



# WHAT THE VICTIMS TELL

## ATTITUDES AND EXPERIENCES OF INTERNALLY DISPLACED PERSONS WITHIN THE CONTEXT OF THE ARMED CONFLICT AND THE REPARATION PROCESS IN COLOMBIA

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The surveys presented in this report were carried out in cooperation with the **National Association of Victims for the Restitution and the Access to Land “Tierra y Vida” (Asociación Nacional de Víctimas para la Restitución y el Acceso a Tierras “Tierra y Vida”)**, a Colombian non-profit association, that supports victims of enforced displacement in the process of land restitution. Tierra y Vida was founded in 2010 and is by now present in 14 regions of Colombia.

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## 0. Executive Summary

After more than fifty years of conflict, Colombia is faced with millions of victims of severe human rights violations. Since 2005 and 2011 respectively various reparation mechanisms have been implemented to indemnify the victims of the armed conflict. However, human rights defenders and non-governmental organizations have criticized these mechanisms, as they believe these measurements do not adequately address the victims' needs.

The present report describes the findings of a survey conducted in four departments of Colombia (Cundinamarca, Antioquia, Córdoba and Valle del Cauca) between September 17, 2012 and December 12, 2012. Altogether, 454 victims of enforced displacement in the context of the Colombian armed conflict were asked about their state of mental health and their experiences during the armed conflict. Their opinions regarding reparations within the Justice and Peace process, as well as their attitudes on reconciliation and forgiveness, were also evaluated.

The objectives of the survey were to provide an overview of the victims' experiences and their psychosocial condition, with an aim to reach a better understanding of their psychosocial necessities. Furthermore the assessment of their opinions towards the reparation measures was intended to document their desires and needs in the current Justice and Peace process.

Results revealed a high number of traumatic events experienced by the participants, such as bombings or armed confrontations or the assassination of family members or friends. Also

more than one third of the participants had experienced more than one displacement. A considerable number of participants had recently suffered from human rights violations such as enforced displacements or assaults of armed groups. Furthermore results indicated severe mental health impairments in terms of high prevalence of symptoms of post-traumatic stress disorder, anxiety, depression and prolonged grief.

In spite of the severe violations of their rights, overall respondents showed a strong disposition towards reconciliation, and a substantial number of participants stated that they had forgiven the armed groups. Reparations were considered as being important and almost two thirds of the participants stated that they had already received some kind of reparation, usually in the form of monetary compensation. However respondents showed low overall satisfaction with the reparation process and pronounced the wish for further reparations, mainly in terms of subsidies for housings or aid for rehabilitation into the working environment.

Based on these findings the need for an effective implementation of reparation measures became apparent. Most of the desired measures mentioned by the participants were aimed at gaining housing subsidies and regaining access to the working environment, thus helping to guarantee the meeting of basic needs such as shelter and the economic resources to support themselves and their families. However, since a substantial number of victims suffer from severe psychological distress, the implementation of

adequate psychosocial counseling also seems an important reparation measure.

Many victims demonstrated their readiness to reconcile with perpetrators. Yet the ongoing human rights violations hinder the formation of a stable and sustainable peace process. Hence political efforts to achieve such processes seem of crucial importance.

# 1. Introduction

For more than fifty years, the armed conflict in Colombia has been leading to severe human rights violations. Thousands of people were murdered, about 17,000 (were) disappeared, and almost five million - approximately 10% of the Colombian population - were dispossessed of property and displaced from their land.<sup>1,2</sup>

Since the 1980s, numerous attempts have been made to achieve peace. Until now, however, a stable and continuous peace process has not been accomplished.<sup>3</sup>

Two important mechanisms for the current process of constructing peace and stability within Colombian society are represented by Law 975 (Justice and Peace Law) and Law 1448 (Victims and Land Restitution Law). These laws comprise two fundamental

aspects: first, the demobilization of armed groups, and the judicial reparation of the victims of the conflict,<sup>4</sup> and secondly, the restitution of stolen land as well as integral reparation for persons affected by the conflict.<sup>5</sup>

