Historical Memory in Colombia
The Work of the Grupo de Memoria Historica

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Research Question

This paper examines the role of the Historical Memory Group (GMH) in the truth and justice initiatives and larger efforts towards peace and reconciliation in Colombia. Using GMH as a case study, this report provides an analysis of the recent national human rights clarification and judicial initiatives in Colombia based on in-depth interviews in Colombia with non-government groups, the US Embassy, Colombian government officials, and GMH officials themselves. We begin with a historical contextualization of the legal and advocacy antecedents that led to the passage of the historical 2005 Justice and Peace Law, and the subsequent formation of GMH. We then look specifically at the work of GMH, assessing the outputs the group provided in the context of institutional and structural constraints. We assess whether GMH made the most impact with the resources it was provided in the dangerous environment where historical clarification brings serious risks. We conclude by looking at the contemporary developments, such as the creation of a new Historical Memory Center, and by providing final recommendations for the future work and potential impact of the Center.

Historical Background

Over the course of the last four decades, Colombia has been embroiled in an internal armed conflict between guerrilla insurgent forces (FARC and ELN) and government-sponsored paramilitary groups created to support the military’s counterinsurgency efforts. The modern paramilitary groups were formed through legal channels in the 80s, and continued illicit and violent activities leading to the murders of thousands of civilians, the displacement of millions through violent appropriation of land and resources for monetary gain. Further complicating matters, the paramilitary groups have extensive alliances with powerful political, military and economic elites, many of whom remain in power today. Systematic human rights violations carried out by state forces and illegal armed actors in Colombia have paralleled systematic institutional and structural impunity within the Colombian government.

Numerous human rights groups took shape and advocated for reforms in Colombia over the decades. The Commission for Colombian Jurists (CCJ), for example, started representing student and labor organizers targeted by state forces in the capital in the 1980s. CCJ representatives went to security installations, asking for students who had been detained extrajudicially [Interview 1]. Their efforts expanded from the city to rural areas impacted by state-sponsored violence. Human rights efforts like these led to important advancements and legal reforms, such as the establishment of a Human Rights Unit in 1995 in the Attorney General’s Office (Procuraduría). Human rights NGOs and victims groups also brought cases to international venues, such as the Inter-American Human Rights Commission (IAHCR). These efforts led to an official admission of state responsibility for protracted human rights violations by then-president Ernesto Samper before the IAHCR on January 31, 1995. This was a landmark admission that opened up new avenues for truth and justice in Colombia.1 While no major arrests were made or prosecutions secured, this served as a turning point for truth and justice initiatives in Colombia. Human rights organizations continued to address the issues of impunity for political crimes, and legal reforms on a national scale were soon to follow.

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Legal and Judicial Reform for Human Rights

The Justice and Peace Law (JPL), signed on 22 July 2005, is considered one of the most significant legal instruments on human rights in Colombia, emphasizing culpability of paramilitaries for human rights abuses and instituting the National Commission on Reparation and Reconciliation (CNRR). It followed a 2003 peace agreement between the Uribe administration and the Autodefensas Unidas de Colombia (AUC), an umbrella organization of the main local paramilitary groups. The modern paramilitary groups, formed in collusion with state institutions and the growing drug cartels in the 1970s and 1980s, have a long history of human rights abuses. Law 975 codified and consolidated the demobilization process. The overwhelming majority of demobilizing groups sought pardons and economic benefits under Law 782 (2002) and Decree 128 (2003), the provisions of which were less stringent in terms of investigation of past records and reparative obligations of paramilitaries.

Victims’ rights – a key issue characterized by human rights groups as insufficiently addressed under Law 975 (Interview 1) – were later incorporated through complementary legal provisions. The Colombian Constitutional Court, upon review of Law 975, ruled it compatible with the constitution but significantly tightened provisions pertaining to conditional penal benefits, disclosure, and reparative duties of demobilized members of illegal armed groups. Decree 4760, on 30 December 2005, provided emphasis on issues such as orientation and legal assistance to victims, divulgence of rights, and victims’ rights to judicial participation and reparations. On 24 May 2011, Congress approved the Victims and Land Restitution Law, which incorporated provisions for financial compensation, land rights, and displacement. Signed into legislation by President Santos on 10 June 2011, the Victims Law was heralded by Human Rights Watch as presenting a “historic opportunity” to address longstanding issues of displacement. International law recognizes the right to the truth surrounding gross human rights violations. In regard to the right to the truth, it is the state’s responsibility to facilitate national healing by creating a public space for victims to be heard and acknowledged and establish a shared understanding of the past.

