

7-2013

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"TRUTH" AND TRUTH COMMISSIONS IN LATIN AMERICA

"La verdad" y comisiones de la verdad en América Latina

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ABSTRACT

This paper is a consideration of four major truth gathering projects –Argentina, Chile, Guatemala and Colombia–. This descriptive study applies a “typology of truth” to these 4 historical projects and considers how these truth commissions defined the notion of “truth” in the context of the highly politicized context of transitional justice.

PALABRAS CLAVE: Truth commissions, Human rights, Transitional justice, reconciliation, Governmental investigations.

RESUMEN

Este artículo es un examen de cuatro grandes proyectos de recopilación de la verdad -Argentina, Chile, Guatemala y Colombia-. Este estudio descriptivo aplica una “tipología de la verdad” a estos cuatros proyectos históricos y expone cómo estas comisiones de la verdad definen el concepto de “verdad” el marco de un contexto altamente politizado de la justicia transicional.

KEYWORDS: *Comisiones de la verdad, Derechos humanos, Justicia transicional, Reconciliación, Investigaciones gubernamentales.*

FECHA DE RECEPCIÓN: ABRIL 5 DE 2013
FECHA DE ACEPTACIÓN: SEPTIEMBRE 4 DE 2013

This paper considers the notion of truth within the context of the major truth gathering projects from Latin America. While very few truth commissions actually use the term “truth” (preferring more modest goals such as “historical clarification” or “recuperation of memory”) the generic term “truth commission” persists. Indeed in most instances there is a real public demand for truth--not clarification. Truth commissions are almost always promulgated within the context of a broader project of transitional justice, and transitional justice is usually guided by the norms of international human rights. Despite this scholars have paid scant attention to the idea of a “right to truth.” Moreover the relationship between justice and memory is often problematic, even without considering the epistemological problems with explicitly political truth claims. In this paper I will establish a framework for understanding the different meanings/levels of truth claims made by official truth gathering projects in Latin America. I contend that there are three distinct types of truth claims made by truth commissions—descriptive (forensic) truth, moral truth, and normative truth. Using this framework I will pay particular attention to the political contexts, and the genres of violence that informed the truth gathering projects in Argentina, Chile, Guatemala, and Colombia. By examining these cases, I hope to establish the idea that truth in the aftermath of state-sponsored atrocities is a fundamental human right.

My analysis then assumes that truth is both possible and generally desirable. How, then, is the idea of truth in this context understood? How can we reconcile the relationship between this constructed idea of truth and a more absolute notion of Truth?

Truth commissions engage in social and political projects that make explicit truth claims. Within the texts or reports of truth commissions, there is virtually no discussion of what is meant by “truth.” Moreover, most truth commissions are mandated to “set the record straight.” Commonly after periods of official state denial, truth commissions are charged to create some sort of official document which will become a guidepost for a socially defined historical memory. That is, truth commissions are in fact aspiring to estab-

lish what can only be described as the "official truth." The project of writing an official historical record of the truth about atrocity or conflict is a fraught and suspect enterprise, but one which is nonetheless probably essential to the construction of a culture of respect for human rights. Moreover, the process seems to require a fairly conservative idea of epistemological certainty in order to have any authority at all. If they are to matter at all, truth commissions cannot, in the end, simply present another alternative narrative.

Despite the demand for and the presumption of epistemological certainty, truth and memory are by their very nature thorny concepts. Even an avowed opponent of post-modern skepticism could rightly be skeptical of the idea of "official" truth and/or official memory (especially when we are referring to moral truths). Certainly while we can all acknowledge that Holocaust deniers are promoting lies and falsehoods, we must also acknowledge that individual experiences are limited and contextualized. The construction of a shared memory from individual accounts is complex. And it would be erroneous to claim that this kind of clearly constructed truth is synonymous with more common notions of "hard" or "absolute" truths except with regard to the most basic recitation of historical facts.

