

**Pasts Imperfect:  
Talking about Justice with Former Combatants in Colombia<sup>1</sup>**

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“That’s the most difficult thing for someone to understand about Colombia. The reason why all of us from the same country — between families, friends, neighbors — why we have to have a war. In the end, we don’t know why we have it. Before we had it clear — people fought for a town, for a party, for poverty, for I don’t know what all. For thousands of things. But now we don’t have it clear why there’s this war, and the war now just goes from revenge to revenge. That’s how this war goes.”  
— Juan, former combatant, FARC, December 2006

## Introduction

A key component of peace processes and post-conflict reconstruction is the disarmament, demobilization and reintegration (DDR) of excombatants. According to the World Bank, in 2005 over one million former combatants were participating in DDR programs in some twenty countries around the world at an estimated cost of \$1.9 billion. DDR is big business, and it is serious business: both livelihoods and lives are at stake.

Elsewhere I have argued that DDR programs imply multiple transitions: from the combatants who lay down their weapons, to the governments that seek an end to armed conflict, to the communities that receive — or reject — these demobilized fighters.<sup>2</sup> These transitions inevitably imply a complex and dynamic tension between the demands of peace and the clamor for justice. And yet, traditional approaches to DDR have focused almost exclusively on military and security objectives, which in turn has resulted in these programs being developed in relative isolation from the growing field of transitional justice and its concerns with historical clarification, justice, reparations and reconciliation. Similarly, evaluations of DDR programs have tended to be technocratic exercises concerned with tallying the number of weapons collected and combatants enrolled.<sup>3</sup> By reducing DDR to “dismantling the machinery of war,” these programs have

failed to adequately consider how to move beyond demobilizing combatants to facilitating social reconstruction and coexistence.<sup>4</sup>

Drawing upon ongoing research with former combatants in Colombia, I extend these arguments by considering how the stories of rank and file ex-combatants might contribute to transitioning from violence and working toward sustainable peace. A key challenge following mass violence is what to do with the thousands of low-level perpetrators whose sheer numbers may overwhelm the legal system and whose return to civilian life may generate tremendous fear and resentment. In this exploratory chapter, I discuss how these former combatants conceptualize justice, forgiveness and reconciliation — concepts that are central concerns to the growing field of transitional justice.

From the post-WWII tribunals at Nuremberg and Tokyo to the proliferation of tribunals and truth commissions in the present, a genealogy of transitional justice illustrates how the field has both expanded and normalized.<sup>5</sup> The burgeoning of transitional justice is often associated with the post-Cold War political climate in which a significant number of authoritarian and frequently violent nation-states began to transition towards peace and procedural democracy.<sup>6</sup> The massive scale of damage characteristic of these post-conflict settings, the breakdown of legal and social institutions, and the destruction of social solidarity and civic trust indicated the need for innovations in the administration of justice. Frequently the traditional mechanisms of justice, designed to address occasional rather than chronic deviations from legal norms, failed to meet this challenge and, with equal frequency, the legal institutions of the countries themselves had played a role in promoting or sanctioning human rights

violations.<sup>7</sup> Thus the innovative judicial and legal measures known as transitional justice sought to realign societies with norms consistent with the rule of law, respect for human rights, and liberal democracy.<sup>8</sup>

As transitional justice has expanded, so have the goals of its proponents. One area of inquiry has focused on which transitional justice mechanisms are best suited to assisting countries and their citizens in recovering from prolonged violent conflicts in which the enemy is often the government, or one's family members and neighbors.<sup>9</sup> Thus reconciliation was added to the transitional justice agenda, with "reconciliation" remaining elusive both as a concept and as a goal.

Ethnographers of reconciliation processes have underscored the contradictory logics at work when introducing a politics of scale into one's analysis.<sup>10</sup> What these studies demonstrate is the need for place-based analyses of transitional justice that permit academics and practitioners to capture locally and regionally salient definitions of justice, reparations and reconciliation. In addition to allowing policy makers to design more relevant and effective interventions, these studies emphasize that transitions in the political realm must be accompanied by transformations at the subjective and interpersonal levels.

Among the transformations that interest me are the relationships these former combatants have to their violent pasts and to their imagined futures. How do these men and women talk about killing, about the possibility of justice, about living once again as and amongst civilians? Most truth-telling endeavors have focused on victims, reflecting the fact that one explicit goal of truth commissions is the writing of new national narratives that are more inclusive of groups that have been historically marginalized

within the nation-state. In her influential discussion of post-conflict issues, Martha Minow writes: “The most distinctive element of truth commissions, in comparison with prosecution, is the focus on victims, including forgotten victims in forgotten places.”<sup>11</sup> In contrast to legal proceedings and the aggressive questioning that characterizes them, truth commissions are considered “victim-centered” or “victim-friendly” because they include empathic listening rather than an adversarial hermeneutics of suspicion.<sup>12</sup>

Without denying the importance of listening empathetically to victims — a group that is frequently made vulnerable due to structural inequalities and multiple forms of discrimination — I insist on the need to listen to the accounts of low-level perpetrators as well. Listening to both victims and perpetrators, and to those who blur the categories, is crucial to constructing “departures from violence”.<sup>13</sup> To date in Colombia the “transition” has been decidedly top-down, and the public face of the paramilitaries and the guerilla groups are the high level officials who have either provided “confessions” in hopes of avoiding extradition, or have dominated the media with their deaths. Missing from the public sphere are the stories of “ordinary combatants” who are key actors in rebuilding — or undermining — coexistence.

