, Claudia and Óscar Sevillano. "Balance político de la parapolítica". *Arcanos* 14 (2008): 62-87.

MAPP-OEA. *Octavo informe trimestral del secretario general al consejo permanente sobre la misión de apoyo al proceso de paz en Colombia*. Bogotá: MAPP/OEA, 2007.

____ *Quinto informe trimestral del secretario general al consejo permanente sobre la misión de apoyo al proceso de paz en Colombia*. Bogotá: MAPPOEA, 2005.

Medina Gallego, Carlos. "Ejército de Liberación Nacional. Notas para una historia de las ideas políticas en Colombia". In *Para reconstruir los sueños (Una historia del EPL).* Edited by Álvaro Villarraga and Nelson Plazas. Bogotá: Fundación Cultura Democrática, 1994.

____ *Autodefensas, paramilitares y narcotráfico en Colombia*. Bogotá: Editorial Documentos Periodísticos, 1990.

____ *ELN: una historia de los orígenes*. Bogotá: Rodríguez Quito Editores, 2001.

Medina, Fabio and Jota Ochoa. "Mancuso: 'El paramilitarismo de Estado sigue vigente'". *Terra Colombia.* Visited April 3, 2008. http://www.terra.com.co/actualidad/articulo/html/acu10230.htm

Medina, Medófilo. "La resistencia campesina en el sur de Tolima". In *Pasado y presente de la violencia en Colombia.* Compiled by Gonzalo Sánchez and Ricardo Peñaranda 233-267. Bogotá: Cerec, 1986.

____ "El paro cívico nacional del 14 de septiembre de 1977". In *La protesta urbana en Colombia en el siglo XX*. Bogotá: Aurora, 1984.

Meertens, Donny. "Mujer y violencia en los conflictos rurales" in *Análisis Político* No. 24: 1995.

Mesa de Trabajo Mujer y Conflicto Armado. *X Informe sobre Violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia 2000-2010*.

Bogotá: Secretaría Técnica de la Mesa de Trabajo Mujer y Conflicto Armado, 2010.

Ministerio de Defensa, Presidencia de la República de Colombia. *Política de Defensa y Seguridad Democrática e informes al Congreso sobre la Seguridad Democrática, 2008-2010*. Visited June 22, 2013. www.mindefensa.gov.co

Misión de Apoyo al Proceso de Paz – OEA. *Diagnóstico de justicia y paz en el marco de la justicia transicional en Colombia*. Bogotá: OEA, 2011. Visited June 2, 2013. http://www.mapp-oea.net/documentos/iniciativas/DiagnosticoJyP.pdf

Molano, Alfredo. *Trochas y Fusiles*. Bogotá: IEPRI-ANCORA, 1994.

Monroe, Kristen R. *Ethics in an Age of Terror and Genocide. Identity and Moral Choice*. Princeton: Princeton University Press, 2012.

Morales, Carolina. "Violencia sexual contra las mujeres: Comprensiones y pistas para un abordaje psicosocial". Presentation for Cátedra Ignacio Martín-Baró, Bogotá, 2011. Visited May 13, 2013. http://www.sismamujer.org/sites/default/files/publicaciones/Violencia%20sexual.pdf

Nazih, Richani. *Sistemas de guerra: la economía política del conflicto en Colombia*. Bogotá: Editorial Planeta, 2002.

Nemogá Soto, Gabriel Ricardo. "Reforma a la Justicia". In *Justicia, derechos humanos e impunidad*. Bogotá: Presidencia de la República, Consejería para la Defensa, Protección y Promoción de Derechos Humanos, 1991.

Noguera, Iván. "Tras 67 ataques guerrilleros, Caldono aún está en medio de la guerra". *El Tiempo*. March 13, 2012. Visited June 9, 2013. http://m.eltiempo.com/colombia/occidente/caldono-cauca-sigueen-medio-de-la-guerra/11336242

Noticias Caracol. "La guerra ha dejado 951 huérfanos en Colombia". Visited May 12, 2013. http://www.noticiascaracol.com/nacion/articulo-287846-la-guerra-ha-dejado-951-huerfanos-colombia

Observatorio de Derechos Humanos y DIH de la Presidencia de la República de Colombia. "Glosario de Derechos Humanos y Derecho Internacional Humanitario". Visited June 8, 2013. http://www.derechoshumanos.gov.co/Prensa/Destacados/Paginas/glosario_derecho_internacional_humanitario.aspx

Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos and CICR. *Recomendaciones para una política pública con enfoque psicosocial en contra de la desaparición forzada*. Bogotá: Nuevas Ediciones, 2009.