The relationship between absolute Truth and the work of truth commissions becomes even more difficult when we consider what is known about the nature of individual memory and trauma. Traumatized individuals often take time to fully articulate the narrative of their experiences. As time passes, details of the narrative get filled in. This process is slow and uncertain. Psychologists and neuroscientists would tell us that trauma can affect memory in demonstrable ways as well. Forgetting or repression of memory is a psychological "coping mechanism" or survival skill, but it is also a much contested idea within cognitive and clinical psychology. The process of "recovering" memory has become very controversial in social, political, and legal realms. Even if there is a reliable technique for recovering accurate recollections of previously forgotten events, the idea of recoverable memory lends itself to abuse,

especially in legal proceedings.¹ Despite the fact that victims of atrocity rarely if ever claim to have forgotten and then recovered their traumatic memories, the memories of these survivors (including torture survivors) often take a more articulate form over time. This is always a complex process and it is reasonable to have doubts about the accuracy of such memory. This, combined with the popular skepticism about repressed memories can taint public understanding of victim testimony.

Collective memory (or “public memory”) is much more socially complex than is individual memory. Unlike individual or shared memories, collective memories are not contingent upon our own personal experience, although we do place our collective and individual sense of identity within it. The relationship between collective memory and historical truth (or fact) is tenuous, but we often, perhaps usually afford it the legitimacy of truth. According to the moral philosopher Peter French, “we often change what we remember to bring our personal memories in line with public memory though we may hold private doubts about the veracity of the public narrative.” (French, 2003, p. 9)

Our contested understandings of these complex psychological phenomena then affect the credibility of those who remember trauma, especially in contexts which are very politically charged and controversial. The process of recovering collective memories is often less psychologically complex, but much more suspect in politically divided societies. This leaves us with significant tension between the tasks and goals of truth commissions (hard truth) and the political and social reality of skepticism within which they operate.

1 For an account of the psychological problems with relying on eyewitness testimony (and memory) in the legal realm, see Elizabeth Loftus and Katherine Ketcham, *Witness for the Defense: The Accused, the Expert and the Eyewitness who Put Memory on Trial* (New York: St. Martin's Griffin, 1992) or Elizabeth Loftus, *Eyewitness Testimony* (Cambridge MA: Harvard University Press, 1996). For an analysis of the complexity and abuse of the notion of “repressed memory” see Elizabeth Loftus and Katherine Ketcham, *The Myth of Repressed Memory: False Memory of Allegations of Sexual Abuse* (New York: St. Martin's Griffin, 1996).

Bolivia

While the argument for a right to truth is very much imbedded in the particular structure of state terror in Argentina in the 1970's and early '80's, the model has of course been applied to dozens of other transitional regimes, many of which had very different kinds of "missing truths." Argentina was not technically the first truth commission in Latin America. One year before the formation of a truth commission in Argentina, Hernán Silas Zuazo was appointed by the Bolivian National Congress to re-establish civilian rule in Bolivia after more than a decade of corrupt and repressive military regimes. As part of his reform agenda, he established a National Commission for the Investigation of Forced Disappearances within a few weeks after he was installed as president. The commission investigated 152 cases of state-sponsored murder between 1964 and 1982, and was disbanded in mid-1984 without ever publishing a report. (Hayner, 2001, pp. 52-53)

Argentina

The Argentine case, while imperfect in many ways, began with a much broader mandate within a much more legitimate and broad based plan of democratization. It was the Argentine truth gathering project which set the precedent for other transitional regimes. Along with South Africa's TRC, the Argentine case is iconic for the human rights regime. Prior to stepping down from power, Argentina's military junta attempted to give itself immunity from future prosecution, and they ordered the destruction of all official documentation pertaining to state-sponsored repression. Despite this Raul Alfonsín had promised during his campaign that he would both investigate and punish the military for the crimes they had committed. He was elected on October 30, 1983. Inaugurated on December 10th, and he established CONADEP with the first week of his presidency. (CONADEP, 1986)