Historical Memory Group (GMH)

The Justice and Peace Law of 2005 created the Historical Memory Group (Interview 5) to produce and distribute an historical account of armed conflict in Colombia. GMH’s stated objective is to “design, develop and disseminate a narrative about the internal armed conflict to identify the reasons for the

emergence and evolution of the illegal armed groups’ as well as the different truths and memories of violence, with a differentiated approach and a preferential option for the voices of victims that have been deleted or silenced."14 Through this exercise of collective construction, Historical Memory aims to give a voice to the victims.

Gonzalo Sanchez, a prominent and well-respected historian with experience documenting the impacts of violence on Colombia’s people, was hired as director of GMH. He agreed to the appointment with the understanding that the group was autonomous and its products would not be subject to government review. With this autonomy, GMH sought evidence of historical truth and promoted justice, clarifying military and paramilitary motives and strategy that surrounded the cases [Interview 5]. The personality and intellectual prestige of Gonzalo Sánchez gave GMH legitimacy in the eyes of civil society and victims groups, even where the CNRR process was perceived as disconnected and illegitimate in the eyes of non-state actors.15

GMH executed its work by going to the field and talking to victims and their friends and families firsthand to find out what transpired, trying to reconstruct the memory of the events leading up to the atrocity and aftermath of each case [Interview 5]. GMH has no judicial mandate, with its primary focus being on reconstructing and preserving a shared historical memory [Interview 5]. Most of Colombian civil society understands this distinction, often making an effort to find ways that GMH’s work can influence the judicial process. GMH sees itself as the bridge between the short fallings of the justice provided through the peace and justice system. GMH collects the victims’ truth while the justice and peace system endeavors to obtain truth from the perpetrators of the abuse.

The Colombian truth and reconciliation process is unique from other truth and reconciliation processes implemented in Latin America and throughout the rest of the world. Other countries began a transitional justice process when they were transitioning to peace from a period of conflict. Colombia, however, has begun such a process while still in the midst of conflict. There are many challenges to structuring historical memory during internal conflict, most notably safety concerns. Gonzalo Sanchez, however, stressed that historical memory during this time is not only possible, but necessary [Interview 5]. The process and results, however, risk limitations due to the constraints of the ongoing conflict. The success of such an endeavor during ongoing conflict remains to be seen, since Colombia is the first to undertake a truth and reconciliation process before a more robust transitional justice process can be executed.

**GMH Outputs**

The work of Memoria Historica is primarily centered around the production and release of reports on emblematic cases. To date, GMH has released 7 emblematic reports including: the Massacre of El Salado, Trujillo: A Tragedy Without End, La Rochela, Bojayá, Sevovia, Bahía Portete and San Carlos. These emblematic reports cover the historical antecedents leading up to the violence, the causes and motivation for the violence, and to the extent possible the responsible actors. The reports provide the contextual framework through which to view institutional violence in Colombia, based on the fundamental problems of land and resource appropriation through political violence. The release of these reports have had both realized and potential effects on the human rights environment in Colombia, as we will assess later in this report.

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GMH employed a considered strategy through which they ensure a sufficient sampling of the diverse regions, peoples and types, scopes and scales of conflict. Emblematic cases that are identified by GMH contain multiple representative processes, modes, regional expressions and actors, both in terms of perpetrators and victims, leading to representative studies of the social and political impacts of Colombia's internal conflict. A major consideration for selection is based on their ability to access the actors and areas involved, mostly due to safety constraints.

GMH vetted each report in different ways. The reports were primarily vetted through witness corroboration. GMH had to be cognizant of the potential legal reprisals for any information they published. Neither Law 975 nor the clarifications made by the Constitutional Court provided protection from libel. Consequently, GMH staff felt as though they had to be “150%” certain of any information they published. Each report also went through a final vetting process that, while varied by locality, often included community readings and consultations.

The community readings were events that led to line by line vetting and editing of the reports. In the case of El Salado, for example, GMH investigators spent two days with the victims of the massacre, reading them the draft of the report to ensure they agreed with all of the content and incorporating their corrections into the text. This was very important to ensure that the victims approved and were aware of the contents of the reports before they were made public. With other reports, such as La Rochela, they could not engage in the same process because there were no survivors. In this case GMH investigators worked with the families and friends of the judges killed in La Rochela, most of whom did not want to be mentioned in the report.

To complement the emblematic cases, GMH has also released a series of thematic reports, including reports on internal displacement and land conflict, issues directly pertaining to the treatment of women and gender in the internal conflict, and the processes of historical memory. GMH continues to develop further thematic materials to inform the collective understanding of the overarching themes of Colombia’s internal conflict. For example, the thematic report on Mujeres y Guerra (Women and War) is intended to inform the advocacy work of community women organizers.