____ "La Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos urge coordinar esfuerzos y liderazgos para esclarecer y poner fin a las prácticas de presuntas ejecuciones extrajudiciales". September 25, 2008. Visited May 31, 2013. http://www.hchr.org.co/acnudh/index.php?option=com_content&view=article&id=795:blank&catid=45:2008&Itemid=68

____ "Convención Internacional para la protección de todas las personas contra las desapariciones forzadas". Visited June 8, 2013. http://www2.ohchr.org/spanish/law/disappearance-convention.htm

Orduz, Natalia and César Rodríguez. *La Consulta previa: dilemas y soluciones. Lecciones del proceso de construcción del decreto de reparación y restitución de tierras para pueblos indígenas en Colombia.* Bogotá: Dejusticia, 2012.

Orduz, Rafael. "Niños y niñas: materia prima del conflicto". *El Espectador*. June 6, 2011. Visited June 9, 2013. http://www.elespectador.com/impreso/opinion/columna-275507-ninos-y-ninasmateria-prima-del-conflicto

Orozco, Iván. "Elementos para una fundamentación del delito político en Colombia". In *Combatientes, rebeldes y terroristas. Guerra y derecho en Colombia*. Bogotá: Temis, 2006.

Ortiz, Carlos Miguel. *Estado y Subversión en Colombia. La Violencia en el Quindío, Años 50*. Bogotá: Cider Uniandes, 1985.

____ *Urabá: pulsiones de vida y desafíos de muerte*. Bogotá: La Carreta Editores, 2007.

Oquist, Paul. *Violencia, conflicto y política en Colombia*. Bogotá: Instituto de Estudios Colombianos, 1978.

Páez, Érika. *Diagnóstico sobre las niñas en los grupos armados colombianos*. Bogotá: Terre des Hommes, 2001.

Palacios, Marco. *Entre la legitimidad y la violencia*. Bogotá: Editorial Norma, 2003.

Pardo Rueda, Rafael. *La historia de las guerras*. Bogotá: Ediciones B, 2004.

Pécaut, Daniel. *Violencia y política en Colombia. Elementos de reflexión*. Medellín: Hombre Nuevo/Universidad del Valle, 2003.

____ "Presente, pasado y futuro de la violencia". *Análisis Político* 30 (1997).

____ *Crónicas de dos décadas de política colombiana*. Bogotá: Siglo XXI, 1988.

____ *Guerra contra la sociedad*. Bogotá: Editorial Planeta, 2001.

Peñaranda, Ricardo and Javier Guerrero (comp.). *De las armas a la política*. Bogotá: IEPRI- Tercer Mundo Editores, 1999.

Perdomo Chamucero, Martha. "De la Violencia al Frente Nacional: evolución de la justicia penal militar como instrumento de represión política y sanción de la protesta social". Dissertation for the degree of MSc in Political Studies, Universidad Nacional de Colombia, 2010.

Perea, Carlos Mario. *Cultura política y violencia en Colombia. Porque la sangre es espíritu*. Bogotá: La Carreta Editores, 2009.

Pérez, Luis Eladio and Darío Armizmendi. *7 años secuestrado por las FARC. Testimonio dado a Darío Arizmendi*. Caracas: Editorial Aguilar, 2008.

PNUD. *Colombia rural. Razones para la esperanza. Informe Nacional de Desarrollo Humano 2011*. Bogotá: INDH/ PNUD, 2011.

____ *Informe de desarrollo humano 2011*. Bogotá: PNUD, 2011.

____ *Reconocer el pasado. Construir el futuro*. Bogotá: PNUD, 2011. Visited June 16, 2013. http://www.pnud.org.co/2012/informe_sindicalismo_resumen_ejecutivo.pdf

Pineda Hoyos, Saúl. "Apertura económica y equidad: Los retos de Colombia en la década de los años noventa". In *Colombia Hoy*, 533-616. Bogotá: Imprenta Nacional de Colombia, 1996.