With regards to judicial restitution, up to September 2012 almost 40,000 confessions of crimes during the conflict have been made by the paramilitaries participating in the demobilization processes.<sup>6</sup>

Moreover, until May 2012 almost 900.000 hectares of land could be returned to the victims of displacement.<sup>7</sup> However, current processes relating to the aforementioned laws have been criticized by various non-governmental organizations and defenders of the victims'

<sup>1</sup> Estadísticas desapariciones. (2012). *Verdad abierta*. Retrieved Octubre 23, 2012, from <http://www.verdadabierta.com/component/content/article/173-estadisticas/3964-estadisticas-despariciones>

<sup>2</sup> Codhes (2012). Desplazamiento creciente y crisis humanitaria invisibilizada, Boletín, 79 Bogotá: CODHES - la Consultoría para los Derechos Humanos y el Desplazamiento.

<sup>3</sup> Fisas, V. (2011). Anuario Procesos de Paz 2011. *Escola de Cultura de Pau*. Retrieved Octubre 23, 2012, from <http://escolapau.uab.cat/img/programas/procesos/11anuarie.pdf>

<sup>4</sup> Rettberg, A., Kiza, E., & Forer, A. (2008). Reparación en Colombia ¿Qué quieren las víctimas? Bogota, D. C.: Agencia de Cooperación Técnica Alemana, GTZ.

<sup>5</sup> Amnistía Internacional (2012). Colombia: La ley de víctimas y de restitución de tierras – análisis de amnistía internacional. London: Amnesty International Publications.

<sup>6</sup> Estadísticas Justicia y Paz. (2012). *Verdad abierta*. Retrieved November 08, 2012, from [http://www.verdadabierta.com/index.php?option=com\\_content&id=3825](http://www.verdadabierta.com/index.php?option=com_content&id=3825)

<sup>7</sup> Listo primer paquete de restitución de tierras para campesinos. (2012, May 29). El tiempo [online]. Retrieved December 02, 2012, from [http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-11910325.html](http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-11910325.html)

rights, as the processes did not include victims' opinions or wishes. There has also been criticism of insufficient security precautions, as the constant threats and human rights violations suffered by the victims frequently interfere with their participation in the reparation process.<sup>8</sup>

The purpose of the present report is to document the victims' experiences during the armed conflict, their current social and psychological situation, and their attitudes towards the peace process. Thereby it aims to

obtain an adequate understanding of their psychosocial necessities, their opinions towards the conflict and, in turn, their attitudes towards and desires regarding the process of Justice and Peace (*Justicia y Paz*). Thus it provides an overview of the experiences and opinions of victims participating in the Colombian reparation process.

This investigation comprises four main objectives:

- To inquire about the incidents experienced by the victims during the armed conflict
- To evaluate the participants' mental health status.
- To assess the opinions held regarding the reparations in the context of the process of Justice and Peace
- To assess the attitudes of the victims concerning the armed groups as well as their attitudes on reconciliation and forgiveness

The following findings are derived from a survey conducted between September 17 and December 12, 2012 in 4 departments in Colombia. Respondents were 454 displaced victims of the Colombian armed conflict, the majority of whom participated in the Colombian reparation process.

The survey was initiated and carried out by the Berlin Center for Torture Victims (Behandlungszentrum für Folteropfer Berlin – bzfo), and accomplished in collaboration with the National Association of Victims for the Restitution and the Access to Land - Tierra y Vida (*Asociación Nacional de Víctimas para la*

<sup>8</sup> Arrango, R. (2008). Justicia transicional y derechos en contextos de conflicto armado. In M. Bleeker, J. Ciurlizza & A. Bolaños-Vargas (Eds.), *El legado de la verdad: Impacto de la justicia transicional en la construcción de la democracia en Latino América*. Bogotá: Centro Internacional para la Justicia Transicional.



*Restitución y el Acceso a Tierras “Tierra y Vida”*).