I begin with an overview of the Colombian political context and the challenges of implementing DDR and transitional justice measures in a “pre post-conflict” setting. I then turn to my conversations with former combatants to explore how they understand justice and revenge, noting the importance of *conciencia* — conscience and consciousness — in their narratives. I follow this section with an analysis of their comments on reconciliation, including both the horizontal and vertical aspects of the term.<sup>14</sup> I conclude with recommendations on how and why DDR programs would benefit

from considering the ways in which former combatants understand justice, forgiveness and reconciliation in their own lives.

### **Colombia: A “Pre Post-Conflict” Country**

Colombia’s civil war is the lengthiest armed conflict in the western hemisphere. What began almost five decades ago as a war waged by Marxist revolutionaries against an exclusive political system has devolved into a bloody struggle over resources: military, paramilitary, guerillas, domestic elites and multinational actors vie for control of this resource-rich country.<sup>15</sup> In the struggle, all groups have committed serious human rights violations. Among the armed groups that are of particular interest to our discussion of demobilization processes are the Fuerzas Armadas Revolucionarias de Colombia (FARC), the Ejército de Liberación Nacional (ELN) and the Auto-Defensas Unidas de Colombia (AUC), commonly referred to as the paramilitaries.

The FARC is Colombia’s oldest and largest guerrilla group, established in 1964. The FARC has its roots in the rural self-defense groups that were organized during *La Violencia*.<sup>16</sup> From its beginnings as a primarily rural based guerrilla movement, the FARC grew in both size and influence. With time, the Marxist ideology that had been a key component of its foundation ceded to a desire for territorial control and wealth. The FARC has financed itself through kidnapping, extortion, drug-trafficking and drug trade protection. In the eyes of their many critics, the FARC have become one more violent armed actor rather than a revolutionary alternative.

The second largest guerrilla movement is the ELN, which began operations in 1964. Unlike the rural FARC, the ELN was mostly an outgrowth of university unrest. The ELN's ideology, which has traditionally been considered a mixture of Cuban

revolutionary theory with liberation theology, began calling for a Christian and Communist solution to the problems of poverty, political exclusion and corruption. However, discourse and action again diverged, as the ELN lost its focus and began engaging in illegal activities to finance its actions. At present the ELN has an estimated 3,500-4,000 combatants, and since July 2004 has been in sporadic peace negotiations with the Colombian government. However, as with the FARC, the ELN appears on the US list of terrorist organizations. And there is another group that was placed on that same list in September 2001: the paramilitaries.

The terms “paramilitary organization” and “self-defense group” have been used to describe a variety of armed groups over the past several decades. As Winifred Tate notes, paramilitary organizations have evolved considerably since the 1960s, when U.S. military advisors first recommended the organization of ‘indigenous irregulars’ as a fundamental component of the Colombian counter-insurgency strategy, then aimed at defeating leftist guerrilla movements.<sup>17</sup> Thus began the complicated relationship between the Colombian state, the United States government, and the alternately legal and illegal armed groups known collectively as the paramilitaries.<sup>18</sup> Although promoted as “self-defense committees” founded to protect local communities against the guerrillas, they came to assume greater responsibility in state-organized “search and destroy” operations seeking to eliminate the guerrillas.<sup>19</sup> The use of paramilitaries as auxiliary forces assumed a central place in the government’s counterinsurgency plan. Additionally, paramilitary groups would become regional elites’ preferred option for protecting their interests and suppressing social protests.<sup>20</sup>

The 1970s and 1980s were decades in which the drug trade grew in Colombia, first with marijuana and then with cocaine. This was the fabled era of the Medellín and Cali cartels, personified by Pablo Escobar and his nouveau riche excesses.<sup>21</sup> These cartels provided a perverse but lucrative twist on the concept of family-owned businesses; within a few years, these family-based cartels controlled a billion dollar cocaine industry. It was the fusion of paramilitary organizations and drug trafficking that gave rise to the phenomenon known as “*paramilitarismo*” — the transformation of paramilitary groups into an economic, social, and political force that infiltrated Colombian society. Beyond the individual combatants that collectively organized into armed and lethal groups, *paramilitarismo* became a corrosive and insidious institution.

### ***Disarmament, Demobilization and Reintegration: Colombia’s Serial Search for Peace***

Throughout Colombia’s lengthy internal armed conflict, each successive president has attempted some sort of military victory or, in the face of that impossibility, peace negotiations. While it is beyond the scope of this chapter to present an exhaustive review of these previous efforts, there are certain key features that warrant our attention and allow us to understand both the great challenges and the possibilities that the current demobilization process poses.

In the glossary of post-conflict reconstruction and peace building, three terms are omnipresent: disarmament, demobilization and reintegration.<sup>22</sup> As the United Nations Department of Peacekeeping Operations (UNDPKO) defines it, in the context of peace processes, disarmament consists of the collection, control and elimination of small arms, ammunition, explosives, and light and heavy weapons from the combatants and, depending upon the circumstances, the civilian population. Demobilization is the process



in which armed organizations (which may consist of government or opposition forces) decrease in size or are dismantled as one component of a broad transformation from a state of war to a state of peace. Generally demobilization involves the concentration, quartering, disarming, management and licensing of former combatants, who may receive some form of compensation or other assistance to motivate them to lay down their weapons and re-enter civilian life. Finally, reinsertion or reintegration consists of those measures directed toward ex-combatants that seek to strengthen the capacity of these individuals and their families to achieve social and economic reintegration in society. The reinsertion programs may include economic assistance or some other form of monetary compensation, as well as technical or professional training or instruction in other productive activities.

