

To Research School Symposium participants,

This is the fourth article of my PhD. The first three focus on (1) the creation of Colombia's institutions dedicated to pursue truth, justice and reparation; (2) the path dependency of these institutions in Colombia and globally; and (3) local perceptions of the peace process, with a focus on institutions dedicated to pursue truth and justice.

‘Justice!? I hate that word’: Explaining the limits of the pursuit of truth and justice in conflict-affected communities

Introduction

I sat in the open-air living room of my interlocutor's farm house, and had chatted about the peace process and dialogue initiatives in the community. The conversation was lively, and I felt we had a good connection. I was in Mesetas – a conflict-affected municipality in the former stronghold of the FARC along the Eastern mountain range in Colombia – and had embarked on my third round of fieldwork in October 2021. In preparation for this trip, I had prepared the question that I hoped would guide the conversations onto my topic of interest; the pursuit of truth and justice.

I found a break in the conversation, and proceeded to contextualize my question, re-emphasizing that Mesetas as a community has been hard hit by the armed conflict. I asked: “In this context, thinking about the community as a whole, how can one achieve a sense of justice?”

The mood changed abruptly, and her eyes got hard and cold. “Justice!?” she said with a hard voice. “I hate that word.”¹ She looked into my eyes, and continued to say that no one will ever forgive. Rather, she said: “we get used to it. Note that down: we get used to it.”²

In Mesetas, countless people have suffered the killing or disappearance of family members, displacements, torture and kidnapping, and/or otherwise lived with mobility restrictions, threats and uncertainty. The post-agreement period (‘el posacuerdo’) has brought an element of calm, mobility and tourism to the municipality. Further, entities charged with pursuing truth and justice have organized memory workshops and gathered testimonies. Many local, national and international agencies have also provided platforms for dialogue and exchange between ex-combatants and local inhabitants. The peace agreement, signed between the former FARC guerrilla and the state, was supposed to contribute to those people most affected by armed conflict, and facilitate the pursuit of – amongst others – truth and justice.

¹Justicia!? Odio esa palabra.

²«Nos acostumbramos»

In this paper I argue the logic is reversed: Rather than these institutions contributing to provide people with a sense of justice, people in these communities contribute with their stories of victimization and suffering to these institutions' national-level pursuit of truth and justice. People report that after contributing with their stories, agencies leave, write their reports, while people themselves are left without anything in return. In a context of ongoing insecurity and violence, the completion of the truth commission's report and the Special Jurisdiction for Peace's (JEP, in Spanish acronym) slow-moving judicial processes are neither relevant nor particularly useful. From the perspective of conflict-affected communities, while sophisticated and praised, they may end up doing more harm than good.³

In this paper, I point to one contextual and two other explanations for why this is the case. The contextual explanation is that these institutions, by design, are set up to contribute to a national-level pursuit of justice, rather than a pursuit of truth and justice on the local level.

The two other explanations relate to the fear and distrust that may permeate many post-conflict contexts. Here I argue that many are afraid of telling the truth and that people have little trust in the pursuit of justice achieving anything.

Background/motivation

At onset of my research, I was asking how judicial and extra-judicial measures to contribute to truth and justice were catering to the needs of conflict-affected communities. What I argue, however, is that the logic is reversed: That people in conflict-affected communities cater to these institutions' pursuit of the truth about what happened in their communities – which they already know far too well. People in these communities lived amidst war and know very well the reality of what happened. While each have their own individual and familial story of victimization and conflict exposure, they shared the experience of living in this very community. Now, five years after the signing of the peace agreement, the context in which they live in don't allow or present the context in which to pursue this type of truth, because of fear of retaliation and distrust towards institutions dedicated to pursue truth and justice. People in these communities who experienced the war are first and foremost interested in keeping this calm, to avoid further grievances, violence, and suffering. Hence, lofty objectives of truth and justice become second-place at best. Here, what most people say they want is roads. It is the most evident, most concrete and also symbolic of what the larger issues of injustice over the years has presented. It is also the easiest one to talk about.. And the easiest one to argue in favor of, and perhaps also the easiest one to convince the state to do something about. Almost equally as mentioned is the need for employment and social investments, to help people kick-start projects.

Further, people in conflict-affected communities are supposed to contribute to holding perpetrators accountable by presenting what they experienced and how

³Brannfakkell... her må eg kanskje 'tone ned'...

they suffered. This goes contrary to the idea that these institutions are supposed to cater to and bring a sense of justice to people in conflict-affected communities. While people may express that they are in favor of holding people accountable, people do not mention it easily in interviews – due to (I argue) fear and distrust in this actually contributing/changing anything.⁴ I argue this also concerns priorities, as people express frustration with agencies and institutions coming to hold workshops and collect testimonies, while roads are poor, education unattainable and jobs scarce.