Pino del H., Ponciano. "Familia, cultura y 'revolución'. Vida cotidiana en Sendero Luminoso". In *Historizar el pasado vivo de América Latina*. Edited by Anne Pérotin-Dumon. Santiago: Alberto Hurtado, 2007. Visited May 20, 2013. http://www.historizarelpasadovivo.cl/downloads/delpino.pdf

Pizarro Leongómez, Eduardo. "Las FARC-EP: ¿Repliegue estratégico, debilitamiento o punto de inflexión?" In: *Nuestra guerra sin nombre*. Coordinated by Francisco Gutiérrez et ál. Bogotá: Norma, 2006.

____ *Una democracia asediada. Balance y perspectivas del conflicto armado en Colombia*. Bogotá: Norma, 2004.

____ *Las FARC (1949-1966). De la autodefensa a la combinación de todas las formas de lucha*. Bogotá: Tercer Mundo, 1991.

Presidencia de la República de Colombia. "Carta del Presidente de la República, Álvaro Uribe Vélez". Visited June 22, 2013. http://www.resdal.org/Archivo/col-03-presi.htm

Procuraduría General de la Nación. *Conceptos básicos acerca de la Ley 975 de 2005 (Justicia y Paz) y los derechos de las víctimas*. Bogotá: Giro Editores, 2007. Visited June 8, 2013. http://www.procuraduria.gov.co/portal/media/file/descargas/victimas_2007/conceptosbasicos_ley975.pdf

____ *Informe de la Procuraduría General de la Nación sobre el MAS: Lista de integrantes y la conexión de MAS-Militares*. Bogotá: Procuraduría General de la Nación, 1983. Visited June 23, 2013. http://www.verdadabierta.com/archivos-para-descargar/category/38-historia-1?download=5%3Ainforme-de-la-procuradura-general-sobre-elmas-1983

Ramírez, María Clemencia. "Significado de las acciones de la AID en el Putumayo en el contexto de la promoción de la seguridad global y el buen gobierno". In *Globalización, cultura y poder en Colombia: Una mirada interdisciplinaria.* Compiled by Fernán González and Gloria Isabel Ocampo. Medellín: Universidad Antioquia/ Colciencias/ La Carreta, 2006.

____ *Entre el Estado y la guerrilla: identidad y ciudadanía. El movimiento de los campesinos cocaleros del Putumayo*. Bogotá: ICANH/ Colciencias, 2001.

Ramírez, Socorro y Luis Alberto Restrepo. *Actores en conflicto por la paz: el proceso de paz durante el gobierno de Belisario Betancur (1982-1986).* Bogotá: CINEP, 1988.

Ramírez Tobón, William. "Autodefensas y poder local". In *El poder paramilitar.* Compiled by Alfredo Rangel. Bogotá: Planeta, 2008.

____ *Urabá: los inciertos confines de una crisis*. Bogotá: Editorial Planeta, 1997.

Rangel, Alfredo. *Colombia: guerra en el fin de siglo*. Bogotá: Tercer Mundo Editores, 1998.

Rempe, Dennis. *The Past as Prologue? A History of U.S. Counterinsurgency Policy in Colombia, 1958-66*. Carlisle: Strategic Studies Institute, 2002.

____ *United States National Security and Low Intensity Conflict in Colombia, 1947-1965*. Alberta: Universidad de Calgary, 1994.

Restrepo, Luis Alberto. "Movimientos cívicos en la década de los ochenta", In *Al filo del caos. Crisis política en la Colombia de los años ochenta*. Edited by Francisco Leal Buitrago and León Zamosc, 381-409. Bogotá: IEPRI/ Tercer Mundo, 1990.

RevistaCambio. "Cambio conoció los hornos crematorios que construyeron los paramilitares en Norte de Santander". 2009. Visited June 10, 2013. http://www.cambio.com.co/informeespecialcambio/829/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-5235387.html

Revista Semana. "Ya son 46 los jóvenes desaparecidos que fueron reportados como muertos en combate". September 26, 2008. Visited May 31, 2013. http://www.semana.com/conflictoarmado/46-jovenes-desaparecidos-fueron-reportados-como-muertoscombate/115921-3.aspx

____ "Memorias del cautiverio". January 4, 2009. Visited May 14, 2013. http://www.semana.com/noticias-nacion/memorias-delcautiverio/119254.aspx

____ "¿Falsos positivos mortales?". September 27, 2008. Visited May 31, 2013. http://www.semana.com/nacion/falsos-positivosmortales/115958-3.aspx

____ "Las voces del silencio". February 28, 2005. Visited June 26, 2013. http://www.semana.com/on-line/articulo/las-voces-delsilencio/71083-3