In its traditional formulation — and implementation — DDR was squarely located within a military or security framework. This focus failed to give sufficient consideration to the host communities, and to the need to consider local, cultural or gendered conceptions of what constitutes the rehabilitation and re-socialization of ex-combatants. As Colletta, Kostner et al. have argued in their evaluation of DDR programs in Sub-Saharan Africa, “Long-term integration is ultimately the yardstick by which the success of the DDR programme is measured,” and the widespread agreement that reintegration is the weakest phase of the DDR process has prompted demands for reform.<sup>23</sup> In the 2006 United Nations Integrated DDR Standards (UNIDDRS) underscored the deficiency of reintegration efforts and insisted on “the need for measures to be conducted in consultation and collaboration with all members of the community and

stakeholders engaged in the community, and that [DDR programs] make use of locally-appropriate development incentives.”<sup>24</sup>

A brief overview of past DDR efforts in Colombia provides ample evidence of each of the above weaknesses in the DDR framework. Previous efforts to demobilize the guerrillas can best be summarized by the name of one of the laws that governed the demobilization process under the Betancur administration (1982-1986). Law 35 was the Law of Unconditional Amnesty in Favor of Peace, reflecting a legal environment in which blanket amnesties were offered in exchange for “peace and stability.” The legal treatment of the excombatants was “solved” with an approach described as *olvido y perdón en pro de la paz* (forgetting and pardon in favor of peace), a broad statement that left much room for interpretation — and for manipulation. In fact, the ex-combatants enjoyed complete amnesty. In addition to this trade-off, the government failed to consider what would happen to those guerrilla combatants who demobilized. For example, Law 35 formed the basis for the La Uribe Contract of 1984 in which the FARC agreed to a cease-fire and announced the foundation of a political party, the *Unión Patriótica*. However, following their demobilization and reconstitution as a legitimate political party, some 3,000 members of the *Unión Patriótica* were assassinated by the paramilitaries.<sup>25</sup> The government proved incapable of guaranteeing the security of the ex-combatants, and this previous experience of demobilization — and subsequent slaughter — hovers over negotiations with the guerrilla groups today.

By the presidential elections of 2002, an increasing number of Colombians demanded change. The debacle of past peace processes readied many sectors of Colombian society for someone who would take a “heavy-handed” approach to the

violence. Alvaro Uribe promised to be that man. President Uribe was not inclined to attempt dialogue with the FARC, whom he considered a “terrorist threat.” Rather, Uribe cautiously explored the possibility of negotiating with the paramilitaries, while simultaneously promising to rein in the guerrillas. There is a certain irony to these negotiations: in part the paramilitary demobilization was an attempt to “deparamilitarize” the Colombian state. Clearly earlier government initiatives to fill its absence with civilian defense committees went beyond the state’s control. Thus at some juncture the government was destined to find itself negotiating peace not only with the guerrillas but with the paramilitaries as well.<sup>26</sup>

Thus in August 2002, the government began negotiations with the paramilitaries. The Uribe government promoted the demobilization of individual combatants from all armed groups, and began negotiations for the collective demobilization of the AUC.<sup>27</sup> The government named Luis Carlos Restrepo as the High Commissioner for Peace, and gave him the task of negotiating peace. The signing of the *Santa Fe de Ralito I* agreement on 15 July 2003 marked the beginning of formal talks between the AUC-linked paramilitary groups and the government. The terms of the agreement included the demobilization of all combatants by the end of 2005, concentrating its leadership and troops in specified locations. The negotiations also obligated the AUC to suspend its lethal activities and maintain the unilateral ceasefire, as well as aid the government in its anti drug-trafficking efforts.

The *Santa Fe de Ralito II* agreement, signed on 13 May 2004, set up a 368 km<sup>2</sup> “concentration zone” (*zona de ubicación*) in Tierralta, Córdoba. The concentration zone was created to facilitate and consolidate the process between the government and the

AUC, to improve verification of the ceasefire, and to establish a timetable for the demobilization process. Since 2002, 30,664 AUC combatants have collectively demobilized, and almost 21,000 combatants from the FARC, ELN and certain paramilitary bloques have individually demobilized.<sup>28</sup>

In addition to the above initiatives, on July 22, 2005 President Uribe signed Law 975, the Justice and Peace Law. The law embodies the competing tensions of peace and justice, and victim-survivor's organizations succeeded in challenging certain key aspects of the law on the grounds that it failed to provide sufficient assurance of their right to truth, justice and reparations. Under pressure from victim-survivor's organizations and domestic and international human rights organizations, the Colombian government was forced to modify the law; although still imperfect when measured by absolute human rights standards, the Colombian Constitutional Court ruling of May 2006 did serve to strengthen the law in response to these challenges. If at one time states wielded their sovereign prerogative to issue amnesties in the name of political expediency, stability and peace — prerogatives that characterized past demobilization efforts in Colombia — changes in international norms increasingly place limits on the granting of leniency to perpetrators, forcing governments to address transitional justice issues of truth, justice and redress. Thus the Colombian government has been forced to implement DDR on the terrain of transitional justice, which presents both opportunities and challenges.