The following chapters will present a historical background on the conflict and an outline of the laws associated with this context. Also the human rights violations committed within the conflict will be described. Consecutively, the focus of the report will be presented, followed by

the methodology of the current survey, which will be explained in chapter 3.1. In chapter 3.2 the results of the survey will be presented. In the last chapter the main results, as well as implications for the victims in Colombia, will be discussed, taking into account the context of the armed conflict.

## 2. Background

### 2.1 Origins of the armed conflict

To determine the origins of the Colombian armed conflict, one could consider various starting points such as the beginning of colonization, the obtainment of independence in 1819, or the first civil wars in the course of the twentieth century, as all represent historical events that were accompanied by social and political upheavals.

However, in the following summary, the so-called “Thousand Days’ War” (*Guerra de los Mil días; 1899–1902*) will be regarded as a key moment in the development of the current armed conflict, as it constitutes the first nationwide conflict between the two important political forces then existing: Liberals and Conservatives, which in the later conflicts continued to be opposing groups and which played an important role in the emergence of the first guerrilla groups.

The two political parties had emerged in the middle of the nineteenth century and represented different ideologies. The

Conservatives embodied a Catholic-oriented state, a centralistic constitution and a protectionist economy, whereas the Liberals stood for a secular state with a federal constitution and free trade.

Besides this, the Liberal Party served as a representative for those parts of the population calling for civil rights and fair distribution of land that, at the end of the nineteenth century, had increasingly fallen under the control of great landowners attempting to obtain territories for the cultivation of coffee.<sup>9</sup>

The unequal distribution of land, as well as the differences between Conservatives and Liberals concerning their political ideologies, led to various Liberal upheavals during Conservative-led regimes and finally resulted in the aforementioned Thousand Days’ War, a civil war with approximately 100,000 deaths.<sup>10</sup>

During the course of this war, the Conservative Party was able to consolidate its power, which, at the end of the war, enabled the creation of an authoritarian regime led by the Conservative

<sup>9</sup> Zelik, R., & Azzellini, D. (1999). *Kolumbien: große Geschäfte, staatlicher Terror und Aufstandsbewegung*. Köln: Neuer ISP-Verlag GmbH.

<sup>10</sup> Kolumbien (2011). *GLZ – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH*. Retrieved December 10, 2012, from <http://liportal.giz.de/kolumbien/geschichte-staat.html>

Rafael Reyes (1905-1909). Dissatisfaction with this system as well as poor working conditions during the beginning of industrialization promoted the development of different socialist movements, characterized by protests and strikes led by workers of different sectors, such as the agrarian sector or the oil industry. The strike of the banana plantation workers of the United Fruit Company represented a climax of this movement. However in 1928 it was ended by a massacre of its participants and this led to the weakening of the existing social movements.<sup>11</sup>

Not until 1948 did the leftist groups regain sufficient power to constitute a candidate for presidency with left-populist ideals—namely Jorge Elcicer Gaitan, who as a lawyer had also fought for public recognition of the 1928 massacre of the banana plantation workers. Due to massive support by members of the lower classes, Gaitan's chances of winning the elections were considerable. However on April 9, 1948 he was shot by a young man believed to be mentally deranged, who had presumably been delegated by Gaitan's conservative

opponents.<sup>12,13</sup>

Gaitan's death led to a rebellion by his sympathizers, as their hopes for social reforms were destroyed. During the massive riots many civilians lost their lives and parts of Bogotá were left demolished. The response of the Conservative government to this rebellion was the persecution of all persons associated with Liberal or Communist convictions. To defend themselves in turn against the aggressions of the representatives of the Conservative party, armed self-defense groups were established, most of them supported by the Communist or Liberal Parties. These groups emerged in different regions of Colombia and became a major presence in the country's eastern plains, with about 25,000 combatants.<sup>14</sup> They can be considered as the forerunners of the guerrilla groups in existence today. The war, later known as the "Great Violence" (*Gran Violencia*) resulted in 250,000 deaths.<sup>15</sup>

<sup>11</sup> Zelik, R., & Azzellini, D. (1999). *Kolumbien: große Geschäfte, staatlicher Terror und Aufstandsbewegung*. Köln: Neuer ISP-Verlag GmbH.