____ "Purga en el Ejército". July 6, 2006. Visited May 31, 2013. http://www.semana.com/on-line/purga-ejercito/95707-3.aspx

____ "Infamia". July 1, 2006. Visited June 9, 2013. http://www.semana.com/nacion/articulo/infamia/79755-3

____ "Pecados de guerra". May 13, 2006. Visited May 31, 2013. http://www.semana.com/nacion/pecados-guerra/94547-3.aspx

____ "Entrevista de Mariela Guerrero a Manuel Marulanda Vélez". January 11, 1999. 871. Visited June 23, 2013. http://www.abpnoticias.com/boletin_temporal/contenido/articulos/colombia_marulo_entrevista.html

Reyes, Alejandro."Restitución de tierras y reordenamiento de la propiedad agraria". *Razón Pública*. Visited June 1, 2013. http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/

____ "La compra de tierras por narcotraficantes". In *Drogas ilícitas en Colombia.* Edited by Ministerio de Justicia and PNUD. Bogotá: Planeta, 1997.

Ríos, José Noé. *Liberación en el Caguán*. Bogotá: Planeta, 1998.

Rojas, Danilo. *Balance crítico de la Unidad de Derechos Humanos y DIH de la Fiscalía General de la Nación*. Bogotá: Dejusticia, to be published.

Romero Vidal, Mauricio, ed. *La economía de los paramilitares: Redes de corrupción, negocios y política*. Bogotá: Debate, 2011.

Romero-Vidal, Mauricio, editor. *Parapolítica: la ruta de la expansión paramilitar y los acuerdos políticos*. Bogotá: Corporación Nuevo Arco Iris/ Intermedio Editores, 2007.

____ *Paramilitares y autodefensas, 1982-2003*. Bogotá: IEPRI, 2003.

____ *Parapolítica. La ruta de expansión paramilitar y los acuerdos políticos*. Bogotá, Corporación Nuevo Arco Iris, 2010.

Romero Ospina, Roberto. *Unión Patriótica. Expedientes contra el olvido*. Bogotá: Centro de Memoria, Paz y Reconciliación, 2012.

Rubio, Mauricio. "La justicia penal. Juicio sin sumario". In *El caleidoscopio de las justicias en Colombia*. Bogotá: Siglo del Hombre, 2001.

Ruiz-Chiriboga, Oswaldo. "Sentencia en caso Masacre de Santo Domingo vs. Colombia". January 23, 2013. Visited June 9, 2013. http://corteidhblog.blogspot.com/2013/01/sentencia-en-caso-masacrede-santo.html

Salinas, Yamile. "Balance del compromiso de Santos de restituir tierras y territorios". INDEPAZ. Visited June 2, 2013. http://www.indepaz.org.co/wp-content/uploads/2013/02/EL-compromiso-de-Santos-de-restituir-tierras-y-territorios.pdf

Sánchez, Carlos Ariel. "La administración de justicia en Colombia en el Siglo XX. Desde la Constitución de 1886 a la Carta Política de 1991". *Revista Credencial Historia* 136 (2000). Visited June 3, 2013. http://www.banrepcultural.org/blaavirtual/revistas/credencial/abril2001/136sxx.htm

Sánchez, Gonzalo. *Comisión de estudios sobre la violencia. Colombia: violencia y democracia*. Bogotá: La Carreta, 2009.

____ *Guerra y política en la sociedad colombiana*. Bogotá: El Áncora Editores, 2008.

____ *Guerra, memoria e historia*. Bogotá: ICAHN, 2006.

Sánchez, Gonzalo and Donny Meertens. *Bandoleros, gamonales y campesinos. El caso de La Violencia en Colombia*. Bogotá: El Áncora, 1983.

Sánchez, Gonzalo and Eric Lair. *Violencias y estrategias colectivas en la región andina*. Bogotá: Grupo Editorial Norma, 2004.

Sánchez, Gonzalo and Ricardo Peñaranda (comp.). *Pasado y presente de la violencia en Colombia*. Bogotá: La Carreta Editores, 2007.