### Methodology

Since January 2005 I have been conducting anthropological research on the individual and collective demobilization programs.<sup>29</sup> The first stage of the project included in-depth interviews with demobilized combatants in order to determine where to

focus my case studies. The analysis of these interviews led me to select three sites with the goal of capturing regional dynamics: the shelters and “*fincas*” (farms) in Bogotá and on the outskirts of the city; the Reference and Opportunity Centers (CRO) in Bogotá and Medellín, and two barrios in Medellín; and the CRO in Turbo as well as three development projects in Turbo-Apartado.<sup>30</sup> To date my research assistant and I have interviewed 236 male and 53 female excombatants from the AUC, the FARC and the ELN.

In addition to interviewing ex-combatants, we have interviewed representatives of state entities and NGOs as well as the military, the Catholic and Evangelical churches, and various sectors of the host communities. Clearly the unit of analysis and intervention must extend beyond the former combatants to include their social environment. Only then can we think of how to articulate DDR with transitional justice measures. I have used an ethnographic approach in the hope of moving beyond the black and white of statistics to explore the grey zone that characterizes the complex realities of a fratricidal war.

### Speaking of Justice

“Justice, like beauty, is in the eye of the beholder and can be interpreted in a variety of ways.”<sup>31</sup>

“I never killed anyone. I only killed enemies in combat.”

— A leitmotif with former combatants from each armed group

There are approximately 56,000 demobilized combatants in Colombia, but only some 5% will be tried under the Peace and Justice Law and given sentences that may include incarceration.<sup>32</sup> Consequently there is a sizeable group of former combatants who will receive a de facto amnesty unless creative forms of accountability are developed for

low-level perpetrators. What forms of accountability — and transformation — might be possible? Perhaps understanding how these men talk about killing and justice might provide us with a place to start.<sup>33</sup>

During my conversations with former combatants, I have lost count of the number of times someone has insisted, “I never killed anyone. I only killed enemies in combat.” At this point I strive to open a space for empathy. I assure them that I admire the efforts they are making to change their lives, and that I know how difficult it is to do so. I then ask them for help with something that is difficult for me: “When I leave here, I work with many people who consider themselves victims of this war. I remember a woman I met in Medellín who lost five sons to this violence. Five sons! And when I sit with women like her and tell her about the time I spend with all of you, I am usually asked how I can stand it. For these mothers, you embody her pain — looking at you reminds her of how much she has lost and suffered. I try to think of something to say, and it is really difficult. So what would you say to her? What would you say to a mother who has buried so many people she loved?”

The questions are invariably followed by silence. Some men then say they would explain to her that these are “things that happen during war and everyone needs to accept that.” Those men are the absolute minority. Most sit back, some cry, some look as though the wind was knocked out of them. Others simply run their hands through their hair and fidget in their chairs. My aim is to create some room to acknowledge that even if they justify the killing as part of combat, those they killed were indeed people and someone grieves for them. Recognition and reckoning can begin with putting a human face to those who died regardless of the reasons given for having killed them. In the

men's reactions, perhaps I am witnessing an incipient form of accountability for one's actions; this may also signal a "re-emergence of conscience."<sup>34</sup>

It may be more accurate, however, to speak in terms of a change in "*conciencia*," a change these men associate with leaving the war behind and building "civilian" or "legal" lives. *Conciencia* (conscience or consciousness) figures prominently in our conversations, and it has various significations. It can refer to being "*concientizado*" by the armed group to which one belonged, with this "*concientización*" being a key component of the indoctrination they received. *Conciencia* also references the degree to which one was aware of his own actions and, in turn, informs the assessment of how responsible the individual is for what he or she has done. Finally, many of these former combatants differentiate between those who demobilized due to orders received versus those who have truly demobilized "*por conciencia*."

Additionally, discussions of *conciencia* form part of a broader process of compartmentalization. Our conversations are replete with spatial metaphors: "*en el monte*" (in the mountains or the jungle); "*allá*" (over there); "*en el otro lado*" (on the other side); and the contrast made between *el monte* and *el pueblo* (town). These spatial metaphors index much more than geographical location; the men use these terms to locate both the war and their combat experiences at a distance from the person they are as they sit across from me. These spatial terms locate violent actions elsewhere, and that distance in turn marks differences in time, self and *conciencia*. Many of these men attempt to cordon off certain actions and facets of their violent pasts by locating them in another space, time and self. Certain moral codes pertain to certain spaces, and this compartmentalization is a powerful way of managing one's past.<sup>35</sup> These terms allow the

former combatants to construct personal histories of discontinuity — to construct the sense of ending and of beginning that scholars associate with political transitions and processes of reconciliation. Unfortunately, the same terms that allow them to construct a new sense of self may also allow them to deny the harm they have inflicted. Given that the majority of people killed in Colombia’s conflict are non-combatants, it is imperative to explore ways of closing the gap between the moral code that operated in *el monte*, and the *conciencia* necessary for these men to live once again as and amongst civilians.

