SUMMARY[1]

Findings and Recommendations for Non-repetition

Final Report
Commission for the clarification of Truth, Coexistence and Non-repetition

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THE COMMISSION'S FINDINGS

During the armed conflict, violations of human rights and crimes against IHL have caused a social catastrophe and collective trauma to the Colombian people. Armed actors, military, guerrilla as well as paramilitary groups, have committed serious war crimes and used violence against civilians as a strategy to gain political and military advantage.

Approximately 90% of the victims of the conflict have been civilians, and more than 20% of the Colombian population have been directly affected. More than 450,000 people have died, 100,000 gone missing and 9 million have been displaced. Thousands of Colombians have been kidnapped and close to one million people have been forced into exile. Furthermore, the Commission has been able to document other violations such as displacement, dispossession, pillage, extortion, confinement, arbitrary detention, and torture. While the paramilitaries committed the majority of murders and forced disappearances, the guerrillas are mostly responsible for the kidnapping and recruitment of children and adolescents.

From a military point of view, the Colombian security model has focused on control of the rural territories and their population. The people living in these areas have been seen as the social base of the guerrilla, and hence as the enemy. This logic subordinate the civil population to the dynamics of war, and transforms civilians into military targets. Paramilitary groups have been central to this parastatal strategy, and have achieved territorial control through the use of terror and violence.

These groups have been consolidated by a coalition of sectors within the military, together with economic and political powers as well as drug-trafficking groups. The motivations of these actors have varied, but maintaining economic, political and social privileges; protection and expansion of private property; drug trafficking, and the extermination of political rivals are a few of them. For decades, the phenomenon of paramilitary groups has been denied by the Colombian state, which has contributed to its expansion and strengthening. Without their recognition and the implementation of institutional, economic and political mechanisms for their dismantling, paramilitarism will continue to be an important factor for the violence in Colombia.

Through forced displacement and dispossession, the war has transformed the rural territories. A large part of the population has been left outside the processes of production and accumulation of wealth, forcing them to survive through the informal or illegal economy. This development has accelerated the process of urbanization, and deepened poverty and marginalization for those living in rural areas. However, not only the structure of land ownership and land use has changed, but also the relationships within and between communities and family dynamics. This relationship between territorial inequality and war constitutes a vicious circle: lack of protection and inequality promote violence, and violence deepens vulnerability and inequality.

While the war has caused damage to almost all lives, families, communities and the nation as a whole, the most economically and socially vulnerable groups have been particularly affected. One of the most important factors to understand the persistence of the armed conflict is the cultural idea of the other, which justifies violence against certain populations and territories, and violently marks political, social and economic relations. These ideas are prior to the armed conflict, and have been part of the process of building the state and society through a system of hierarchies. Ethnic people, women and LGBTIQ+ people, farmers and residents in poor rural areas have been the main victims of exclusion. This has not only caused these populations greater vulnerability to the impact of war, but also a disproportionate amount of violence directed against them during the armed conflict.

The lack of justice regarding such crimes and violations against millions of victims during the war is a key factor for understanding the persistence of the armed conflict. Impunity increases the repetition of violence and weakens the legitimacy of democratic institutions, transmitting a message of permissiveness of violence. The denial of the right to justice also creates distrust of the state. In the case of Colombia, impunity is the result of several factors: the low institutional response due to the lack of empathy for the victims; a strong bureaucratization of justice; and the creation of special justice mechanisms which were proposed as a response to the violence but generated new human rights violations.

Furthermore, Colombia needs a civilian security model that guarantees the monopoly of legitimate force in the state. Such a security model needs to be designed for peace, focusing on the safeguarding of human beings and the protection of all people and communities, without discrimination. In order to improve the Colombian democracy, it is necessary to not only end war, but also the armed conflicts that persist as well as the hatred, distrust and violence between Colombians.

The State and democracy in Colombia were built in war, and the friend-enemy logic is deeply rooted in society and its institutions. The connection between arms and politics has been central within the Colombian political regime for almost a century, and has hindered a functioning democracy. Hence, central issues for peace are the removal of weapons from politics, the enabling of ideological and political competition, as well as the strengthening of institutions. However, total peace does not only imply peace between fighting armies, but also inclusive institutions, transparency, freedom and agreements on fundamental issues.

THE COMMISSION'S RECOMMENDATIONS

CONSTRUCTION OF PEACE AS A NATIONAL PROJECT

Recommendations 1-7 calls upon the Colombian state to honour the commitments in the Final Peace Agreement, to put a definitive end to the armed confrontation and to prioritize life and the construction of peace in the national political agenda. The recommendations include a comprehensive implementation of the peace agreements, the development of a Peace Ministry, and to use dialog as the main mechanism to put an end to the armed confrontation.