It's also a question of who is doing who a favor, or who is catering to whom. People are asked to share their stories, provide proof of their victimization to get the XX million pesos from the Victim's Unit, to gather information about how damaged the community was during the conflict in order to – perhaps – become part of a collective reparations project. Reparations, more than truth and justice, are at least concrete and is perceived as useful (though massively insufficient) because it can help people pay off debt (interview), perhaps invest in a productive project, though it can certainly also be spent on immediate enjoyment (ref. reparation situation from *other area of Colombia* where people apparently spent money on alcohol, TVs etc., instead of longer-term investment⁵). Reparations, then, can be more thought of as an exchange, of stories and evidence of suffering for money. Often, however, people report that these reparations aren't paid out, are difficult to obtain, etc. What they all agree with, though, is that they are 'agua tibia' (interview), temporary in nature and don't solve people's problems.

Solving people's problems, which many repeated to me, goes beyond the suffering of the conflict (war exposure and victimization events) and is about the lack of a state that provides services in exchange for taxes, but which rather appears in combat with the FARC guerrilla, in cooperation with ruthless paramilitary groups or in the form of falsos positivos (dressing farmers up as FARC soldiers and then killing them). It concerns structural violence and continuous absence of support from the state to communities locked in 'red zones' into which neither civilians nor the Colombian army could freely enter.

Mesetas and many other conflict-affected communities (Mesetas is definitely not the most conflict-affected today, nor is it the calmest) do not experience the post-conflict context that the peace agreement implicitly required for the pursuit of truth and justice to make sense/be feasible.⁶ Hence, the logic is reversed: The pursuit of truth and justice is not something that national-level agencies are contributing to people living in conflict-affected communities; it's something people in conflict-affected communities help these institutions with, in order to fulfil their objectives, which are ultimately more in line their priorities than with

⁴And perhaps also due to lack of trust between me and my interlocutors.

⁵Obviously, I'm not judging here, and I haven't watched documentary yet, I'll nuance later.

⁶Colombia may in some parts be post-armed-conflict, but the conflict is obviously not over. As ex-combatants say too, they didn't end their struggle towards their political goals, but stopped using military means.

the priorities of those who most suffered/suffer the armed conflict.

What do people get in return? Well, little. I do not downplay individuals and agencies' efforts in working with and for people in conflict-affected communities. The Unidad de Búsqueda is the most evident: it provides what is often perceived as massively important contributions to families looking for loved ones. Also, many people are in favor of the JEP (though perhaps because of no viable alternative), and many do probably feel better after speaking with the Truth Commission (interview). Systemically, though, and in the larger scheme of things, the injustices caused by the conflict can hardly be justified by a XX million Colombian pesos reparation payment; nor being welcomed to speak in front of the JEP, or present their testimony to the Truth Commission. Rather, the pursuit of truth and justice in conflict-affected communities which continue to experience insecurity can in the best case 'cause no harm'. There is very little to win, and the opportunity cost is high.

Argument

[The below section was written a bit earlier, but I somehow want fear and distrust as explanations to be part of the article I'm hinting to above]

This study sought to speak with a diversity of people living in one conflict-affected community in Colombia in order to get a sense of the sentiments people have towards the pursuit of truth and justice. While not representative, the study sought to account for key attitudes, experiences and perceptions with the pursuit of justice. The research unfolded in several steps, and finally ended up focusing on what caught most my attention: The various obstacles people faced in the pursuit of justice in a context of ongoing insecurity and some level of violence. Hence, the research question became

What explains the limited participation in and contributions of the pursuit of truth and justice in conflict-affected communities?

I propose two explanations for why participation in the pursuit of truth and justice in conflict-affected communities is limited, and why these measures are hardly relevant and to a very little extent contribute to these people's sense of justice.

The first is that fear inhibits people from taking part and speaking freely. In many cases, the post-conflict period is characterized by the continued presence of armed and criminal groups, which have incentives to limit scrutiny of abuses and injustices. This again heightens the risk people take when contributing to the pursuit of truth and justice. Threats to and assassinations of social leaders are the clearest indicators of the risk one faces. Hence, many people remain silent or take only very limited/careful actions to talk about/report older and current abuses.

The second is distrust in state agencies, particularly those associated with justice. People report little faith in the role of these institutions to provide a sense of truth or justice. Institutions charged with pursuing truth and justice in these

communities are perceived as coming to ask for information, without providing any follow-up about what happens to the information provided. Furthermore, people have little trust – if any – that the judicial institutions will ever contribute with a sense of justice. This lack of trust in agencies contributions stems for example from the perception that members of insurgent, paramilitary and state forces walk free, that rich people can buy their way out of justice and that sensitive information is leaked in the judicial processes.

Hence, I argue that the combination of distrust in agencies and fear of retaliation for speaking up about abuses and illegal activities effectively limit participation and contributions.

[After this comes a section where I say that despite these obstacles, some people still participate and speak up. And that they do so despite fear and distrust, and with high personal risks.]