### Command Responsibility

Another facet of justice I have explored concerns the internal rules and sanctions imposed within the various armed groups.<sup>36</sup> For many ex-combatants from the FARC or ELN, justice is often associated with the “war councils” they participated in.<sup>37</sup> For instance, J.M. is a twenty-eight-year-old demobilized combatant from the ELN who spent thirteen years on a variety of fronts. He had waited for a salary that never materialized, and finally “deserted” when members of the ELN assassinated his younger brother.<sup>38</sup> J. M. explained how the war councils operate:

“Say you are in charge of handing out some *merca* (merchandise, frequently drugs), probably worth around 30,000 (pesos). But you’re hungry. Well, you’re not allowed to take away any of it. Say you’re delivering some crackers, bread, soda – you would be punished. You can’t take anything without having the commander’s permission. If you screw up, you’ll get a sentence, a reprimand – that is, if it’s your first time. That’s how the war council works. If it’s your second time, you’ll be killed. Because of a few crackers, you’ll be killed! You’ll be called in front of everybody, the war council, and you’ll be shot right there, so that all your comrades, so all your *compañeros* can see. Of course they remain silent because otherwise they’d kill them, too. Yeah, they would call us to watch. Say you were really hungry. You didn’t know. So you would eat the things. And you would be shot dead. Yeah, that’s about it. That’s how the war council works.”



L.R.'s explanation of the way justice is understood and practiced on the battlefield did not differ much from J.M.'s. After eight years in the FARC, he explained what justice meant to him: "Justice for me is — well, you get somewhere, you get the commanders, and you call for a war council. If someone is going to be shot, if that's what you want, you'll get a war council so that you stop messing around. So, justice for me is that everyone has to pay for what he does." Importantly, the people sent to carry out the death penalty are usually rank and file members of the condemned individual's squadron.

The militarized hierarchy within each of the armed groups leads to tremendous resentment as the foot soldiers find themselves forced to carry out orders that may be at odds with what they believe is right. A number of former guerrillas spoke about "innocent compañeros" who were put to death on the basis of personal grudges or rumors. As one former combatant from the FARC explained:

"You realize that they kill your innocent compañeros (fellow soldiers). Just for rumors, because so-and-so said this or that. And you can't do a thing. You can't say anything because if you do then you get a war council too. Sometimes they (the commanders) ask for everyone's opinion, but most of the time they don't let anyone vote during a war council. You can't do anything — if you try to defend yourself or the other guy, then they shoot you too. If the commander says something and you don't agree with it, you just have to keep quiet. And if they send you to kill the guy, you also have to keep quiet. They tell you, 'if you aren't capable of killing, then tell me so I can kill you right now'. That's the phrase they use over there for anyone who isn't following order. Out there you have a war mentality. The war mentality — well, a person just doesn't think about life.

"Did you ever want to be a commander?"

"No, not really. It's really hard out there — to have that responsibility and have to respond to your superior for the lives of the men under your command. I don't like that sort of responsibility. If I were a low-level commander — say, a squadron leader — I would have to answer for everything, obey orders and everything. That's the problem. Now, it's really different if you're a high level commander because everyone under you has to obey orders. So the small commander (*comandante*

*pequeño*) is in a constant state of contradiction. I had enough problems just being a combatant.”

— “Alirio,” Medellín, January 2007.

Our conversations are replete with references to the injustice the men experienced or witnessed at the hands of their commanders. In each of the armed groups, a double-standard dictates who decides the rules and who will pay for disobeying them.

Commanders may be accompanied by wives, girlfriends and even their children; their female partners are allowed to remain and carry their pregnancies to term while low-level female combatants are routinely subjected to forced abortions; the commanders eat well while the rank and file eat whatever may be on hand; the commanders pocket illegally earned money while the foot soldiers “*ponen el pecho a la guerra*” — put their chest to the war, meaning they carry the load. The specific examples these former combatants cite vary across the armed group, but the resentment is shared and acute.

Additionally, justice as *lex talionis* — the proverbial eye for an eye and a tooth for a tooth — is what dominated all our conversations. I offer a quick review of the most common answers:

- “Everyone should do justice as he sees fit.”
- “Justice is... well, if someone kills my father, I’ll kill him.”
- “Justice? The word makes no sense to me.”
- “I don’t think justice exists. What you gotta do is take revenge.”

Even those who mentioned that justice should be administered “by God” still qualified their statements by adding that “helping him out” was not necessarily a bad thing. As J.C. told us after spending thirteen years in the AUC, “Justice? Well, supposedly God

takes care of it, but, God is a very busy man. You have to do it yourself — you have to help him out.”

I underscore the complete absence of the state in these responses. The state as actor, an intermediary, a protagonist in the administration of justice — it simply does not appear. Moreover, for ex-combatants from the FARC and the ELN, the state was defined as intrinsically unjust and an enemy of “the people.” The idea of looking to the Colombian judicial system for justice does not even enter the picture. I believe one factor that contributes to the desire for revenge that so many of these former combatants express is precisely the lack of legal alternatives for dispute resolution. However, as Minow has argued, “Finding some alternative to vengeance — such as government-managed prosecutions — is a matter, then, not only of moral and emotional significance. It is urgent for human survival.”<sup>39</sup> If one component of justice is staying the hand of vengeance, then the Colombian state must be found guilty of failing to adjudicate conflicts and punish the perpetrators.