CONADEP was comprised of 10 appointed commissioners, all of whom had some demonstrable commitment to the idea of

human rights. Both houses of Congress were ordered to appoint a commissioner as well, although in the end there was only one Congressional representative who participated. The writer, Ernesto Sábato headed the Commission. Both the formation and the structure of CONADEP influenced the way subsequent truth commissions were formed, but the most influential aspect of Argentina's experience pertains more to the structure of violence during the dictatorship. (Hayner, 2001, p. 33)

The structure of Argentine terror was particularly brutal and effective at wiping out any threat of insurgency. More than any other counter-insurgency campaign in Latin America, Argentina's was successful in rooting out and destroying any threat posed by revolutionary groups. And it almost goes without saying that they did not distinguish between active militants and other dissenters. The politics of dissent was eliminated along with the labor leaders, student activists and critics who were murdered.

The Argentine junta used a form of "disarticulating power" according to Jaime Malamud. (Malamud-Goti, 1996) Because the junta was unable to forge a legitimate political consensus for its power in Argentina, they were able to maintain control for a time by making it impossible for their opposition to solidify a power base. They "disarticulated" Argentine society. This disarticulation made it extremely difficult to find solidarity, to communicate, or to "do" politics. (Feitlowitz, 1998) This is the sort of scenario rightly defined by Hannah Arendt as a power vacuum. Only by eliminating the possibility of any political opposition could the military maintain its illegitimate rule. (Arendt, 1970)

The junta was able to create this disarticulation by destroying the ability for Argentines to communicate.² Unlike the Central American regimes which committed overt blatant violence against the civilian population, the Argentine military went about the business of mass murder quietly and without fanfare. Despite the fact that tens of thousands of Argentines had "disappeared," the

2 See Marguerite Feitlowitz.

official story was one of complete and absolute denial. It is reminiscent of the episode in Gabriel García Márquez's novel, *One Hundred Years of Solitude*, where hundreds of workers and protesters were massacred, their bodies dumped in the ocean, and the next day the plaza was cleaned up and the authorities denied that any of them had ever existed. García Márquez creates this world in which the authorities can erase all of the evidence of the lives that were sacrificed. While the incident in the novel was a somewhat embellished re-telling of the tragic real-life massacre of banana workers in Santa Marta, Colombia in 1938, the story of the disappeared in Argentina makes García Márquez into a prophet. In the Argentine case, the army really does dump the bodies in the ocean. The junta really does attempt to erase the fact these *desaparecidos* ever really lived. (García Marquez, 2006)

The fact that the violence was so pervasive and so at odds with official claims created a sense of unreality and confusion for many Argentines. This is not a completely unusual phenomenon when states are involved in massive human rights abuses. Many Europeans under Nazi rule maintained their ignorance about the disappearance and murder of millions of Jews. Poles who resided in the proximity of death camps claimed that they did not know what happened there. Argentines similarly, were inclined to deny the reality of the terrorist regime. But because the experience of most people was so at odds with what they were told, language itself became problematic. Most Argentines justified their experiences by rationalizing that the disappeared had simply gone away or they "must have done something."³

The extremely high level of social disarticulation created by the junta prompted and shaped the mandate for a truth commission. Although COANADEP served a normative function (re-

3 This is not an apology for social collusion during the period of military rule. The military junta was in fact a "popular" and nationalistic regime. Although Argentine society in general did not publicly acknowledge the brutality of the regime in power, there was no widespread protest, and in fact for much of this period large segments of the populous overtly and tacitly supported "el proceso."

establishing the normative difference between the dictatorship and the new democratic regime), its main objective was simply to create some consistent version of the experience that this society had emerged from . . . to create a new official story that was consistent with reality.

