War Victims Take Center Stage in Colombia’s Ongoing Peace Talks

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August 2014 is destined to be a key month in the history of Colombia thanks to crucial developments in the peace negotiations through which the government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) guerrilla army are hoping to end a half-century of internal war.

One of those advances—something that would have been unimaginable just two years ago—took place Aug. 16, when an initial group of victims representing all sides in the conflict traveled to Havana, Cuba, which is hosting the talks (NotiSur, Dec. 14, 2012), and presented their full reparations claims before delegates representing President Juan Manuel Santos and the FARC. For the first time in the war's decades-long trajectory, soldiers and rebels met face to face—not to do battle but to discuss peace. The 12-person delegation of victims was the first of five such groups that will make the journey to give first-hand accounts of the consequences of the conflict, which include an estimated 220,000 deaths, 25,000 disappearances, and 27,000 abductions. In addition, some 5.7 million people have been displaced.

Later that week, Colombia’s top military official, Gen. Javier Flórez, also arrived in Cuba. As head of a special military commission chosen to negotiate with the FARC, he began on Aug. 20 to discuss possibilities for how the rebels might "surrender" their weapons in exchange for guarantees allowing them to reintegrate into the legal life of the country without fear of being exterminated, which is what happened to guerrillas following two failed peace-process attempts in the late 20th century.

Remembrance, truth, and justice

The parties came into this latest round of talks aware that the days ahead would be particularly tense given the emotions involved and the calls for justice being made by victims or victims’ families who suffered during this cruel period of history. Complicating matters even more is that the far right—despite being a major protagonist in the conflict—still refuses to acknowledge any role in the various atrocities and human rights violations that were committed.

Earlier this year, at the start of a recess in the talks that began prior to Colombia’s first-round presidential election in May (NotiSur, June 6, 2014) and continued until the eventually re-elected Santos (NotiSur, July 4, 2014) resumed his duties in August, the government and FARC released a document in which they described the war victims as "the most important and sensitive [matter] of the talks in Havana." The document also said that victims’ rights are "nonnegotiable" and that "the constitutional government and the guerrillas are not in Cuba to exchange impunities. We see it as essential, therefore, that all sectors of society participate in this supreme act of recognizing responsibilities."

After reading the document, the head of the government’s negotiating team, Humberto de la Calle, made a statement of principles that seemed, surprisingly, to have been taken from the discourse of the Argentine government or by the victims of that country’s genocide (1976-1983),
who have been incredibly active through the years in demanding that state terrorism and its repercussions be acknowledged and that the people responsible for the horrors of that era, when 30,000 people disappeared, be punished. In Argentina, the rallying cry is "memoria, verdad, y justicia" (remembrance, truth, and justice).

On July 26, De la Calle recalled to the weekly magazine Semana what he said on that day that the last recess in the peace talks began: "Our job now will be to discuss how we are going to satisfy the victims’ rights to truth, remembrance, justice, and the admission of responsibilities."

Iván Márquez, the lead negotiator for the rebels, spoke in similar terms. "We want remembrance, truth, and justice, just like all of the other groups in the Americas that are looking to heal their wounds," he said.

Troubling testimonials

On Aug. 16, when people responsible for the war met face to face with the first of the five delegations of victims, De la Calle and Márquez admitted that the shock they received was even greater than what they had imagined.

One of victims present that day, Constanza Turbay, said that she was "tired of making statements before judges and begging presidents" but that "this, today, has been a meeting with symbolism, the most important of my life." The woman, one of eight in the 12-person delegation, is the only survivor from a powerful landowning family that was decimated by the FARC in the southeastern department of Caquetá (NotiSur, Jan. 19, 2001). "[The encounter] allows me, for the first time, to think that I could be close to unearthing the truth of what lays buried in my land in Caquetá, where there are no Turbays left," she said. "After the meeting, Iván Márquez came over to me and apologized. It wasn’t just something mechanical. It was an emotional apology that came from his heart."