And yet, justice consists of much more than prosecutions and adjudication. The forms of justice are diverse; understanding how these former combatants conceptualize justice and articulating their definitions with those of the victims who find themselves living with these men could assist policymakers in developing strategies “urgent for human survival.” Rama Mani has written, “Justice is at once philosophical and political, public and intensely private, universal in its existence and yet highly individualized and culturally shaped in its expression.”<sup>40</sup> Exploring the multiple dimensions of justice is a crucial step in bringing the methods and goals of DDR and transitional justice together. Moreover, while transitional justice is largely based on liberal legal models and concepts

of justice, in practice people's justice repertoire is diverse. Justice in its retributive mode is frequently complemented by compensatory, restorative, redistributive and divine concepts, among others. Grasping the broader dimensions of justice that animate individual and collective legal consciousness could open a path to innovative forms of assessing responsibility and settling accounts.

### Living with Oneself, Living with Others

“What we're searching for is forgetting. I say let's go for it because if we don't forget we aren't doing anything. Well, it's not that we're going to forget what we learned because a person doesn't forget. But you need to get the war out of your mind. You need to leave the war behind, know that you're not stuck in this war — that you have a new life.”

— “Juan,” former combatant, FARC, December 2006

Reconcile: to restore to friendship, compatibility or harmony; to make consistent or congruous; *to cause to submit or to accept.*<sup>41</sup>

We turn now to the complex issue of reconciliation. Reconciliation is also multidimensional: the individual with his or herself, members of a community with one another, between communities or states, between the individual and his or her gods, and between civil society sectors and the state. I would like now to consider various aspects of the term, emphasizing the need to distinguish between vertical and horizontal reconciliation.<sup>42</sup>

In addition to providing the legal framework for the DDR process, the Justice and Peace Law established a National Commission on Reparation and Reconciliation (CNRR). As the name implies, part of their mandate included the elaboration of a reparations program and working toward national reconciliation. However, laws and rhetoric aside, the DDR program has been implemented in virtual isolation from the other

programmatic areas of the CNRR. This isolation extends to the personnel of the various CROs, shelters and *fincas*; they were surprised when I asked them how they address the issue of reconciliation with these former combatants. In response, I learned they do not. Indeed, one administrator in Medellín shook his head: “Reconciliation? Oh no, the topic is far too volatile.”

Similarly, not one demobilized combatant with whom I have spoken is aware that their demobilization is allegedly one component of “national reconciliation” efforts. However, this is one crucial facet of that overlooked “R” in DDR. How do these men imagine life will be when they live once again among those they have harmed? Among those who consider themselves victims and may not want to even see these men’s faces? I briefly cite two interviews I conducted in a *finca* outside of Bogotá.

The first young man was Barney. He joined the AUC when still an adolescent because, “I always loved guns. Ever since I was just a little kid, having a gun was a dream of mine.” After he spoke at length about his time in the AUC, I asked if he thought forgiveness would be possible.

“No. Forgiveness is just a word, but in the heart the resentment remains.”

“So forgiving would be very difficult?”

“*Bueno*, it depends on what type of forgiveness. It might be that you can’t forgive from the heart. If someone killed a family member, maybe I could forgive them with words, but in my heart the resentment would remain.”

“So, where does that leave us if we want to think about reconciliation — about living together again?”

“Well, here people look at us like strange insects. But — for example in Bogotá — lots of people don’t know how to look at an armed man. Lots of people don’t really

know how to look at an armed man, not even with the markings (*brazalete*, referring to the tattoos) of an illegal group. But the people who know, it's different. Those who have been mistreated — they're afraid, they resent you."

This young man would subsequently tell me that when he went into the nearby town, a storeowner told him he had "the face of a demobilized combatant," and told him to leave. There was no consultation with the townspeople prior to establishing the *finca*, and people wanted nothing to do with the "*matones*" ("killers") who "appeared over night" in their town.

I had another lengthy conversation with Wilton, a young man from Turbo. He had been in the AUC for "four years and eight months." He missed his mother terribly, but did not dare return to Turbo because he had demobilized individually "and wouldn't last for three days there because everyone knows who I was."

"Wilton, yesterday you talked a lot about God. You told me only God can forgive."

He nodded. "That's what I say. I committed a serious error. A person, a person isn't going to forgive me. The only one who can is God. In the meantime, the only one who can console me is God. Apologies yes, but forgiveness is a very big word."

"So if I commit an error, in front of the family or the person — can I say anything?"

"The family, no. The family will never forgive me. They may accept my words, but they will never forgive me."

"Even if they don't forgive you, could you live with them again — live in their town?"

"No, I couldn't. If you live there, you just don't know what might happen. We might be able to live together, but not all mixed up. God gives his touch to each human being, and to be a human being you have to work, to live through many things in your life and realize what you are doing. If not, you're not a human being. I repent for

everything because I did things that weren't acceptable. Walking, doing things that aren't acceptable to God."

As Wilton and I parted that day, I asked him again if there was anything that we could do so that he might return to Turbo. "No, I'll just have to go somewhere else. I can't show my face there."

These conversations are striking for many reasons. This was the first time in the DDR process that anyone had talked with them about what would happen when they left the shelter or *finca* — the first time "reintegration" was discussed as something other than passing by the CRO regularly for monitoring and picking up one's check. Both these former combatants as well as the surrounding communities would benefit from efforts to imagine forms of reconstructing social life, and concrete ways of implementing those ideas.