Sánchez, Luz María. "Tendencias en la judicialización de las guerrillas entre 1990 y 2010 y perspectivas jurídicas frente a un proceso de paz". Dissertation for the degree of LL.M., Universidad Nacional de Colombia, 2011. Visited June 15, 2013. http://www.bdigital.unal.edu.co/8161/

Sánchez, Olga. *Las violencias contra las mujeres en una sociedad en guerra* (Bogotá: Ruta pacífica de las Mujeres Colombianas, 2008). Visited May 13, 2013. http://www.rutapacifica.org.co/descargas/publicaciones/lasviolencias.pdf

Secretaría de Agricultura de la Gobernación del Tolima. *La Violencia en el Tolima*. Ibagué: Gobernación del Tolima, 1959.

Semelin, Jacques, Claire Andrieu and Sarah Gensburger. *Resisting Genocide. The Multiple Forms of Rescue.* New York: Columbia Universtiy Press, 2011.

Sisma Mujer. "El Estado y la violencia sexual contra las mujeres en el marco de la violencia sociopolítica en Colombia". May 16, 2012. Visited June 9, 2013. http://www.sismamujer.org/sites/default/files/publicaciones/Informe.presentado.representante.especial.sobre_.violencias.sexual.nu_.pdf

Sivaramakrishnan, Kalyanakrishnan. "Some Intellectual Genealogies for the Concept of Everyday Resistance". *American Anthropologist* 107 3 (2005): 346-355.

Sousa Santos Boaventura de, and Mauricio García, eds. *Emancipación social y violencia en Colombia.* Bogotá: Norma, 2004.

Springer, Natalia. *Como lobo entre corderos. Del uso y reclutamiento de niños, niñas y adolescentes en el marco del conflicto armado y la criminalidad en Colombia*. Bogotá: Springer Consulting Services, 2012.

Stern, Steve. *Remembering Pinochet's Chile*. Los Angeles: University of California, 2005.

Suárez, Andrés Fernando. "La sevicia en las masacres de la guerra colombiana". *Análisis Político* 63 (2007).

____ *Identidades políticas y exterminio recíproco. Guerra y masacres en Urabá, 1991-2001*. Bogotá: La Carreta, 2006.

Tovar, Hermes. *Colombia: droga, economía, guerra y paz*. Bogotá: Editorial Planeta, 1999.

Turbay, Catalina. "El Estatuto de Seguridad. Un estudio de caso". In *I Congreso de Ciencia Política*. Bogotá: Uniandes, 1998.

Tribunal Internacional sobre la Infancia afectada por la Guerra y la Pobreza del Comité de Derechos Humanos. *Reporte Internacional Anual 2012 sobre la infancia afectada por la guerra. Los dos congos de la guerra. Colombia y la región de los grandes lagos en África. Dos regiones de muerte para la infancia*. Bogotá-Madrid: Tribunal Internacional sobre la Infancia afectada por la Guerra y la Pobreza del Comité de Derechos Humanos, 2012.

UNICEF and Defensoría del Pueblo. *Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales: Inserción social y productiva desde un enfoque de derechos humanos*. Bogotá: UNICEF/Defensoría del Pueblo, 2006.

Unidad de Fiscalías para la Justicia y la Paz. Visited June 20, 2013. http://www.fiscalia.gov.co:8080/justiciapaz/Index.htm

Uprimny, Rodrigo. "Las transformaciones de la administración de justicia en Colombia". In *El caleidoscopio de las justicias en Colombia*. Bogotá: Siglo del Hombre, 2001.

____ "El 'laboratorio' colombiano: narcotráfico, poder y administración de justicia". In *El caleidoscopio de las justicias en Colombia*. Bogotá: Siglo del Hombre, 2001.

____ and Alfredo Vargas. "La palabra y la sangre: violencia, legalidad y guerra sucia". In *La irrupción del paraestado*. Compiled by Germán Palacio. Bogotá: CEREC, 1990.

Uribe, María Teresa. "Emancipación social en un contexto de guerra prolongada. El caso de la comunidad de Paz de San José de Apartadó". In *Emancipación social y violencia en Colombia*. Edited by Boaventura de Sousa Santos and Mauricio García-Villegas, 75-117. Bogotá: Norma, 2004.

Uribe, María Victoria. *Antropología de la inhumanidad: un ensayo interpretativo sobre el terror en Colombia*. Bogotá: Norma, 2004.

Valencia Tovar, Álvaro. *Mis adversarios guerrilleros*. Bogotá: Planeta, 2009.

Vargas Velásquez, Alejo. *Colonización y conflicto armado. Magdalena Medio santandereano*. Bogotá: CINEP, 1992.