It is easier to measure the outputs of the work of GMH than it is to measure the outcomes. Some of the outcomes that were found through our research were asserted but difficult to confirm. For example, in 2008, when GMH released its first report on Trujillo, it had been nearly 15 years since the massacre had ended. Prior to the release no major prosecutions had been carried out. Upon release of the report, the Procuraduría issued a binding directive to state authorities to action the evidence in the report. By 2010, nearly 20 arrests had been made and key perpetrators, such as Major Alirio Antonio Urueña, an officer from the military’s Third Brigade, were tried and sentenced to prison for their role in the massacre.

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16 Interview 5.
17 Interview 5.
Challenges to the work of GMH

Judicial and Legal Avenues

Ascertaining the impact of GMH and JPL on human rights investigative, documentation, and advocacy work necessitates examination of the Law’s provisions and, most importantly, its effect on institutional impunity. Law 975, in summary, incorporated three (3) key themes – (i) judicial reform; (ii) justice; and (iii) reconciliation, reparations, and historical memory. Yet there was no formalized connection between memory and justice, and no processes by which the two could be linked. Historical memory, therefore, did not feature in the justice system. NGO officials criticized the process instituted by the JPL, which they said “emphasized and gave precedence to perpetrators’ truth rather than focusing on victims’ stories.” Only recently has the process allowed for the El Salado report to be used as evidence.

In multiple interviews, human rights workers criticized provisions and procedures that have allowed paramilitary groups to selectively disclose crimes while avoiding responsibility for other atrocities. Though GMH and JPL are related broadly to the justice and peace project in Colombia, the Law, according to Amnesty International, does not even guarantee that demobilization will succeed, for paramilitarism’s political, economic, and criminal grip remains intact. Human Rights Watch noted that the law failed to provide investigating bodies the tools to conduct even preliminary investigations of demobilizing paramilitaries, their structure, or sources of financing.

The narrow scope afforded to the JPL, especially prior to the Constitutional Court review and in conjunction with barriers to investigative work, added to the environment of institutional impunity. Human rights groups voiced concern over the legalization of paramilitaries’ political activities and the “re-engineering” of paramilitarism. In the assessment of human rights workers familiar with the Colombian political environment the JPL became an instrument to guarantee impunity to key paramilitaries under the guise of a justice and peace project that was essential for post-conflict Colombia to progress. While it is unrealistic to have expected a wider mandate that would have moved beyond paramilitaries and investigating all human rights atrocities, Lyons amongst other argues that “the partiality of the process with the paramilitaries appears to be serving the specific objective, heightened by the context of war, of avoiding discussion of State responsibility and assuaging demands for reform.”

The reparations process has also been beset by problems of resources and loose regulations that allow paramilitaries to withhold land and assets illegally obtained. De facto legalization of assets has also been criticized for shifting ownership and trafficking from being subject to legal judgment to a matter subject to political discretionary judgment. UNHCR, assessing the JPL, observed that “constitutive regulations did not succeed in establishing the advisable comprehensive legal framework” required for effective dismantling of illegal groups and reintegra of members into society – preconditions and essential components of justice.

20 Interview 2.
21 Ibid.
22 Ibid.
23 Ibid.

27 ICTJ, Contested Transitions, page 19.
Yet the JPL is also heralded as a point of departure for transitional justice and substantive advocacy work for victims' rights in Colombia. NGO groups, following the passage of the original law, were heavily involved in petitioning the Constitutional Court to review and amend as necessary looser provisions [Interview 1]. Ultimately, while the law holds some promise for reform, advocacy groups argue that it does not go “far enough” in addressing institutional impunity [Interview 1]. In 2008, the Office of the Attorney General created a specialized group of prosecutors mandated specifically to handle cases concerning successor groups to paramilitaries; however, this group has had limited success in areas where conflict, corruption, and state officials' patronage exist.31 The capacity of the Unidad Nacional de Fiscalía para la Justicia y la Paz, created under Article 34, is limited due to strict resource allocations and time limits.32 The Fiscalía, according to one NGO official, is also more concerned with showing progress on statistics than substantive investigation in the field [Interview 3]. While the nature and narrative of Colombian conflict remains contested, both the discourse and legal instruments of transitional justice have provided new opportunities to stakeholders – both from above and below – to further their agendas.33 These legal and procedural barriers have been a point of contention for human rights groups, who have interpreted the limited mandate of GMH as a deliberate attempt to stifle investigation.