Since the articulation of power and communication is contingent upon social verification, the junta was able to use the disconnectedness between empirical experience and the overt denial of reality to confuse and disarticulate social connections (and any possible coherent challenge to authority). Alfonsín and his administration acknowledged this problem of social disarticulation (which was and is manifest on the individual level as well) and the task of the commission then was to reconstruct a primarily narrative/forensic truth in order to create a coherent collective memory. In the aftermath of this atrocity, the need for re-articulation (not reconciliation in this case) was considered (rightly) to be a condition of democracy and justice. Inasmuch as truth is a necessary precondition for the implementation of democratic norms, the right to truth can be assumed to exist in traumatized societies.

I believe our understanding of the “right to truth” is very much influenced by the precise structure of repression in Argentina before 1983. There are some factors which are more or less universal inasmuch as terrorist states never publicize their crimes. But there are also some particular factors about the Argentine case—the lack of quasi-legal justifications or pretense, the massive use of disappearance as their primary tactic, and the impact on the educated urban middle and upper classes. These things made social disarticulation and confusion more intense than in many other cases.

CONADEP really had to articulate *what* happened. . . who died, who murdered them, and how and when did it happen? And subsequently, what happened to their bodies, and what happened to the infants who were kidnapped or born in captivity? This kind of descriptive or forensic truth is the least problematic. Where it cannot rely on physical evidence (bodies), it can be contested and often will be, but it is nevertheless straightforward to make a truth

claim about how someone was murdered. Such a claim in fact is either true or false. There is little room for subjective interpretation.

Apart from the need for clarification of historical "facts," traumatized societies also require more in order to become re-articulated, politically participatory, democratic societies. New regimes must not only explain what happened, but they must condemn it and create new norms. Moreover, in post-conflict societies, there is often a need for a deeper kind of reconciliation.

Ernesto Sabato acknowledged the need for moral truth claims in the introduction to CONADEP's widely distributed report, *Nunca Mas*, but the body of the report stays descriptive in its content. (CONADEP, 1986) Nevertheless, the very idea of a new regime establishing a truth commission to not only clarify what happened, but also to condemn it was revolutionary. The most important political goal of CONADEP and *Nunca Mas* was to reject the actions of the military junta and to define the new regime in a way that drew a stark moral line between itself and the junta. It was an attempt at both a descriptive and a moral truth claim, and as I said earlier, there was a normative function as well as the work of the truth commission formed an integral part of the re-construction of Argentine democracy. Subsequent truth gathering projects in Latin America and elsewhere more ambitiously attempted to establish more complex kinds of truths. In order to elaborate and clarify what truth claims mean in the context of these overtly political processes, I have established a typology of truth claims: (1) descriptive truth; (2) moral truth, (3) normative truth, and perhaps (4.) prescriptive truth. It is my belief that truth commissions function best when the norms of international human rights are strengthened, and when the truth is connected to those norms, and contributes to their elaboration and development.⁴

There are some common threads throughout these other Latin American case studies, and there is a definite evolution of intention and changing geo-political as well as domestic circumstances

⁴ An example of this would be the establishment of international law pertaining sexual violence and rape in the context of armed conflict.

surrounding the truth gathering processes in these countries. This essay seeks to place these historical experiences into the framework for truth that I have established both in order to better understand the truth myself, as well as to provide a framework for truth gathering projects in the future.

Chile

When Patricio Alwyn took power in 1990, he established “the Rettig commission” six weeks after his inauguration. Following the model established in Argentina, the commission was made up of 8 individuals. In Chile, fully one-third of the electorate favored Pinochet at the time he stepped down. Pinochet was also able to control the circumstances of his “retirement” to an unprecedented extent, and neither Pinochet himself, nor Chilean society had to confront the illegitimacy of his state-sponsored terror until he was indicted by the Spanish judge Balthazar Garzón. Because the divisions over Pinochet were rooted in long-standing political divisions in Chile, Alwyn—a centrist—favored a truth gathering project which would have the cloak of “ideological balance.” Because of this, 4 of the 8 commissioners in Chile had to come from the “pro-Pinochet” camp. Moreover, they were limited in their mandate to investigate only the cases of the dead, which in Chile (unlike in Argentina) were a minority of those who were disappeared. Despite this the report itself is quite complete, and goes well beyond the descriptive content of the Argentine report. The Rettig Commission made recommendations regarding reparations, responsibility, and human rights norms. Many of their recommendations were in fact implemented. (United States Institute of Peace, *Truth Commission: Chile 90*, n.d.)

