

Memory in Times of War

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Colombia, along with Peru, Northern Ireland, Sri Lanka, and Guatemala, belong to an unusual group of countries determined to resolve and end an internal armed conflict without abandoning a democratic mode of governance. For almost six decades Colombia has endured a prolonged and debilitating internal war whose current status combines elements of both conflict and postconflict. While open confrontation with the Revolutionary Armed Forces of Colombia (FARC) continues, President Álvaro Uribe Vélez's government has negotiated a transitional peace with the United Autodefenses of Colombia. This process began with the demobilization of over thirty thousand paramilitary fighters, as well as the promulgation of Law 975, known as the "Justice and Peace Law," in 2005. Two striking results of this transitional justice process are, first, the public hearings in which nearly twenty-four hundred demobilized paramilitary commanders will be asked to confess their crimes before receiving the benefits of Law 975, and second, the visibility and empowerment of victim organizations. The *truth* sought by Law 975 is a judicial truth constrained by the paramilitary commanders' voluntary confessions and by the ability of the Attorney General's Office to substantiate them. Unlike countries in which truth commissions were set up in the aftermath of a given conflict—simplifying enormously the determination of areas of action, investigation, and intervention—Colombia sanctioned the National Committee for Reparation and Reconciliation in a social and political context of war. Colombia's unique circumstances not only complicate such issues as the specification of heinous crimes, reparations for victims, and reconciliation, but also pose new challenges for the construction of truth and memory, key instruments in transitional justice processes.

Colombian political dynamics are marked by an uneasy state of permanent war and constant negotiation. This phenomenon is due to the state's recurring practice of engaging in partial negotiations with the armed opposition. Because

such negotiations bring no cumulative results, it is easy for armed actors to retreat from the war and then return to it, exacerbating the tension between actors taking part in negotiations and those who maintain their illegal status. Since the nineteenth century Colombia has tended toward granting almost unlimited amnesty, toward forgiving and forgetting, due perhaps to the horizontal nature of confrontations during that century between the different sectors of the elite, who used war almost as a normal mechanism for power sharing. A contemporary example of this legacy is the unconditional amnesty that Gustavo Rojas Pinilla's military government decreed in 1953 to dissolve the liberal guerrillas and communists who had besieged the country during the period known as *la violencia*; many guerrillas who took advantage of the amnesty were later assassinated. Currently, however, this tradition of impunity and silence is at odds with the growing internationalization of justice, which imposes regulations and limits of social and ethical tolerance on customary practices of making everything negotiable, even organized crime.

In the last twenty years, internal armed conflict has killed more than seventy thousand Colombians, most of them civilians considered by either guerrillas or paramilitaries to have aided their rivals. Moreover, tens of thousands have been kidnapped, disappeared, and tortured; countless others have suffered sexual violation; and more than 3 million have been forced to abandon their land and belongings. These figures are the result of confrontations between paramilitary groups, acting with the consent of military commanders, and guerrilla groups sponsored by the FARC and the National Liberation Army (Ejército de Liberación Nacional, or ELN). Armed confrontation centers on the control of vast expanses of national territory and of resources such as coca, oil, and, strangely, kidnapping. The current phase of the war is characterized by the military's partial recovery of its power monopoly, by the tactical retreat of the FARC, and by negotiations between the ELN and Uribe's government. Despite profound social inequality in Colombia and a sizable movement of victims who consider the state a primary violator of human rights, Colombian democracy cannot be equated with the military dictatorships found in South America's Southern Cone. Although the war is now entering its seventh decade, according to some estimates, Colombia is certainly no "collapsed state"; its institutions remain strong and are committed to the construction of truth, justice, and memory. In fact, much of the truth regarding war atrocities has begun to be revealed by institutions such as the Attorney General's Office, Congress, the National Prosecutor's Office, the Constitutional Court, and the Supreme Court of Justice.

Memory is highly contested terrain in Colombia. A battlefield unto itself, it

encompasses hegemonic, subordinate, and contradictory memories, as well as the silenced and relegated memories of women, indigenous peoples, and communities of African descent. Mediatic, alternative, and militant memories also exist, as do organized and fragmented memories. There are as many memories as power relationships. With regard to countermemories, the project Colombia Nunca Más (Never Again Colombia) is notable. It has collected testimonies aimed at documenting terrorism perpetrated by the Colombian government. Recently, the Victims of Government Crimes movement made available to the National Prosecutor's Office documentation of fifty thousand crimes against humanity that the state had committed against family members of leftist and popular leaders and against their close friends. Reports by *Deuda con la Humanidad* (Debt with Humanity) and *Colombia Nunca Más* document and denounce crimes such as forced disappearance, extrajudicial execution, political homicide, and torture. These organizations have provided the names of the victims, the circumstances surrounding the crimes, and those presumed to have committed them. The documentation lists the names of the relevant paramilitary blocks and of the military or police units to which the officers involved in the crimes belong.