NGOs also point to successful human rights advancements outside of the government’s truth and justice framework. The 1985 Palace of Justice case, for example, is a hugely important emblematic case in Colombia’s history of conflict, but the politicized nature of the case kept it far from the scope of the CNRR or GMH work. As a result of years of NGO advocacy work, the Supreme Court led a truth commission process into the Palace of Justice in 2005, and released a resulting report in 2009. The case led to the conviction of Col. Alfonso Plazas Vega in 2010. Another general, Iván Ramírez Quintero, who was once the third highest-ranking officer in the Colombian military, and top advisor to President Uribe, also faced trial but was acquitted in 2011.34 This is an example of a relatively successful truth commission process outside the scope of the CNRR, and an example of long-term human rights advocacy leading to successful efforts. It also represents that the human rights convictions face obstacles in reaching the highest levels of military authority, and serious challenges of impunity remain.

Structures of Power

The Justice and Peace Law sparked intense debate over the nature and composition of the proposed initiatives. One primary concern of victims groups and civil society was that the structure of the Justice and Peace process would lead to widespread impunity for the actors most responsible for the past human rights violations.35 This justice system was structured to allow for impunity in exchange for demobilization. Human rights organizations such as CCJ challenged the constitutionality of the law. At the center of the challenge was the lenient sentences and impunity in exchange for testimonies from the perpetrators of violence. The primary mission of the law was to demobilize the major paramilitary organizations, produce limited testimonies and light sentences. The Uribe administration repeatedly explained that the formula for peace & justice was “as much justice as possible, as much impunity as necessary.”36 This approach focused primarily on peace and security led to entrenched barriers for the state bodies assigned to the task of pursuing truth and justice - barriers that made it tremendously difficult for

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34 ICTJ, Contested Transitions, page 22.
35 ICTJ, Contested Transitions, describes the Justice and Peace law as a “confessional criminal justice model that offers willing candidates significantly reduced sentences (five to eight years in prison) in exchange for satisfaction of several conditions, including cessation of criminal activity, full confession to past crimes, and submission of all personal assets for victim reparation.”
36 ICTJ, Contested Transitions, 24.
GMH to carry out its mandate. GMH was placed in a challenging position where it was commissioned by the state to carry out historical investigative work, while strong political interests blocked the scope and impact of their work.

Human Rights Watch reported in 2008, three years after the demobilization process began, that as of February 2008 the Justice and Peace Unit of the Attorney General’s Office had issued information to other prosecutors for investigations to be opened into the vice-president, 11 senators, 8 congressmen, 1 former congressman, 1 cabinet member, four governors, 27 mayors, 1 councilman, 1 deputy, 10 “political leaders”, 10 officials from the Attorney General’s Office, 39 members of the army, 52 members of the police, 56 civilians, and 2 members of the National Intelligence Service (DAS).

Because of the deep military, economic and political ties to the past violence, GMH investigators immediately faced challenges to fulfill their mandate. They were given a mandate by the government, but there was no political will to allow the GMH to succeed. They were never provided the opportunity to meet with President Uribe. They did not have the government blessing to operate and investigate freely. They were threatened and unable to access areas due to the increasing activities of the Bandas Criminales and continued activities of paramilitaries. The violent actions by these groups made it extremely dangerous for judges and prosecutors working on these cases.

Due to this reality, the GMH investigations could only go so far up the chain of command, and the reports did not directly implicate the high-level officials responsible for the violence. In the wake of the demobilization process, as paramilitary leaders gave testimony regarding their human rights violations and criminal activity, their testimonies directly implicated accomplices in every military and government institution. Because the GMH only had historical authority and had no mandate to provide assistance to judicial processes, it was disconnected from the legal investigations. This led to a separation between the historical truth and the judicial truth. This also hindered the capacity of the GMH to implicate the most responsible actors for the human rights crimes over the years. The reports are more focused on truth for the victims, and fall short of directly implicating the state for the violence [Interview 2]. The transitional justice initiatives are intended to expose not only the direct perpetrators of the violence, but the intellectual authors behind the armed violence. This involves military, and well as political and economic interests. The criticism that permeates the work of the GMH is that in most instances they did not achieve this important goal.

Barriers to Access

The achievements of GMH were limited by structural barriers such as access-to-information. Such barriers are almost always a challenge to groups collecting historical memory surrounding incidences of human rights abuses. The challenges faced by GMH, however, can be largely attributed to its unique context, namely the execution of its work while Colombia is still in the midst of internal conflict. The greatest barriers to information are those that limited physical access and those that limited information from victims and perpetrators.

GMH had limited access to certain regions due to ongoing violence. Physical access is important to historical memory groups. They must be able to visit the sites of human rights atrocities and speak to the victims and witnesses themselves in order to get a full understanding of not only who committed the atrocities, but also the preceding events and circumstances. Many regions in Colombia are extremely

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37 HRW, October 2008, Breaking the Grip? Obstacles to Justice for Paramilitary Mafias in Colombia.
38 Interviews 1, 2, and 3.
dangerous to enter since they are still controlled by paramilitary groups, Bandas Criminales, and guerilla fighters. GMH's safety was never guaranteed and they were never provided security to allow them safe access to these regions [Interview 5]. Instead, the safety of its researchers was always a concern. The concerns for safety significantly influenced the selection of emblematic cases [Interview 5].