In 2003, President Ricardo Lagos created a second commission to investigate the cases of those who survived illegal detention and torture under the Pinochet regime. This second commission—the National Commission on Political Imprisonment and Torture,” or the Valech Commission—established a much more complete description of what happened in Chile during the Pinochet dictator-

ship. The survivors of disappearance in Chile were also offered reparations on the basis of this second truth gathering project. (United States Institute for Peace, *Commission of Inquiry: Chile 03*, n.d.)

So in the case of Chile, the Rettig Commission and the Valech Commission together seek to establish something beyond descriptive truth. In making extensive policy recommendations that span social, legal, and political realms they make not only an explicitly normative claim (based on international human rights law and international humanitarian law), but they also prescribe clear and explicit remedies for Chilean political and social institutions as well as Chilean society. When the Rettig Commission delivered its report in February of 1991, Congress officially commended it, and all political parties in Chile publicly acknowledged the validity of the descriptive truth presented. The armed forces publicly rejected the report. Nevertheless, according to José Zalaquett, "with the passage of time, there can be no doubt that the facts established in the report have come to be widely accepted in Chile as truth." (Chilean National Commission, 1991, pp. Preface to the English Edition, 16)

The Rettig Commission recommended reparations (to include symbolic acts, legal and administrative assistance, and financial resources dedicated to the social welfare of the victims and their families). The recommendations for reparations are both specific and extensive (Chilean National Commission, 1991, pp. 1057-1074). They also made very specific recommendations for legal and institutional reform, which would include incorporating human rights norms into the legal system. (Chilean National Commission, 1991, pp. 1075-1113)

The response of public institutions and Chilean society was swift and unambiguous after the publication of the Valech Commission in 2003. Even the military used the report to clearly define itself as part of the new regime. The Valech Commission again recommended reparations (both symbolic and material) for the additional registered victims of disappearance and torture. President Lagos publicly apologized on behalf of the state to the victims and

their families. The government agreed to provide 28,459 victims (or their families) with a lifelong compensatory pension and free education, housing and health care. In 2009, the Chilean Congress established the National Institute for Human Rights which qualified an additional 4000 cases eligible for the above reparations. And in January 2010, the government opened the “Museum of Memory and Human Rights,” in Santiago. (United States Institute for Peace, *Commission of Inquiry: Chile 03*, n.d.)

The Valech Report fulfilled all four categories of truth telling in Chile. It expanded our knowledge of the basic historical circumstances surrounding the victims of illegal detention and torture (descriptive truth), it made moral truth claims which were more or less universally assumed by most of Chilean Society by 2003 (moral truth), it adopted international human rights norms and used them to establish new norms in Chilean society (normative truth), and it prescribed far reaching and significant policy prescriptions, most of which have actually been implemented. The two Chilean truth gathering projects remain as models for transitional regimes everywhere.

Guatemala

The period of brutal repression and state-sponsored violence in Guatemala was one of the longest in Latin America spanning more than 30 years. While the armed conflict between revolutionary Leftist guerrillas and the Guatemalan military was investigated, the period (1960- 1996) was mostly characterized by a one-sided assault of the Guatemalan armed forces, in alliance with traditional landed elites upon the largely indigenous, poor rural population of Guatemala. Guatemala’s history of violence is overtly racist and classist, and the modus operandi of the Guatemalan armed forces was full-scale assault, massacre and terror. While there were forced disappearances, and the regime certainly denied their crimes, order was maintained by making death overt, particularly during the years of Romeo Lucas García and Efraín Ríos Montt. There were very few of any ideological stripe in Guatemala who did not under-

stand the vast scale of bloodshed they had survived. For the most part everyone understood, in non-specific terms, who had died and who had killed them.