The people who were the most critical in their contributions—although they too support the peace process—were victims of human rights violations committed by the armed forces. Alfonso Mora, a noncommissioned Army officer whose son, a FARC guerrilla, was tortured and mutilated before being executed, asked that "military personnel who committed crimes not be afforded any kind of special legal protections." Another delegation member, José Antequera, the son of one of thousands of ex–guerrillas from the Unión Patriótica (UP) who were exterminated in the 1980s (NotiSur, Sept. 7, 1989), said that "for us, the primary sticking point is that there needs to be a specific category established regarding crimes committed by the state and a precise category for genocide."

One of the day’s most moving accounts came from Marina Bernal Parra, whose mentally disabled son was found buried in a mass grave in Norte de Santander, a department along the northern border with Venezuela. Bernal Parra described how her son, "someone who wasn’t in a position to take care of himself," was "recruited" by an Army outfit, dressed up in guerrilla fatigues, given a gun, and then shot. The victim was what is known in Colombia as a "false positive," a staged combat casualty that soldiers use to pad their service records and thus obtain economic benefits and rank promotions (NotiSur, April 27, 2007, and Dec. 14, 2012).

Difficult selection process

The 60 people who make up the five victims delegations were selected in Bogotá by a joint committee of officials from the Universidad Nacional de Colombia (UNC) and the UN following a
series of national forums held all around the country. The Catholic Church, which had previously kept its distance from the peace process, opted in this case to work alongside the UNC-UN committee.

Martín Gottwald, a deputy representative with the UN High Commissioner for Refugees (UNHCR) in Colombia, explained in a recent interview with Semana that "adopting selection criteria for the members of each of the groups that will travel to Cuba has been complex and will no doubt generate as much criticism as support." The UNHCR official explained that people displaced by the conflict tend to be particularly suspicious regarding the efficacy of the peace talks. "Some 50% of the people who have been internally displaced live in urban areas and many want to stay in the cities, while others who are in rural areas or in other countries want to return. UNHCR studies have shown that, among this population, there is no sense that a peace accord will actually produce economic and security improvements. They're not convinced, and trying to regain their trust will take a long time," said Gottwald.

With those kinds of considerations in mind, the UNC-UN committee established a fixed set of criteria to select the various victim delegates. It then explained those criteria in a press release. The first delegation that traveled to Cuba was made up of five victims of guerrilla action, three who suffered at the hands of paramilitaries, three victims of the armed forces, and one person who was victimized by various groups, which is quite a common experience in Colombia.

The committee was careful, however, not to choose the delegates based solely on the basis of which side perpetrated the crimes in question. It instead tried to reach a kind of "balance to reflect as much as possible the dynamics and the different forms of victimization associated with the conflict," the UNC-UN group explained in its press release. The first group is a case in point: the delegates chosen were touched by crimes ranging from abduction and disappearance, to "false positives" and murder, to torture and massacres, to sexual violence and forced displacement.

The UNC-UN committee also tried to take into account gender and regional diversity, choosing, for example, Colombians of African descent and people from the Wayúu tribe, an indigenous group from the Caribbean province of La Guajira that has been victimized in particular by paramilitary organizations acting on behalf of drug mafias and powerful agricultural producers. The committee looked to make the delegations economically diverse as well. The first group included both poor people and family members of well-known politicians. The group also has links to emblematic cases, such as the Bojayá massacre and the UP killings. The former took place in May 2002, when a bomb activated by a paramilitary group killed between 74 and 119 people inside a church in the western town of Bojayá.

Scholars who have studied similar peace-process negotiations—the case of Northern Ireland is one example—have noted in the Colombian press just how "ample" the UNC-UN group has been regarding its selection criteria. As the committee explained, "Members of the security forces and their families have been given equal footing alongside members of the guerrilla and their families [in cases where] both groups suffered harm or had their rights substantially impaired as a consequence of gross human rights violations."

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