GUARANTEERING COMPREHENSIVE REPARATION, THE CONSTRUCTION OF MEMORY, REHABILITATION AND RECOGNITION OF THE DIGNITY OF THE VICTIMS AND OF RESPONSIBILITIES

Recommendations 8-14 propose commitment to comprehensive and transformative reparation of the more than 9 million victims of the internal armed conflict. Such repair should address the individually differentiated impacts as well as the impacts on each collective subject. It should also allow healing both individual wounds and those of communities and territories. Furthermore, the continued recognition of individual and institutional responsibility is fundamental in the continued process of individual and collective healing. The recommendations include recognition of responsibility and of the dignity of the victims, and comprehensive health and psychosocial care.

CONSOLIDATING A WIDE, INCLUSIVE AND DELIBERATIVE DEMOCRACY

Recommendations 15-30 suggest dialogue and participation as prioritized mechanisms to resolve conflicts and guarantee fundamental rights. They seek to deepen democracy and peace through a definitive exclusion of weapons from politics, and the implementation of a reform that incudes historically excluded groups. They aim to achieve a representative democracy that reflects the plurality of the country through deliberative dialogue that recognizes citizen participation and mobilization as essential tools for ensuring human rights, the restoration of the social fabric, the construction of institutional confidence and the definitive rejection to violence against those who think differently. To advance in these transformations it is necessary recognize that insufficient participation, representation and recognition of communities and territories that have been historically excluded, as well as the use of violence and weapons in politics, have affected the Colombian democracy. The recommendations include political reform, public participation, social protest and mobilization and politics free from violence.

FACING THE IMPACTS OF DRUG TRAFFICKING AND DRUG POLICY

This set of recommendations is aimed to rethink the problem of drug trafficking and find the political, economic, ethical and legal paths that lead to substantive debates, both nationally and internationally. Furthermore, it is important to adopt a rights-based and public health approach in politics regarding drug production and consumption. In addition, these recommendations aim to strengthen and develop investigative mechanisms that allow the state and society to better understand the alliances and interests involved in drug trafficking and violence. This includes the investigation and prosecution of persons that are part of the political, financial and armed networks that make it possible.

OVERCOMING IMPUNITY FOR HUMAN RIGHTS VIOLATIONS AND CRIMES AGAINST IHL, PROSECUTING THE NETWORKS OF ORGANIZED CRIME AND CORRUPTION, AND IMPROVING ACCESS TO LOCAL JUSTICE

Recommendations 30-38 focus on two critical aspects of the administration of justice: to overcome impunity and to improve access to justice. They recommend adjustments in the field of criminal justice and within the institutions that provides justice services locally. Normative, institutional and political adjustments are suggested in order to guarantee the independence and impartiality of the criminal justice system, the

effectiveness of criminal investigations and the ability to go after organized crime. On the other hand, the measures to improve the access to justice emphasize the improvement of the relevance and effectiveness of the local justice systems as well as the importance of strengthening community mechanisms.

A NEW VISION OF SECURITY FOR PEACE

Recommendations 39-48 address the importance of recognizing the different security needs, and understanding the violence that the country is experiencing after the signing of the Peace Agreement. Different armed groups remain in some territories, and challenges arise in the nexus between armed conflict, organized crime and illicit economies, particularly in rural and border areas. In these recommendations emphasis is placed on the military forces, police, and intelligence agencies, it is important to understand that the security issue involves several other institutions that should also be included in these reflections. These recommendations include a new vision for security, transformation of the security sector, security in rural areas and areas close to borders, and military cooperation.

CONTRIBUTING TO TERRITORIAL PEACE

Recommendations 49-61 seek to guarantee the well-being and decent living conditions of all communities and to build a shared vision of territory based on respect for life and different needs and perspectives in order to overcome the structural inequalities that have been deepened by the conflict. This requires of a comprehensive and long-term effort, which not only includes the state but the society as a whole, based on participatory, equitable, sustainable and multicultural territorial organization. To ensure this, land redistribution must be guaranteed as well as the prevention and reversal of dispossession. Furthermore, access to public goods and services, including security and justice needs to be ensured as well as productive opportunities and food security and sovereignty for people living in rural areas. Finally, the ecosystems, water and land should be cared for as fundamental elements for the common good and the good life of local communities. The recommendations include a strategy for sustainable development of territory for equity and territorial peace, territorial autonomy, sustainable use of land and territories, prevention of socio-environmental conflicts, prevention and reversal of the dispossession of lands and territories, and reparation of its victims.

ACHIEVING A CULTURE TO LIVE IN PEACE

Recommendations 62-66 suggest a transformation of values, principles and narratives that have contributed to the persistence of violence. Such cultural change requires transformations at the institutional, the normative and particularly the personal level. Hence, the recommendations refer to adjustments within the educational system to form individuals capable of living in peace; a comprehensive strategy that ensure that respect for life and diversity permeates the territories; and to involve to the media, churches and religious communities in the transformation of perceptions and narratives of hatred, discrimination and stigmatization that remain entrenched in the culture. The recommendations include education for the creation of individuals that live in peace, strategy and promotion of cultural management that allows for peace culture, contributions to peace culture from the media and religious communities.

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