What might implementation entail? I insist first and foremost on the need to analyze local and regional specificities. The local and regional allegiances of the civilian population are crucial, and we should not lose sight of the fact that in some regions former combatants of a particular armed group may be viewed as war heroes by significant portions of the population. Consequently we must ask what sort of violence was suffered *and* practiced in various regions and by whom? Who benefited, who stood by, and who gave away a neighbor or a loved one in hopes of improving their own lot? Who *are* the guilty and what do people want done with those they hold responsible for their suffering? The complexity of guilt can rarely be reduced to a binary variable, and the grey zone will be vast in practice if not in narration.

Additionally, what work does the discourse of reconciliation perform in different contexts? Who "speaks it"? Which institutions authorize it and to what end? I recall a

lengthy conversation I had in January 2007 with a former mid-level commander of the AUC who now directs a large non-governmental organization dedicated to “social development.” I asked if he had given any thought to the issue of reconciliation, and he vigorously nodded. As I learned, he had organized several “reconciliation encounters” between the men who had served under him and victims who lived in the surrounding neighborhoods. I asked him how it had gone, and he smiled: “A great success. I get the *muchachos* (former combatants) and the victims together, we talk, and the victims always forgive. Always.”

He then asked if I knew what the number one problem in his city was. I shook my head, which prompted the following response:

“The number one problem here is mental health. We need detraumatization (*destraumatización*) programs, for the *muchachos* (former combatants) and for the victims. We need psycho-spiritual therapy. With the victims, we need to work a great deal on spirituality. If the *muchachos* repent and apologize, the victims need spiritual therapy so they can forgive them. If the victims could get over their trauma, they would be able to forgive and forget — then they would be able to reconcile. True reconciliation is forgiving and forgetting.”

This is not, to my mind, quite the way reconciliation or therapy should work.

“Psychologizing” problems that have their roots in inequality, political violence and ongoing fear does not allow policymakers to address the broader social dynamics that fuel conflict. Clearly war is not strictly a medical or psychological problem. Certainly blood is spilled; there are casualties and deaths. However, both the origins and resolution of armed conflict go far beyond the confines of the medical model or clinical concepts of “recovery.”

Additionally, I insist on moving beyond an excessively theological definition of reconciliation that too frequently locates the “failure to reconcile” in the victims who may



well demand earthly forms of justice. For example, we might consider the South African case, where the discourse of national reconciliation was largely a discourse of political and religious leaders. In his analysis of the South African TRC, Richard Wilson criticizes it for having deployed the concept of reconciliation in a top-down manner, leaving scant space to express the sentiments of retribution and revenge that operated in the local sphere.<sup>43</sup> The gap between national and local processes was striking: there were no mechanisms to translate the grand vision of national reconciliation to the local level. Rather, religious and political elites appropriated the term “reconciliation” as a metanarrative to reconstruct the nation-state and their hegemony post-apartheid. As Wilson argues, “The TRC’s inability to transform the national reconciliation project into local reconciliation resulted from the lack of any mechanism for resolving conflicts locally, and for negotiating the return of former ‘pariahs’ to the community. In the principal areas of the conflict, the TRC was converted into a ritualized performance with little concrete organization to implement the grand vision of reconciliation.”<sup>44</sup>

For this reason, I underscore the importance of developing concrete, local mechanisms to reincorporate these demobilized combatants into the communities and barrios in which they will live. This will call for further research on locally and regionally specific definitions and practices of justice, redress, reparations and reconciliation to ensure that third-party interventions do not, to put it colloquially, hurt more than they help.

### Conclusions

“Anthropologists have been accused of making the social so complex as to make it useless for any policy purposes that demand some reduction of complexity. However, in my experience it is precisely when anthropologists are able to convey the meaning of an event in terms of its location in the everyday, assuming that social

action is not simply a direct materialization of cultural scripts but bears the traces of how these shared symbols are worked through, that it can be most effective.”<sup>45</sup>

In this exploratory chapter I have argued for the importance of understanding how former combatants conceptualize themes that are central to the field of transitional justice, and yet remain largely absent from DDR programs as they are currently designed and implemented. When considering what is involved in the concrete work of repairing the damage done to people, relationships and societies following violence, it is clear that the moral issues of guilt, remorse, accountability and reconciliation cannot be adequately addressed within a strictly legal or security framework. These questions radiate across disciplinary and practitioner fiefdoms, as well as those which divide post-conflict and peace-building interventions.

My conversations with former combatants convince me that these rank and file soldiers have much to contribute to social reconstruction, even in the “pre post-conflict” context of Colombia. Combining these conversations with place-based analyses of locally and regionally salient practices of justice, punishment and reparation could assist third parties in more effectively contributing to the work of social repair. Introducing a politics of scale into the design and implementation of both DDR and transitional justice measures could provide the synergy necessary to place these resources in the service of rebuilding both lives and livelihoods in the shadows of war.

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2 See Theidon 2006, 2009.