The GMH faced the work of producing historical reports on past atrocities in the midst of conflict. Every other truth commission process in Latin America took place after the signing of a peace accords or end of military dictatorship. In Colombia, the GMH could not travel to certain regions because of the presence of guerrilla or paramilitary presence. This made it even more difficult to address the structures of violence.

Besides regional limitations, GMH also faced challenges in extracting information from both the victims and the perpetrators. A key aspect of historical memory and one of GMH's primary objectives is to empower the victims by giving them a voice. GMH strove to accomplish this by visiting the regions and involving the victims in workshops, interviews, town hall style meetings, exhibitions, and photographic and audiovisual works. These efforts, however, were limited by the extent to which victims were willing and able to participate.

Many victims were hesitant to participate due to a lack of trust. GMH was often viewed as a government body. Consequently, many victims and victims groups viewed GMH as just another arm perpetuating institutional impunity. Many NGOs refused to assist the work of GMH [Interview 5]. Some NGOs had worked in the regions years prior to the formation of GMH and were wary of the new group entering the area, with some counterproductively viewing GMH as competition [Interview 5].

The victims of the conflict were comprised of varied and diverse characteristics, including different races, classes, genders, and regional origins. GMH selected cases based on this broad range of characteristics, striving to get a sense of what the nation as a whole experienced [Interview 5]. Such diverse groups of victims, however, led to some difficulty in defining the audience for each report, potentially lessening the broader impacts. Many victims didn’t even have access to the final reports due to various constraints such as illiteracy, lack of internet access, and the limited number of printed reports available.

Just as security was a concern for members of GMH, it was also a factor limiting victim participation in the investigations. GMH was unable to guarantee the safety of those presenting testimony. Many of those involved in committing the crimes continued to hold a blanket of terror over the communities. This was partially due to the fact that the CNRR only pursued paramilitaries, leaving most other accomplices and actors, including military officials and politicians, out of the investigations, which was a major shortcoming of the overall CNRR process. This shortcoming continued to limit the scope of GMH’s work throughout its investigations and reporting.

GMH had limited access to the perpetrators in the cases it was investigating. Since the CNRR was only pursuing paramilitaries, GMH did not speak directly with the military or carry out any other processes illuminating military involvement in the cases. Victims did not only want to know who was responsible for what happened to them, but also why the events unfolded the way they did. Without the ability to ask this question to all those involved, it is impossible to fully satisfy the need and right of the victims to understand the full scope of what transpired. Furthermore, now that many paramilitary groups have been disbanded through legal processes it is more difficult to identify the leaders. And with the formulation

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and disperse structure of the Bandas Criminales it is difficult to identify a single, culpable leader [Interview 5].

GMH sought to put together a more complete picture of each case by including both the victims’ perspectives and that of the paramilitary. The paramilitary perspective, however, was limited to the information given by paramilitary leaders through the Justice and Peace Law. Those choosing prosecution under this law had the freedom to give as little information as necessary in order to satisfy weak requirements. Unlike in the general justice system of Colombia, the Justice and Peace Law does not mandate a vetting process to confirm the truth submitted in testimony [Interview 3]. GMH lost access to truth through numerous extraditions, mostly to the United States. The United States continues to request the extradition of individuals involved in international narco trafficking rings. These extraditions are pursued regardless of the individuals’ other crimes in their home country. It is unclear whether the individuals extradited to the United States will be returned to Colombia after serving their sentences. In any case, access to testimony regarding alleged human rights violations is extremely limited.

Finally, due to concerns for its security and continued operation, GMH had to censor the information it published. GMH had to be very careful when implicating individuals, many of whom had powerful connections, without verifiable testimony. Anything that might implicate responsibility for involvement in a case had to be thoroughly cross referenced and proved through evidence. Otherwise, GMH risked implicating people who had powerful connections and could retaliate through legal channels or through violent actions. Due to this, GMH chose to take a neutral position [Interview 5]. This is seen as a major limitation by civil society groups that have a vested interest in GMH’s work [Interview 2].

**Creation of the Historical Memory Center**

The Historical Memory Group officially ended its work as the CNRR process came to a close, and now exists in another form. The June 2011 Victim’s Law established a new institution - the Center for Historical Memory - to function as a museum and national archive. The Victim’s Law defines historical memory as public heritage and establishes the mandate for a new space for memory in the country. The Memory Center will include the collection of documents that contribute to the truth, from both historical and legal perspectives, and create a National Memory Museum. The Memory Center will contribute to the “collection, systematization, and diffusion” of historical memory, as well as support “public and private initiatives that autonomously and independently contribute to its reconstruction with a view to consolidating guarantees of non-repetition and reconciliation.”