As part of the U- brokered peace process which presaged the end of the official conflict, an "Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence that have caused the Guatemalan Population to Suffer" was included in the signed accords. The political situation was still very unstable, and the state itself was far weaker than the Southern Cone states. Guatemala had no meaningful democratic tradition, no tradition of a fair and impartial judiciary, inadequate legal education, and significant levels of political violence at the time of the investigation. In a similar situation, the United Nations had conducted its *own* investigation of El Salvador's human rights abuses, with very little direction from or participation by Salvadoran nationals. Because of this the Salvadoran report (1995) had lacked legitimacy and impact. In an attempt to avoid the Salvadoran scenario, the Guatemalan Commission for Historical Clarification and its team of investigators was a mixed body, which included both Guatemalans and international scholars and experts. The chair of the three-member Commission was the German law professor Christian Tomuschat. The other two commissioners were Guatemalan. The agreement which mandated the formation of the commission also limited its investigation by prohibiting the investigation from publishing the names of the perpetrators. This controversial aspect of the mandate led to a parallel process undertaken by the Catholic Church—The Recuperation of Historical memory project, or REHMI.

The UN-sponsored commission presented its report in a formal ceremony on February 25, 1999. They reported that over 200,000 individuals were killed during the decades-long conflict. The vast majority (93%) were murdered by State forces and related paramilitaries. 83% of the victims were ethnically indigenous. As was the case with truth commission report in El Salvador, the Guatemalan truth commission condemned the role of the United

States. The Commission recommended public memorialization, reparations, state-support for exhumations, and structural reform in the military and the judiciary. (Comision para el Esclarecimiento Historico, 1999) While the report was not explicitly rejected by the government of Álvaro Arzú, his government did explicitly reject the policy recommendations (public memorialization, reparations, and public support for exhumations) included in the report. In 2004 the government established a “National Day of Dignity” to remember the victims. But none of the other recommendations has been acted upon in any meaningful way. (United States Institutue of Peace, *Truth Commission: Guatemala*, n.d.).

The Guatemalan truth commission was effective in establishing a base line for descriptive and forensic truth. Although the incontrovertible facts are still challenged to some extent in Guatemala, the truth commission did establish the actual truth of Guatemalan history as the official truth. The Guatemalan government and Guatemalan society has been slower to address the moral truth claims of the report largely because of the racism and classism that persist in Guatemalan society. Although the Guatemalan Commission for Historical Clarification made some limited normative and prescriptive claims, it had virtually no impact on Guatemalan governance or the way powerful groups (including the government and the military) have remembered the past.

The REHMI project was spear-headed by the Archbishopric of Guatemala, and Bishop Juan Gerardi. Initially created to rectify the perceived injustice of the Historical Clarification Committee’s restriction on naming names, it eventually encompassed a much more ambitious project of reconciliation, which included community-based conscientization and education projects. (Recovery of Historical Memory Project, 1999) Less than a week after the publication of the REHMI Report, its primary author, Bishop Juan Gerardi was bludgeoned to death in his garage. The murder was never solved, but clearly was retaliation for his role in the peace and reconciliation process. And like the more than 200,000 victims that preceded him, the complicity of state actors in his murder is true

in the strictest sense of the word. His murder highlighted the danger and the pain involved in real confrontations with truth. Both the Historical Clarification Commission and the REMHI Project together moved far beyond simple descriptive truths. They make explicitly moral truth claims, and they sought to have a normative impact while prescribing major structural and social reforms. Despite the lack of collaboration among Guatemalan political elites, these two commissions--representing the vast majority of poor Guatemalans-- have made a brave a far reaching demand for Truth.