3 Knight, Michael and A. Ozerdem, 2004, p. 2.

4 Ibid.

5 See Teitel 2000 and 2003.

6 For general discussion see Priscilla B. Hayner, 2001.

7 See Teitel, 2000.

8 For further discussion, see Laplante and Theidon 2007.

9 See Theidon 2004 and forthcoming.

10 See Biggar 2003, Borneman 2002 and 2003, Shaw 2005, Theidon 2005, and Wilson 2003 a and 2003b.

11 Minow 1998: 60.

12 See Hayner 2001.

13 See Borneman 2002, and various rejoinders 2003.

14 See Theidon 2004 for a discussion of horizontal and vertical reconciliation in the Peruvian context.

<sup>15</sup> One reader questioned whether I was categorically denying the role of ideology in the conflict. I acknowledge that a number of former combatants of the FARC and, to a greater extent, the ELN cite social justice motivations for having joined the guerrilla, and I do not want to "depoliticize" the violence. However, in each instance they also refer to their sense of deception when they encountered the gap between ideology and practice, assuring me that the commanders were involved in drug production and trafficking, extortion, killing civilians, among other acts. Thus I do argue that ideology has been eclipsed by economic motivations, and by the influence of national and transnational criminal networks involved in the drug trade. See Chernick 2007.

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<sup>16</sup> La Violencia refers to the period from 1948-1953 when violent confrontations between the Conservative and Liberal political parties resulted in 200,000 people dead and more than a billion dollars in property damage. For a detailed study of this period, see Germán Guzmán et al, 2005.

<sup>17</sup> See Tate 2007.

<sup>18</sup> The legal sponsorship for these groups was emergency Decree 3398 in 1965, subsequently transformed into Law 48 and approved by the Colombian Congress in 1968. This law allowed the government to “mobilize the population in activities and tasks” to restore public order and contain the insurgent threat”. In 1989, the paramilitaries were made illegal by President Barco who suspended Decree 3398 and outlawed the use of armed civilians in army operations. See MAURICIO ROMERO, *PARAMILITARES Y AUTODEFENSAS: 1982-2003* (2003).

<sup>19</sup> See Amnesty Int’l, *supra* note 5.

<sup>20</sup> Daniel Jaramillo García-Peña, *La relación del Estado colombiano con el fenómeno paramilitar: por el esclarecimiento histórico*, 52 *ANÁLISIS POLÍTICO* (2005) [Author’s translation].

<sup>21</sup> See KIRK, *supra* note 21, and STEVEN DUDLEY, *WALKING GHOSTS: MURDER AND GUERRILLA POLITICS IN COLOMBIA* (2003) for excellent analyses of these issues.

<sup>22</sup> United Nations Department of Peacekeeping Operations, *Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines* (1999).

<sup>23</sup> Pat Colletta et al., *The Transition from War to Peace in Sub-saharan Africa* (World Bank 1996).

<sup>24</sup> United Nations Integrated Disarmament, Demobilization and Reintegration Standards, II.2.4 (2006).

<sup>25</sup> See Steve Dudley’s excellent discussion of the Unión Patriótica in STEVEN DUDLEY, *WALKING GHOSTS: MURDER AND GUERRILLA POLITICS IN COLOMBIA* (2004).

<sup>26</sup> See García-Peña, p.66.

<sup>27</sup> For a detailed analysis of the legal framework for this process and the ensuing debates, see Laplante and Theidon, 2006.

<sup>28</sup> See *Programa de Ayuda Humanitaria el Desmovilizado*, Ministry of the Interior, Colombia (2011).

<sup>29</sup> Although the individual and collective demobilization processes vary in detail, I have interviewed former combatants in both programs because I am interested in the reintegration phase and the experiences of both these demobilized combatants as well as their families and host communities.

<sup>30</sup> The Referral and Opportunities Centers (CRO) are administered by the Ministry of the Interior, and provide the demobilized with orientation, caseworkers, social support, and other forms of assistance.

<sup>31</sup> Stover and Weinstein 2004:4.

<sup>32</sup> Jaramillo, Giha and Torres, 2007: 36.

<sup>33</sup> For the sake of space I focus on male excombatants in this text. For the same reason, I present the dominant trends in my conversations. This admittedly results in a certain homogenization, but there is no way to address the full complexity of the research in this text.

<sup>34</sup> I borrow this term from Gobodo-Madikizela, who was referring to her interviews with Eugene de Kock, former head of the Valkplass unit of the South African police counter-insurgency unit. De Kock was jailed for his role in the torture and assassination of dozens of anti-apartheid activists. See Gobodo-Madikizela 2006.

<sup>35</sup> In Braithwaite’s influential work on crime, shame and integration, he states: “The point is that conscience is acquired” (1989: 71). Thus I argue that these terms implying distance and change are important ways the former combatants construct new selves and lives.

<sup>36</sup> For a fascinating discussion of the forms of justice administered by armed groups vis-à-vis the communities and regions under their dominion, see Ignacio Gomez 2001. In my conversations with former paramilitaries, they refer to the “guerra de honor” (war of honor) as the site in which justice was administered within the paramilitary organizations.

<sup>37</sup> See Molano 2001 for an excellent overview of guerrilla justice.

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<sup>38</sup> I never use the term “desert” when speaking with these men. Thus when the term appears it is because a former combatant used it in conversation. Words matter, and it concerns me that the former paramilitaries “demobilized” while former guerrilla members “deserted.” The former does not carry the connotations of betrayal or cowardice that the latter term does. I argue for avoiding this stigmatizing term.

<sup>39</sup> Minow 1998: 14.

<sup>40</sup> Mani 2002: 186.

<sup>41</sup> Webster’s Third New International Dictionary entries for the word “reconcile.”

<sup>42</sup> See Theidon 2004 for a discussion of horizontal and vertical reconciliation in the Peruvian context.

<sup>43</sup> See Wilson, 2001.

<sup>44</sup> Ibid, p. 20.

<sup>45</sup> Das 2007: 217.