The Center has been assigned the enormous task of recovering 24,000 testimonies produced during the CNRR process, as well as the documentation accumulated in the creation of the GMH reports, and archiving the material. At the time of writing this report, the Center is determining the scope of its efforts based on the proposed budget.

The work of the GMH has helped enshrine important international legal principles in Colombian society, such as the Right to Truth. This establishes that victims of political violence have the right to know what happened to their family members and friends. The Inter-American Court of Human Rights (IACHR) has held that victims have a right to truth as part of the right to protection in the American Convention on Human Rights. The IACHR has emphasized that the right to truth also requires that states not restrict the right through legislative or other measures, which would violate the American Convention. The right to know exists both on the individual and collective societal level. According to

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41 HRW, *Breaking the Grip*, pg. 135.
the IACHR, “Societies affected by violence have, as a whole, the unwaivable right to know the truth of what happened as well as the reasons why and circumstances in which the aberrant crimes were committed, so as to prevent such act from recurring.”

GMH has been an influential actor in promoting the right to truth as a pillar of Colombia’s reconciliation and peace efforts. The Center is now operating with the objective to further this cause. Constructing historical memory can go further than judicial memory, and the Center is now in a position to provide historical analysis for continuing judicial efforts. This is a tangible contribution that all NGO groups agree has been an important contribution to Colombia’s truth and justice advancements.

The Center is also in a position to provide historical analysis of the conflict and contribute to the public dialogue over peace and justice. GMH officials point out that the previous government did not even recognize that the armed conflict existed, and stifled any debate over lasting peace. In order to have peace, a society needs to have dialogue, and the goal of historical memory preservation work is to facilitate dialogue and contribute to negotiations. The national dialogue has created a narrow narrative fixated on conflict and victims’ rights. Now the Victim’s Law focuses on land restitution. The Center is in an important position to address victims’ rights, as well as widen the scope of the national debate over issues like security and resource conflict. The long-term outputs that will result from the work of GMH and the Memory Center are difficult to measure in present value terms. What is certain is that the Center will play an important role in determining the narrative over the current conflict, and will likely influence the ability for future peace talks.

**Projected Consequences of the work of GMH**

At the outset of its creation, the Grupo de Memoria Historica was tasked with completing a task contingent on the ongoing Colombian transition to justice and peace. Truth telling and a narrative that rationalizes the basis for transitional justice largely sets the tone and momentum for erecting institutions whose work is unpopular, inherently political, and reconciles competing approaches to achieving justice. The process of creating truth itself proved delicate in the Colombian GMH context. Reflecting the political and social challenges of Uribismo, GMH was not an empowered truth commission. The State did not support the capacity and financial needs of GMH as evidenced by the presidential decree that shaped CNRR originally precluded the work of GMH and subsequent agreements to create an institution with few teeth. President Uribe viewed the task of truth telling as unduly influenced by human rights groups who sought, in his view, to undo and criticize the security and state consolidation of control cherished by Uribe. To his dismay, groups succeeded in promoting GMH, albeit within the confines of an institution he and the state would marginalize. GMH, however, came to reinforce the “political use of transitional justice” as a response to the political and economic forces whose interests were to be affected by paramilitary demobilization. National commentators lamented the challenge of GMH in comparison to Latin American commissions that had seen dictators and oppressive actors disarmed before truth confronted the national consciousness. In Colombia, demobilization politics limited official truth. However, for the voices yearning for a channel and ear, GMH represented possibility and had origins that could be traced back to the thousands that silently shared their stories with Human Rights advocates during preceding decades.

A retroactive look at the accomplishments of GMH reveals a track record unpredictable from its outset. Publishing and reports implicating the State actors in massacres is an accomplishment, all told, in the face

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44 Valencia, Leon, El Tiempo.com “La comisión de memoria histórica” September 6, 2008.
of a national narrative that officially precluded the criminality of its military until recently. If the concept of a national narrative was distorted by these preclusions before GMH, then GMH would render new meanings to the stakeholders affected by the conflict. Within its confines and limited capacity, GMH developed a national narrative that could build the edifice of national memory on a stable foundation on which additional branches of justice and peace could rest.

We are left asking ourselves the question of what factors contributed to the success of GMH and in what ways GMH’s work was truncated from possibility. We suggest that the capacity issues as well as lack of State support limited the accomplishments of GMH and narrowly presented an opportunity to influence the broader dialogue of reconciliation in the country. A number of factors endemic to the nature of the conflict helped reinforce the limits enacted by the drafting of GMH authority. For many years, a largely decentralized strategy of fear prevented victims from seeking justice, and the judicial system itself from investigating claims. Interestingly, the very process of creating truth in el Salado opened up the possibility of justice.

