

Colombia must rethink the role of truth commissions to secure the rights of victims of conflict



Colombia's Truth Commission must break away from dominant ideas of 'turning the page' through a ritual of purification. It needs instead to adopt a transformative approach to transitional justice, truth commissions, and collective memory, as well as creating a broad-based 'National Dialogue for Truth' that goes beyond regulating the Commission and involves society as a whole, writes [Diana Gómez](#) (Universidad de los Andes).

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In negotiations between the Colombian government and FARC-EP, one of the most significant points on the agenda was victims' rights (point 5). The Cartagena agreement established the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJGNR in Spanish), which created mechanisms to ensure the realisation of those rights.



The Cartagena Agreement created mechanisms focusing on victims' rights ([Presidencia El Salvador](#), public domain)

These mechanisms include the Truth Commission (CEV), the Special Jurisdiction for Peace (JEP), the Special Search Unit to locate disappeared victims, comprehensive reparation measures, and guarantees of non-repetition (of rights violations).

The "No" vote in the peace-deal referendum led to changes in the agreement that impacted on point 5, and in particular the JEP. Minutes before the agreement was due to be signed, the reference to article 28 of the Rome Statute, regarding agents of the state, was removed. This step was taken in order to protect high-ranking army officers, essentially preventing them from being held accountable for the actions of their subordinates.

During the "fast track" process, decisions were taken concerning the implementation of the JEP: the modification mentioned above was ratified, and it was decided that civilians and civil servants would not be compelled to appear before the JEP. This undermined the right of victims to discover the truth and receive justice, in particular those who had suffered at the hands of the state. It also affected right of the whole Colombian people to a comprehensive account of the sociopolitical violence of recent decades.

The debate concerning the JEP points to the effect of political interests on transitional justice, as well as the inability of such processes to guarantee the rights of victims without taking into account contextual power relationships. It is also indicative of why many victims see justice as a promise destined to be broken.

With this in mind, victims find most hope in the Truth Commission mechanism, but despite its potential it also faces numerous challenges.

Key features of the Colombian Truth Commission

The Truth Commission was conceived as an extrajudicial body, both independent and impartial, which would serve for three years. Its objectives include:

- To shed light on the conflict and offer a wide-ranging explanation of its complexity.
- To promote and contribute to recognition of victims of conflict; voluntary recognition of individual and collective responsibility by those involved both directly and indirectly in the conflict; and recognition by society as a whole that conflict should be both rejected and never repeated.
- To promote coexistence in the affected areas as a guarantee of non-repetition.

In accordance with these objectives, the CEV should not only concern itself with reconstructing and explaining the conflict, but also with laying the groundwork for future coexistence and non-repetition.



The Commission allows recognition of state violence via an official record ([Policía Nacional de los colombianos](#), [CC BY-SA 2.0](#))

The CEV has a number of special characteristics that can contribute to an understanding of the armed conflict and to the establishment of a transformative peace:

1. It is the first commission to analyse in detail the activities of the FARC-EP, enabling identification of its key characteristics. By also including state activities, the CEV can highlight the special characteristics of state violence, and recognise its existence via an official record.
2. It is a product of the first peace process whose central figures are the victims of the FARC-EP and of the state, placing them also in the broad context of the internal armed conflict. This implies a recognition of the various types of victim (of the *guerrilla*, the state, and the paramilitaries), as well as their distinct contributions to peace.
3. It explicitly recognises the territorial dimension of the conflict, which enables an understanding of its complexity and peculiarities of the areas affected.
4. It emphasises the impact of the conflict on (ex-)combatants and their families. This favours more complex notions of victims and perpetrators, calling into question the boundaries between the categories, yet without

justifying or decontextualising the violence.

5. It places an emphasis on coexistence, the areas affected by the conflict, the promotion of dialogue, and the dignity of the victims. This can help to contribute to the development of critical citizen-deliberators and a radical democracy that permeates every level.
6. It is the first Colombian peace process in which a gender perspective has played a central role. This perspective will make a significant contribution to how a violent past is understood, highlighting the particular ways in which it was experienced by men, women, and members of the LGBTI community. This opens an analytical vein for the understanding of embedded structural violence by including analysis of longstanding patriarchy.
7. It makes use of a differential approach with the aim of recognising how different groups (ethnic communities, children of both sexes, and the disabled, amongst others) experienced the armed conflict. This can open up a line of thinking that takes into account the long duration and historical persistence of violence, which itself stems back to Colombia's colonial past.

The CEV must integrate the final two points – gender and differential group experiences – in order to develop an intersectional understanding of the numerous complexities of the conflict and its effects on individual victims. This epistemological input will help to highlight how different types of oppression created and enabled different forms of victimisation, as well as how the two became interlinked in the development of the conflict.



The CEV could enable national healing by recognising the pain caused throughout the country ([Andrés Cortés](#), CICR, [CC BY-NC-ND 2.0](#))

Possibilities and challenges: finding the way forward

In general terms, the CEV has at least four major areas of potential.

First, it could offer a rigorous approach to the events within and resulting from the conflict. Second, it may be able to promote a national conversation about the origins, outcomes, and causes of the violence. Third, it could set in motion a process of collective national healing which recognises the pain caused throughout the country and its effects on daily life and politics at both micro and macro levels. Fourth and finally, it has the potential to deepen a process of transformation that allows coexistence to take root in the areas affected by the conflict, thereby favouring non-repetition.

These possibilities point to one of the most significant challenges facing the CEV, namely its vision of transitional justice, peace, truth commissions, and the role of memory, history, and truth in these processes.

This commission faces the challenge of breaking from the dominant truth-commission paradigm, which offers up a rite of passage, an act of cleansing and purification that leads to an official narrative and a “turning of the page”, “taming” collective memory and endorsing existing forms of social organisation.

Achievement of this break from tradition will require a genuinely transformative approach to transitional justice, the role of truth commissions, and the interplay of memory and history. The CEV will have to be structured around a broad-based “National Dialogue for Truth” that goes beyond regulating the duration and scope of the Commission and instead involves society as a whole.

Both the CEV and this “National Dialogue” should be considered in epistemological and methodological terms as mechanisms that help to enable social transformation and construct agents of change. This involves seeing the Commission as a process that extends beyond periodical accountability to society through the drafting of its final report, publishing of recommendations, and monitoring of implementation.

An additional task facing the CEV is to guarantee equality of treatment for the entire spectrum of victims, taking into account specific traits and inequalities that the Colombian system has created in its dealings with victims: distinct perpetrators, places of origin, genders, classes, and political sympathies, amongst others.

In general terms, the Comprehensive System of Truth, Justice, Reparation and Non-Repetition must honour the commitment to peace demonstrated by most victims by moving from the rhetoric of law and justice to the practical recognition of victims’ aspirations, ideas, contributions, and demands.

Notes:

- *The views expressed here are of the authors and do not reflect the position of the Centre or of the LSE*
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