Colombia finds itself in a unique moment of public revelation. First, the confessions of paramilitary leaders at open hearings have turned out to be half-truths, constructed from what these individuals are allowed to or are able to recall; what they forget; what they withhold; what they invent; what cultural instruments allow them to understand of the past; what their beliefs lead them to emphasize regarding a certain political or moral action in the present; what they use as rhetorical tools to attack others or to defend themselves; what they themselves experienced; and hearsay. In any case, we are dealing with a universe of complex and contradictory events that are difficult to adjudicate by conventional means. Second, Supreme Court investigations of politicians linked to drug trafficking and paramilitary activity, known in Colombia as "parapolitics," have sought to clarify the links between politicians and paramilitaries and have led to the subpoenaing and consequent incarceration of legislators, former mayors, and other public servants. Outside South Africa, no truth commission has left politicians feeling as vulnerable as they do in Colombia. Third, individual citizens' grievances and accusations documented by the media have yielded further disclosures.

Memory loss is characteristic of Colombians. Both a lack of symbolization and the suppression of traumatic events from the past have been decisive factors in the ability of paramilitary groups to reprise the heinous crimes committed by liberal and conservative *bandoleros* during *la violencia*. Why this amnesia? One reason is that the long-running war has produced no solution to the original

problem, only partial amnesties leading to periods of war and civility on a single continuum. Although the volume and atrocity of crimes committed in Colombia merit dedication to the judicial truth exalted in tribunals like those convened in Nuremberg, Rwanda, and the former Yugoslavia, the Justice and Peace Law does not target such truth. That is why Colombians require extrajudicial truth, and that can be achieved only by the victims and the affected sectors of society. Until recently, victim organizations voluntarily removed themselves from the process of transitional justice, because they doubted that conditions would allow for public clarification and recognition of the crimes committed by paramilitaries. Now many of these organizations have decided to participate actively in the process, leading to the inscription of more than 140,000 victims with the Justice and Peace Unit of the National Prosecutor's Office.

How much truth can be tolerated and assimilated by a society still immersed in one of the bloodiest, prolonged, and expensive armed conflicts on earth, once the nation has decided to seek, decode, and acknowledge that truth? What kind of historical account can or should be constructed in the midst of a war that continues to produce victims of atrocities? Should official accounts be validated, or would it be better to challenge the authoritarian narratives that almost always hush up the memories of victims? Is it viable to produce an integrated historical account based on social negotiation between regional and local statements and narratives in order to reach a minimum agreement regarding events that, under no circumstances, can be avoided? These are a few of the questions guiding the investigations undertaken by the Grupo de Trabajo de Memoria Histórica (GTMH), part of the National Committee for Reparation and Reconciliation created in 2005 under Law 975. The GTMH is expected to present a public report in 2010 on the reasons that illegal armed groups emerged in Colombia. This broad mandate has been interpreted by members of the group as a chance to construct an account taking into consideration the different memories of the actors involved in the conflict, alternative interpretations of victim organizations and resistance groups, and initiatives for preserving the memories of the communities besieged by the violence. The construction of those memories will play a pivotal role in future stages of the postconflict. It could provide a framework for defining and addressing the expectations of different and opposed social groups, both in the search for solutions to the internal armed conflict and in the redemocratization that follows a peace agreement. In this sense, memory constitutes a political battleground contested by as many memories as actors in the conflict—the place where differences are articulated.

If any one thing has characterized truth commissions, it has been the relative ease of establishing the duration of many of the disputes in question: in El Salvador's case, eleven years of war (1980–91); in Peru's, twenty (1980–2000); in Guatemala's, thirty-four (1962–96). In Colombia, by contrast, any attempt to determine the date that the internal armed conflict started creates enormous academic and political controversy, because such an attempt is linked to another contentious issue: at what point should one begin to reconstruct memory? From the enactment of the Constitution of 1991, considered a peace treaty with the insurgency, or at least a sizable portion of the insurgency? From the so-called holocaust at the Palace of Justice in 1985? From the emergence of the principal guerrilla groups in 1964? Or from the assassination of Jorge Eliécer Gaitán in 1948, when the course of contemporary Colombian history veered drastically? Positing a starting date for the Colombian conflict means insinuating responsibilities, defining inclusions and exclusions, sounding the first cry in the battle for memory. Why is this date so important in Colombia? Perhaps because in Colombia, unlike El Salvador, Guatemala, and Peru, whose truth commissions have a narrower mandate, more is at stake than truth related to a contemporary conflict: debts of truth and memory are owed to former generations, including the generation of those who survived *la violencia* and are still alive.

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Duke University Press/Journals