Our interviews with GMH suggest that the work of GMH was limited by finances and low levels of government support for its fact finding, interview, and publishing processes. GMH staff suggests that “the double edged sword of independence may have been designed more as a sword for us to fall onto” rather than an implicit policy tradeoff between State support and independence. Financial, material, and truth from which judicial reforms are based requires the buy-in of institutions. GMH staff made this clear in interviews. In the case of El Salado, Bolivar, GMH used its very limited resources and dedication to interviewing, fact-finding, and publishing to carry out the study of the massacre that took place in February of 2000. El Salado was and still remains delicate in the national consciousness. Previously authored Human Rights Watch reports implicated Colombian military units of sharing and coordinating information with paramilitaries that massacred over 60 rural farmers. In the eyes of Alvaro Uribe, Human Rights Watch (HRW) intended to dethrone him and undo his security progress. GMH opened up the case of El Salado during the Uribe Presidency, interviewed key witnesses and redirected national and international attention to the small town that lost 90% of its inhabitants to displacement after the massacre. The decentralized strategy of fear rang true in this community, for none of the residents would lay claim to justice in a sparsely populated, continually contested territory far from the security priorities of Uribe.

Luis Robles Mendoza, alias ‘Amaury’, Salvatore Mancuso, Rodrigo Tovar, alias ‘Jorge 40’, Jhon Jairo Esquivel, ‘El Tigre’ and Uber Banquez, alias ‘Juancho Dique’ were all implicated in the massacre of El Salado. Only Luis Robles Mendoza was tried (in September of 2011) and accepted charges for his crimes in El Salado. Higher ranking leaders like Rodrigo Tovar accepted charges for lesser crimes and narcotrafficking before being extradited to the United States. For his failures as then Defense Minister, current President Juan Manuel Santos accepted (in July 2011) “failures and omissions” on the part of the State for failing to stem the massacre.

GMH did not write an arrest warrant for Luis Roblez Mendoza, nor did they ignore the massacre because of previous HRW reporting. GMH directed national attention to El Salado using its own fortitude and courage, for its own trips to the region were plagued with threats and unease from Fiscales whom separately investigated the crimes. GMH directed and assisted the development of national consciousness using a galvanizing case. Certainly, the timing, path dependent nature of GMH’s work contributed to the successes, yet it is working within these constraints against the interest of the Uribe.

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45 GMH report, “La Masacre de el Solado: Obstaculos a la Justicia en las Investigaciones de la Mafia Paramilitar en Colombia”. http://www.scribd.com/doc/54155322/22/La-masacre-de-El-Salado
Presidency and paramilitaries that deserves praise and attention. The lessons of the case are just as important for understanding the influence of GMH on the judicial system, as well as for recognizing the important reforms that could follow. A number of GMH lessons should be immediately translated into reforms of GMH and its continued work.

**Recommendations**

**Better collaboration between Human Rights Groups and GMH**

A lot of work is currently being done in Colombia by various organizations striving to advance human rights in Colombia. Some of these human rights groups have been advocating for reforms since the early 1990s, but there is little coordination between these organizations [Interview 2]. There is some fear that Colombia’s economic and social advancements and increasing economic development will fool the rest of the world into thinking that Colombia has moved beyond the need for international support. The truth, however, is that human rights abuses and violations are still occurring daily throughout the country. Numerous human rights groups have emphasized the importance of continued international pressure to ensure the Colombian government is held accountable for the institutional structures that allow these atrocities to continue.

Human rights organizations have been gaining momentum and influence in Colombia, but there is great potential for collaboration between these groups. Many organizations have developed specialized skills and services, for example advising and/or representing victims in court, regional expertise and investigations, psychological services, and accompanying victims in their search for the disappeared. By collaborating, these organizations could provide a spectrum of services to victims, allowing victims of human rights atrocities easier access to assistance. Combining expertise would also allow them to greater affect policy change at a national and international scale.

An example of collaboration already in progress is the NUNCA MAS project, which is a collaboration of 19 Colombian human rights groups. The organization’s goal is to “recover historical memory, in order to contribute to the struggle against impunity for war crimes and gross human rights violations committed in our country. A collaborative effort like NUNCA MAS would benefit from the participation of GMH, and vice-versa. Now that the GMH investigative process has ended with the publication of the final emblematic report, GMH could consider commissioning NGOs or a collaboration of NGOs to execute further investigations and reports.