Colombia

The structure of endemic violence in Colombia overlaps with the Cold War violence that characterizes the other cases discussed here, but violent conflict in Colombia goes well beyond the chronological and structural parameters of Cold War conflict in the rest of Latin America. Although several peace agreements and demobilization agreements and plans have been implemented in Colombia, it is a unique case in that there has been no definitive end to the civil conflict. Roberto Vidal-López says "contemporary Colombian History can perhaps best be described as consisting of chronic armed conflict paired with chronic peace negotiations. . . in Colombia, peace and stability coexist with armed conflict, a situation made possible by the great differences between urban contexts and the countryside and between geographical regions that are characterized by distinct economic, social and cultural traits."(Vidal-Lopez July 2012, 5). In this kind of context the tools of transitional justice (including truth telling projects) are problematic because there is no clearly definable transition. (Vidal-Lopez, July 2012, p. 6) Despite the inherent problems, it seems clear that the right to truth, memory and justice are of even more importance in a case such as this.

There has not been one definitive and official "truth commission" in Colombia yet, but there have been many truth telling initiatives which have been tasked with historical clarification and memory. Some of these projects have focused on specific iconic

events (e.g. the burning of the Palace of Justice in November 1985), and/or they have been associated with various phases of the peace process.

In 2005 the Colombian government mandated and initiated the National Commission for Reparations and Reconciliation. (CNRR). This commission has worked under the auspices of the Office of the Vice President of the Republic. The Commission was given an unprecedented 8-year window, and the broadest mandate of any truth telling project to date.⁵ Within the CNRR, a working group called “Memoria Histórica,” was formed in 2007 to describe and explain the roots of the armed movements in Colombia in order to facilitate reparations to the victims of violence and to further the goals of peace and reconciliation.⁶ Memoria Histórica has incorporated (as part of its regular staff) Colombia’s leading historians and analysts of violence. The specified objectives of this research project (which completed its report in December 2011) are highly analytical, thorough and far-reaching.⁷ In order to implement the recommendations of the CNRR and Memoria Histórica, the Centro de Memoria Histórica was created in 2012.⁸ They published a far-reaching report in July 2013 which had a significant impact on the peace negotiations between the FARC and the Colombian government. They are tasked with promulgating and administering a Museum of Memory and a human rights archive, as well as supporting on-going investigations and documentation of human rights abuses, and to support Memoria Histórica in its on-going investigation of armed insurgent groups. The structure of both the Commission, the working group and the Center are so different from previous truth gathering projects in Latin America, it is almost impossible to compare this project to the prior ones. This is a

5 See <http://www.vicepresidencia.gov.co/Es/iniciativas/Paginas/CNRR.aspx>

6 See <http://www.memoriahistorica-cnrr.org.co/s-home/>

7 See Gonzalo Sánchez Gómez, “Plan Área de Memoria Histórica” (Grupo de Memoria Histórica de la CNRR, February 20, 2007). http://memoriahistorica-cnrr.org.co/arch_plan/plan_estrategico_v1.pdf

8 See <http://www.centrodememoriahistorica.gov.co/>

"post-modern" truth commission in the same sense that the EZLN is a postmodern revolutionary movement. The Colombian Commission acknowledges that the starting point for the conflict is not clearly defined . . . they are tasked with identifying the origins of Colombian violence which are assumed to be complex. Gonzalo Sanchez, the Director of Memoria Histórica said in an interview in 2009 that MH could not be properly called a "truth commission," but could lay the groundwork for a legitimate truth commission that could eventually be formed. (Rodriguez, 2009) This is not a project which is attempting to differentiate the current regime from the past. There is no clear break from the past which defines the mandate of the Commission. So the origins of the conflict are undefined, and the conflict itself is on-going.

But Memoria Histórica does claim (with the authority of the state and leading and respected intellectuals) that historical description and even explanation are insufficient. The Commission and the working group must analyze a complex history. They implicitly make moral claims. They work within a normative framework of the rule of law. And they attempt to institute policy changes and move closer to the goals of peace and democratic stability.

Although the example of Colombia is atypical and imperfect, it demonstrates how we will all continue to grapple with these problems. Truth may be hard, but collective memory will always be fluid. We can, however, use international human rights to create a world where those who would attempt to distort the truth, place themselves outside of the norms of international law.

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