Vargas, Andrés and Jorge Restrepo. *Una vieja guerra en un nuevo contexto. Conflicto y territorio en el Sur de Colombia*. Bogotá: Universidad Javeriana/ CERAC/ ODECOFI, 2011.

Vásquez, Teófilo. "Recursos, política, territorios y conflicto armado". In *Una vieja guerra en un nuevo contexto. Conflicto y territorio en el Sur de Colombia*, 367-428. Bogotá: Universidad Javeriana/ CERAC/ ODECOFI, 2011.

____ "El problema agrario, la economía cocalera y el conflicto armado". *Controversia* 192 (2009): 121-162.

____ "Un ensayo interpretativo sobre la violencia de los actores armados en Colombia". *Controversia* 175 (1999): 59-103.

Vanguardia. "Por amenazas, salieron del país profesor Moncayo y su hijo". October 14, 2012. Visited May 14, 2013. http://www.vanguardia.com/actualidad/colombia/178632-por-amenazas-salierondel-pais-profesor-moncayo-y-su-hijo

Verdad Abierta. "Cinco años de la parapolítica". June 12, 2012. Visited June 2, 2013. http://www.verdadabierta.com/antioquia/index.php?option=com_content&id=4050

____ "La fuerza pública fue clave para la expansión de las AUC". Visited June 9, 2013. http://www.verdadabierta.com/component/content/article/80-versiones/3932-qla-fuerza-publica-fue-clave-para-laexpansion-de-las-aucq-mancuso

____ "Carta abierta a Eduardo Pizarro Leongómez, Presidente de la Comisión Nacional de Reparación y Reconciliación-CNRR, por Rodrigo Tovar Pupo, alias *Jorge 40"*. February 22, 2009. Visited June 23, 2013. http://www.verdadabierta.com/component/content/article/47-extraditados/969-traicion-del-gobiernoa-los-paras-haprovocado-rearme-jorge-40

____ "Se entrenaban para matar picando campesino vivos (El Tiempo)". April 24, 2007. Visited June 8, 2013. http://www.verdadabierta.com/component/content/article/35-bloques/1273-seentrenaban-para-matar-picando-campesinos-vivos-el-tiempo

Vicepresidencia de la República. *Impactos de la Política de Seguridad Democrática*. Bogotá: Observatorio del Programa Presidencial de Derechos humanos y Derecho Internacional Humanitario, 2008.

____ *Panorama actual de los municipios que conformaron la zona de distensión*. Bogotá: Observatorio del Programa Presidencial de Derechos Humanos y Derecho Internacional Humanitario, Vicepresidencia de la República, 2003.

Villarraga, Álvaro. *Ejército Popular de Liberación (EPL). Guerra irregular, pacto de paz y constituyente*. Bogotá: Corporación Nuevo Arco Iris/ GMH, 2010.

____ "El paramilitarismo en Norte de Santander, incursión de las ACCU, emergencia al poder y desmovilización del Bloque Catatumbo". In *Parapolítica. La ruta de la expansión paramilitar y los acuerdos políticos.* Edited by Mauricio Romero. Bogotá: Corporación Nuevo Arco Iris/Intermedio Editores, 2007.

Waldmann, Peter. "Guerra civil: Aproximación a un concepto difícil de formular". In *Sociedades en guerra civil. Conflictos violentos de Europa y América Latina*. Compiled by Peter Waldmann and Fernando Reinares. Barcelona: Paidós, 1999.

Zamosc, León. "Transformaciones agrarias y luchas campesinas en Colombia: Un balance retrospectivo (1950-1990)". *Análisis Político* 15 (1992): 7-45.

____ *La cuestión agraria y el movimiento campesino en Colombia. Luchas de la Asociación Nacional de Usuarios campesinos (ANUC), 1967-1987*. Bogotá: Cinep, 1987.

Glossary of Acronyms

ACCU: Autodefensas Campesinas de Córdoba y Urabá
Peasant-farmer Self-Defense Groups of Córdoba and Urabá

ACNUR: Alto Comisionado de las Naciones Unidas para los Refugiados
U.N. High Commissioner for Refugees

ADO: Movimiento de Auto Defensa Obrera
Workers´ Self-Defense Movement

AFAVIT: Asociación de Familiares de Víctimas de Trujillo
Association of the Relatives of the Victims of Trujillo

AMOR: Asociación de Mujeres del Oriente Antioqueño
Women´s Association of Eastern Antioquia

ANAPO: Alianza Nacional Popular
National Popular Alliance

ANUC: Asociación Nacional de Usuarios Campesinos
National Association of Peasant-Farmers

ASDI: Asociación Sueca de Cooperación Internacional para el Desarrollo
Swedish International Development Cooperation Agency

ASFADDES: La Asociación de Familiares de Detenidos Desaparecidos
Association of Relatives of those who have been Detained and Disappeared

ATCC: Asociación de Trabajadores Campesinos del Carare
Association of Peasant-Farmer Workers of the Carare

AUC: Autodefensas Unidas de Colombia
United Self-Defense Forces of Colombia

BCB: Bloque Central Bolívar
Central Bolívar Bloc

CAJ: Comisión Andina de Juristas
Andean Commission of Jurists

CARE: Centro de Acercamiento para la Reconciliación
Center of Rapprochement for Reconciliation

CCJ: Comisión Colombiana de Juristas
Colombian Commission of Jurists

CEPAL: Comisión Económica para América Latina
Economic Commission for Latin America and the Caribbean

CERAC: Centro de Recursos para el Análisis de Conflictos
Center of Resources for the Analysis of Conflicts

CIA: Agencia Central de Inteligencia
Central Intelligence Agency

CIDH: Comisión Interamericana de Derechos Humanos
Inter-American Commission on Human Rights

CINEP: Centro de Investigación y Educación Popular
Center for Research and Popular Education

CNMH: Centro Nacional de Memoria Histórica
National Center for Historical Memory

CNRR: Comisión Nacional de Reparación y Reconciliación
National Center for Reparation and Reconciliation

COALICO: Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia
Coalition against the involvement of boys, girls and youngsters in the Colombian armed conflict

COCOMACIA: Consejo Comunitario Mayor de la Asociación Campesina Integral del Atrato
Greater Community Council of the Integral Peasant-Farmer Association of the Atrato

CODHES: Consultoría para los Derechos Humanos y el Desplazamiento
Consultancy for Human Rights and Displacement

CONADEP: Comisión Nacional sobre la Desaparición de Personas
National Commission on the Disappearance of Persons

CPDDH: Comité Permanente por la Defensa de los Derechos Humanos
Permanent Committee for the Defense of Human Rights

CRIC: Consejo Regional Indígena del Cauca
Regional Indigenous Council of El Cauca

CSPP: Comité de Solidaridad con los Presos Políticos
Committee of Solidarity with Political Prisoners

DAS: Departamento Administrativo de Seguridad
Administrative Department of Security

DIH: Derecho Internacional Humanitario
International Humanitarian Law

DRI: Desarrollo Rural Integrado
Integrated Rural Development

EDAI: Editorial Amnistía Internacional
Amnesty International Publishing

ELN: Ejército de Liberación Nacional
National Liberation Army

EPL: Ejército Popular de Liberación
People's Liberation Army

ERG: Ejército Revolucionario Guevarista
Guevarist Revolutionary Army

ERP: Ejército Revolucionario del Pueblo
People´s Revolutionary Army

EUDEBA: Editorial Universitaria de Buenos Aires
Buenos Aires University Publishers

FARC: Fuerzas Armadas Revolucionarias de Colombia
Revolutionary Armed Forces of Colombia

FENSA: Federación Nacional Sindical Agraria
National Agrarian Unions Federation

FESCOL: Friedrich Ebert Stiftung en Colombia
Friedrich Ebert Foundation in Colombia

FUAR: Frente Unido de Acción Revolucionaria
United Revolutionary Action Front

GIEG: Grupo Interdisciplinario de Estudios de Género
Interdisciplinary Group of Gender Studies

GMH: Grupo de Memoria Histórica
Historical Memory Group

ICBF: Instituto Colombiano de Bienestar Familiar
Colombian Family Welfare Institute

IEPRI: Instituto de Estudios Políticos y Relaciones Internacionales
Institute of Political Studies and International Relations

ILSA: International Law Students Association

INCORA: Instituto Colombiano de la Reforma Agraria
Colombian Institute for Agrarian Reform

INDH PNUD: Informe Nacional sobre Desarrollo Humano del Proyecto de las Naciones Unidas para el Desarrollo
National Report on Human Development of the United Nations Development Programme

INPEC: Instituto Nacional Penitenciario y Carcelario
National Penitentiaries and Prisons Institute

IPUI: Iglesia Pentecostal Unida Internacional
United International Pentecostal Church

JUCO: Juventud Comunista
Communist Youth Movement

LGBTI: Lesbianas, Gays, Bisexuales, personas Transgénero e Intersexuales
Lesbian, gay, bisexual, trans and intersex persons

M19: Movimiento 19 de Abril
April 19 Movement

MAPP-OEA: Misión de Apoyo al Proceso de Paz de la Organización de Estados Americanos
Organization of American States Mission to Support the Peace Process in Colombia

MAS: Muerte a Secuestradores
Death to Kidnappers

MOEC: Movimiento Obrero Estudiantil Campesino
Students´, Peasant Farmers´ and Workers´ Movement

MOIR: Movimiento Obrero Independiente Revolucionario
Independent Revolutionary Workers´ Movement

MOVICE: Movimiento Nacional de Víctimas de Crímenes de Estado
National Movement of Victims of State Crimes

MRL: Movimiento Revolucionario Liberal
Liberal Revolutionary Movement

NN: Cuerpo No Identificado
Unidentified Body

OACNUDH: Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos
Office of the United Nations High Commissioner for Human Rights

OEA: Organización de Estados Americanos
Organization of American States

ONG: Organizaciones No Gubernamentales
Non-governmental organizations

ONIC: Organización Nacional Indígena de Colombia
Colombian National Indigenous Organization

ONU: Organización de Naciones Unidas
United Nations Organization

OXY: Occidental Petroleum Corporation

PAICMA: Programa Presidencial de Atención Integral contra Minas Antipersonal
Presidential Program for Comprehensive Action Against Antipersonnel Mines

PC3: Partido Comunista Clandestino
Clandestine Communist Party

PCCML: Partido Comunista de Colombia Marxista-Leninista
Colombian Marxist-Leninist Communist Party

PCDSD: Política de Consolidación de Defensa y Seguridad Democrática
Policy for the Consolidation of Defense and Democratic Security

PCN: Proceso de Comunidades Negras
Black Communities´ Process

PCNM: Proyecto Colombia Nunca Más
Colombian "Never Again" Project

PDSD: Política de Defensa y Seguridad Democrática
Defense and Democratic Security Policy

PGN: Procuraduría General de la Nación
Office of the Procurator-General of Colombia

PNR: Plan Nacional de Rehabilitación
National Rehabilitation Plan

PNUD: Programa de las Naciones Unidas para el Desarrollo
United Nations Development Programme

PROVISAME: Mujeres Promotoras de Vida y Salud Mental
Women´s Life and Mental Health Promoters organization

PRT: Partido Revolucionario de los Trabajadores
Revolutionary Workers Party

RUPD: Registro Único de Población Desplazada
Sole Registry of the Displaced Population

RUPTA: Registro único de Predios y Territorios Abandonados
Sole Registry of Abandoned Properties and Territories

RUV: Registro Único de Víctimas
Sole Registry of Victims

SAT: Sistema de Alertas Tempranas
Early Warning System

SIPOD: Sistema de Información de Población Desplazada
Information System on the Displaced Population

SNAIPD: Sistema Nacional de Atención Integral a la Población Desplazada
National System of Comprehensive Care for the Displaced Population

TIAR: Tratado de Asistencia Recíproca
Treaty of Reciprocal Assistance

TLC: Tratado de Libre Comercio
Free Trade Agreement

UAEGRTD: Unidad Administrativa Especial para la Gestión de la Restitución de Tierras Despojadas
Special Administrative Unit for Managing the Restitution of Usurped Lands

UDH: Unidad de Derechos Humanos
Human Rights Unit

UMATA: Unidad Municipal de Asistencia Técnica Agropecuaria
Municipal Unit of Technical Assistance to Agriculture and Stock-raising

UNESCO: Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura
United Nations Organization for Education, Science and Culture

UNICEF: Fondo de las Naciones Unidas para la Infancia
United Nation Children´s Fund

UNIJUS: Centro de Investigaciones Jurídicas de la Facultad de Derecho de la Universidad Nacional
Center for Legal Research, Faculty of Law of the National University of Colombia

UNIR: Unión Nacional de Izquierda Revolucionaria
National Union of the Revolutionary Left

UNO: Unión Nacional de Oposición
National Opposition Union

UNO: Unión Nacional Obrera
National Workers Union

UP: Unión Patriótica
Patriotic Union

UTC: Unión de Trabajadores Colombianos
Union of Colombian Workers

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 (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 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.

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

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