Collaborations with NGOs could help GMH gain the trust of the victims who they are working to empower through the development of a victim-centered historical narrative. NGOs that have a history working with victims’ groups could help facilitate an expanded dialogue between GMH and victims. NGOs could also help ensure that the reports by GMH impact the communities they are documenting by helping to increase access to the findings. This could include a variety of delivery methods and would not have to be limited to the published report.

**Engagement with the historical memory center**

The GMH should take steps to ensure that the memory museum is democratic, and the information is open to the victims and publicly available to Colombian society at large. The Center should be sure to maintain the perspective of the victims, and serve as a reminder of the cost of political violence. Memory centers are key institutions for forcing society to remember the violence that took place, and advocating for accountability for past crimes. Memory institutions can also be key actors in policy debates over
lingering impunity, and conflict resolution. Colombia’s Memory Center can play a central role in advocating for justice through the framework of the Victims Law.\textsuperscript{46}

**Strengthen the connection between judicial truth and historical truth**

The work of the Memory Center has important potential to narrow the gap between historical memory and judicial truth. However, rendering the gap between historical and judicial truth requires empowering judicial bodies to utilize truth created in investigations as meeting the standards for evidence for criminal, or even Justice and Peace trials in Colombia. Scant evidence [Interview 5], such as the cases of Rio Hacha, suggest that judicial truth could be shaped by the testimonies provided by paramilitaries volunteering information under Justice and Peace demobilization.

The Colombian government should provide adequate resources to support these efforts. The measurements that the *Planeacion* office uses focus narrowly on the number of cases brought. This assessment would be more conducive to promoting peace and justice initiatives. Measuring human rights advancements is difficult, and quantifying these advancements often does not account for the larger social impact. The Colombian government should revise its metrics and evaluation to consider the larger social impact of historical memory work. The number of reports distributed to victims of political violence is one measure, but the impact of this historical narrative on the next generation is an even stronger measure. The first step to establishing trust in the state in communities impacted by political violence is telling the truth behind the nature of the violence.

**Supplementary institutions or structures at regional levels with expanded mandate**

As the GMH mandate shifts focus – its initial mandate considered complete [Interview 5] – into an institution for preserving historical memory, it is important to stress that the truth and reconciliation project in Colombia is far from complete. Officials from a prominent human rights group stressed that regional truth and reconciliation commissions (“TRCs) may serve as a precursor to and preparatory instrument for a national TRC [Interview 2]. Local mediation systems, which are growing in popularity [Interview 2], may in the long run be incorporated into such regional projects to contextualize and provide legitimacy to the effort. Further, truth and reconciliation efforts will build upon the investigatory and archival work conducted by GMH, operationalizing it in terms of everyday justice for communities affected by paramilitarism and violence. The devolution of truth and reconciliation efforts also allows for cases beyond those deemed “emblematic” by GMH and other groups to be addressed within communities. Inclusive networks and mechanisms for truth telling also provide avenues for affected communities – broadly defined as victim societies, collectives, and individuals – to influence the narrative of justice and peace according to local or indigenous conceptions. If justice fails against victims’ expectations, society has to form simultaneous forms of memory [Interview 5]. It is important, though, to reiterate that such efforts – as evidenced in the obstacles GMH and human rights groups have faced [Interview 5] – will fail to make the envisioned impact if conflict persists. Yet the existence of conflict does not and should not preclude efforts for reconciliation and justice; a prominent group found that the communities were demanding historical memory processes even within conflict [Interview 5].

**Conclusion**

As demonstrated in other countries in Latin America, human rights historical clarification work has a delayed social impact that is difficult to measure in real-time. Based on the experiences of other countries

\textsuperscript{46} From ICTJ December 2011 conference; http://colombia-memoria.ictj.org/es/el-museo-de-la-memoria-debe-ser-democratico.
in Latin American that went through truth commission processes in the 1980’s and 90’s we can predict that Colombia’s historical memory building projects have the potential to be impactful for years to come. In Guatemala, for example, former dictator Efrain Rios Montt is currently on trial for acts of genocide committed as head of state from 1982-83. Guatemala’s truth commission report (CEH) that came out in 1999 documented the massacre campaign carried out by the Army under Rios Montt’s control during this period. This report is still being used for reference and historical context in investigations and human rights trials today. The work of GMH will similarly be used and referenced by human rights bodies for years to come, and the memory center will play a central role in future advancements. Yet it is important to stress that the requisite investigative work on human rights abuses does not end with the Victims Law and the creation of the Center for Historical Memory; the structures - political, economic, and social - continue to exist unaddressed. The work of GMH, therefore, in context of the broader project for justice and peace in Colombia, must be consolidated and complemented by other mechanisms such as truth and reconciliation commissions at the regional level, incorporation of human rights reports in judicial processes, and more inclusive efforts to construct indigenous narratives of justice and peace.
Interview sources have been redacted.

Bibliography:


