

In Search of the truth

Many official and non-official initiatives in search of truth have been considered in Colombia. These initiatives ought not exclude but rather complement one another. In a country where so many forms of violence have been mixed up together, the search for truth has become an important step on the road to reconciliation.

Colombia is a country where silence has accumulated over decades. Therefore, in the past months the proposal which we have heard most insistently is this: let's create forums where the truth can be made known.

A truth that will complement what is being said in the public hearings of the paramilitary leaders, the truth about politicians and their links with paramilitary groups as has been revealed, the truth

about upwards of two thousand common graves that are being discovered and opened up in Sucre.

The search for these and other truths has materialized in proposals that have arisen out of both legality and illegality. Thus, for example, on December 24, 2006, the president of the Episcopal Counsel, Monsignor Luis Augusto Castro, surprised us all by announcing that the Catholic Church may create a Truth Commission, bearing in mind the thousands of testimonies which the institution has gathered over more than forty years of violence.

Also, the National Liberation Army (ELN) proposed, on December 14, that a Special Truth Commission be set up in which paramilitaries should reveal "the facts and the secrets that the country should be aware of" as an opportunity for "the truth about genocide and about the corruption that is strangling Colombia to be known by everybody."

As well as the above, the ex-commanders of the so-called "self defense groups" being held in custody presented a public proposal on November 24 last year. After insisting that "those who have impelled us and collaborated with us, our direct beneficiaries, businessmen, industrialists, political and trade leaders, officials, regional and local leaders, members of the Armed Forces, amongst others" should accompany them in the effort to tell the whole truth, they went on to suggest that a Civil Truth Commission be established to offer all necessary guarantees and security so that "our testimonies will be received in a transparent and public fashion."

Official and non-official

Colombia has not set up a Truth Commission as such like those in Argentina, Chile, Guatemala, Perú and South Africa, among others (See *Hechos del Callejón*, December, 2006). But official commissions of one kind or another have been established throughout the history.

The Law on Justice and Peace, created in 2005, brought into existence the National Commission for Reparation and Reconciliation which, in conformity with its mandate, set up the Historical Commission to deal with "questions that have been asked by similar commission around the

The truth has become a demand of the public opinion in Colombia in order to achieve reconciliation.



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world: What happened? Why did it happen? Who were those responsible? How can such painful episodes be avoided in the future?"

These were the words of the Commission's president, Eduardo Pizarro, on announcing that the historian Gonzalo Sánchez would head this "Working Group aimed at reconstructing the history and reviving people's memory about the rise and evolution of armed illegal groups," a body which would have as its fundamental challenge to "construct a social history based on the accounts of the victims and the judicial testimony of their aggressors."

The aim, he said, was to "present a history which the majority of Colombians can share. It will not be the truth as told by Salvatore Mancuso, nor the truth according to Manuel Marulanda Vélez."

Parallel to these official commissions, there are now truth initiatives which can be catalogued as independent, with their own mandate and specific composition. Most of them have been created by those who have been victims of the conflict.

The Social Foundation and the International Center for Transitional Justice (ICTJ) presented an overview of twenty non-official initiatives in a 2006 study entitled "Initiative on the Search for the Truth in Colombia." This study includes the Colombian Project of Never Again, set up in 1995 by 17 different organizations to document crimes that had occurred between 1966 and 1998, the association of relatives of Detained-Disappeared (Asfaddes), the Testimony, Truth and Reconciliation Program (TeVeRe) of the National Secretariat for Social Pastoral Action, as well as Cinep's data base on Political Violence and the Consultancy on Human Rights and Displacement (Codhes).

The study concludes that there exist solid organizations "with robust links to those directly affected, mainly among the displaced population and families of those either murdered or forcibly disappeared." According to Paula Gaviria Betancur, the director of Human Rights and Peace at the Social Foundation, "this document gives evidence of the fact that the search for truth in the midst of a conflict is something that generates many difficulties, especially with regard to the security of the victims." "We must look for synergies among these various initiatives," she says, "foment their articulation, accompany them and promote dialogue and knowledge to be shared by all."

Truth and social processes

"We must take advantage of all possible forums to generate processes in which to clarify the situation," says Iván Cepeda, coordinator of the Movement of Victims of State Crimes. The Movement believes, however, that "over and above personalities or the mechanism as such, whether it be a commission or a public audience or tribunal, the important thing is that this kind of forum should generate social processes and create spaces in which the social tissue can be strengthened."

As part of the process set in motion by this Movement, on 27 November last a citizen's meeting was held at San Onofre, in Sucre, a



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Social organizations and media have given an important impulse to unveil the actions of paramilitaries.

region where people have fresh in their memory the awful massacre at Chengue, and where there are between 2,000 and 10,000 common graves, according to the Fiscal's Office. Despite the population's fear, people have begun to denounce and to give their testimonies, and this information has been used to present criminal charges at the Fiscal's Office, recounting one hundred cases of assassinations, disappearances and certain electoral crimes, amongst others.

The social process of which the movement speaks is the same process that is invoked by another initiative which has appeared, demanding clarification of the genocide committed in the case of the UP (Unión Patriótica) when over 3,000 people associated with that particular left-wing political party were murdered.

In December 1993, Corporación Reiniciar (Reinitiate Corporation) and Comisión Colombiana de Juristas (Colombian Commission of Jurists) denounced the Colombian State before the Inter-American Human Rights Court, which admitted the U.P. case in March 1997. After that, the court urged that an investigation be undertaken to seek an amicable solution, but this broke down last year after a lengthy process.

"The working group to clarify the events against the UP, and defend their right to the truth, justice and integral reparation, arose in March

2000 out of an agreement between the government and the organizations who were petitioning it. The State must admit its responsibility in the case of this genocide, prepare charges against officials who were involved in murders and forced disappearances, and make reparation to the victims integrally, as also to the political party," says former counselor for the UP, Jahel Quiroga, one of those who are bringing charges in this case before the Court.

“Truth is closely linked to the right to family life, the right to an efficient investigation, the right to be heard by a competent, independent and impartial tribunal and to the right to obtain reparation.”

Today, although an agreement has broken down (which means that, despite the State's refusal, the case continues on its course in the Inter American Court), in the process the historical memory of the victims has been vindicated, families of the victims have been coordinated and it has become clear, as Quiroga points out, "that there is a moral obligation that this should never occur again and that therefore, in Colombia, guarantees must exist for all those who wish to take part in politics."

Whose truth?

Non-official commissions have also contributed to the fact that, over and above particular cases, some general truths have been established,

and these could serve in the case of other judicial procedures and in the reparation of victims. "We hope that all the research we've done and the information gleaned will be useful to national and international organisms," says former magistrate Jorge Aníbal Gómez, who is one of the three members of the Truth Commission on the Palace of Justice Holocaust, set up to investigate the attack on the Palace of Justice by M-19 guerrillas and the recapture of that same building by the Armed

Forces, events which took place between the 6 and 7 of November, 1985.

On 15 November last, one year after the commission had been set up by Colombia's Supreme Court, the commission presented a preliminary report. For the first time the country was informed,

thanks to this commission, that "the Executive had not given a precise account of what actually happened, nor did the Executive take charge of and supervise the military operation, which was the Head of State's duty to do... There was a power vacuum."

The report also generated controversy when it stated that, on the evidence, the Commission found there was a link between the M-19 organization and the Medellín drug cartel which had to do with the attack on the Palace.

"This is an investigation with a historical and academic purpose. We are not seeking to punish anyone, since we have no legal jurisdiction whatsoever. We have gathered over 600 testimonies and evidence of different kinds and videoclips that had not been examined before. We



Indigenous communities have mobilized against the violence promoted by illegal groups and in favor of truth and justice.

were not looking for *our* truth, nor for that of the Court. We wanted to know the real truth," says the above-mentioned exmagistrate.

The Commission has not given a date for its final report, but it has announced a subject which is pending: namely, the disappearances. "They happened and we know that some of those who disappeared are dead and died quite near to the place where their bodies were found. This is a contribution to the justice system," concludes the ex-president of the Court.

Others have declined to set up truth commissions, but are nonetheless anxious to establish the truth by other means. In Medellín, the idea of creating a Truth Commission destined to reveal everything about paramilitary violence in the region was launched by the local administration in 2004. "We had many worries, about whether we could think about a local commission if the country had not yet conceived such an idea, and especially if such a commission would really make an impact if it did not count on a serious participation by the citizens. That is why we decided to instead favor the building up of an historical memory, so today we are carrying on workshops in the barrios and building up a data base of testimonies, all with a view to getting to the truth," says Gabriel Jaime Bustamante, coordinator of the Project of Victims within the Peace and Reconciliation Program managed by the government Secretariat of the Mayor's Office in Medellín.

Despite the fact that conflict has been raging for over 40 years, not much has been said about the truth. This is why it is important to highlight and foment these initiatives, and even more so if we bear in mind that the victims have kept silent for so many years and have been stigmatized and made invisible. "It is important that people talk about the truth now as being something essential to reconciliation, because no progress will be made if there are rival "truths" and if "truth" is used as a tool to stimulate the conflict itself even further," he adds.

The representatives of these initiatives agree on one thing: namely, that they are not trying to replace State institutions, but rather contribute to justice, truth and reconciliation. Therefore they recognize that both official and non-official initiatives ought to be understood as complementing (and not excluding) one another. The relationship between them ought to be reciprocal, a two-way affair, and they ought



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Truth reports must include all about the illegal appropriation of land by armed groups.

to be looking for general truths which go beyond the particular ones, and above all they should be able to prove useful for other processes around the globe.

In the future, if this country decides to create a Truth Commission, official and non-official initiatives will provide material to bear in mind, and all the more so in the case of Colombia where truth has been appearing bit by bit and has shown that it is likely to become an uncontrollable process. ▀

ON THE RIGHT TO THE TRUTH

What does Truth imply? According to the "Study on the Right to the Truth" published by the United Nations High Commissioner for Human Rights on January 9, 2006, the following are its fundamental principles:

- The truth is a fundamental right of every person. It cannot be suspended and must never be subject to restrictions of any kind.
- This right has a social aspect: "Society has a right to know the truth about things that have happened in the past that are referred to the commission as aberrant

crimes, and also about the circumstances and motives behind their perpetration, in order to avoid their being repeated in the future."

- This is a right closely linked to the obligation and the duty of the State to protect and guarantee human rights, to carry out effective investigations and to make sure there are efficient resources available and that reparation can be obtained.
- This is a right that is related to other rights – "to the rule of law and principles of transparency, responsi-

bility and the proper management of public affairs in a democratic society."

- It is also closely linked to "the right to effective recourse, the right to juridical and judicial protection, the right to family life, the right to an efficient investigation, the right to be heard by a competent, independent and impartial tribunal, the right to obtain reparation, the right not to be tortured nor subjected to ill treatment, and the right to demand and to disseminate information."