<sup>12</sup> Kolumbien (2011). *GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH*. Retrieved December 10, 2012, from <http://liportal.giz.de/kolumbien/geschichte-staat.html>

<sup>13</sup> Roldán, M. (2002). *Blood and Fire: La Violencia in Antioquia, Colombia 1946-1953*. Durham, London: Duke University Press. Retrieved December 10, 2012, from <http://liportal.giz.de/kolumbien/geschichte-staat.html>

<sup>14</sup> Herrera Jaramillo, C.J., & Torres Pacheco, S. (2005). Reconciliación y justicia transicional: opciones de justicia, verdad, reparación y perdón. *Papel Político*, 18, 79-112.

<sup>15</sup> Zelik, R., & Azzellini, D. (1999). *Kolumbien: große Geschäfte, staatlicher Terror und Aufstandsbewegung*. Köln: Neuer ISP-Verlag GmbH.

## 2.2 The guerrilla

During the course of the “Great Violence”, different armed groups appeared, supported either by the Conservative or the Liberal Parties. Right-wing armed groups attacked villages with Liberal or Communist conviction, which in turn defended themselves by force of arms. In addition to the politically based conflicts, territorial conflicts emerged, leading to violent attacks and pillaging throughout the country.<sup>16</sup>

Between 1948 and 1953 the involved left-wing and right-wing groups grew considerably and disputes over territories increased. To put an end to the violence General Rojas Pinilla (1953–1957) executed a military coup in 1953 and proposed an amnesty law for those who formed part of the armed groups, inviting them to lay down their weapons and return to civil life.<sup>17</sup>

Some members of the above-mentioned armed groups, mostly from the Communist groups, decided to continue the armed struggle. According to Romero, those combatants who refused to put down their weapons headed to the jungles in the south of the country, where they continued to grow and became the first outlaw groups with political ideologies of their own. Such ideologies were based on the Communist movement whose goal focused on achieving power through political and military

revolution.<sup>18</sup>

Consequently, since the time of the “Great Violence”, several guerilla groups were formed. However, in the following study, focus will be laid only on the FARC (*Revolutionary Armed Forces of Colombia, Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*) and on the ELN (*National Liberation Army, Ejército de Liberación Nacional*), as those guerrilla groups with a large number of members are currently present in different regions of the country and are therefore involved in today’s armed conflict. Furthermore these groups have participated in several peace processes proposed by different national governments and thus have played an important role in various political processes.

<sup>16</sup> Ibid.

<sup>17</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

<sup>18</sup> Romero, D. R. (2008). Las Farc: el origen de la violencia. *Contenido*, 539, 36-48.

## *The FARC*

The origin of the FARC goes back to the rural self-defenses emerging during the “Great Violence”, whose objective was to defend themselves against any aggression coming from the Conservative government.<sup>19</sup> In 1964 a subdivision of one of the self-defense groups met in Marquetalia (department Caldas) and established concrete military and political as well as propaganda and educational plans in favor of the growth of this particular revolutionary group. In 1966 an executive committee was established and the organization took the name “Revolutionary Armed Forces of Colombia” (FARC).<sup>20</sup> The origin of its members was 90% rural and 10% urban.<sup>21</sup>

In 1971 the FARC counted approximately 780 members and maintained fronts or revolutionary subgroups in many regions of the country such as Uraba, Magdalena Medio, the south of the Tolima department, and the department Valle del Cauca, among others. Their objectives were aimed at the expansion of their revolutionary ideologies throughout the national territory, mostly in rural areas, as well as on the recruitment of new members.

By 1978 the FARC numbered approximately 1000

members distributed in almost ten fronts; by 1982 they already included more than 4,000 members and about forty fronts, thereby achieving the movement of the conflict into cities and establishing a strategic plan, starting from urban areas, to combat the national government and seek a complete takeover of governmental power.<sup>22</sup> The implementation of this plan led to several armed confrontations with the national army and to harassments of civilians, namely by means of violent takeovers of villages.

The FARC financed their armed battle by charging the so-called revolutionary taxes—economic extortions that landlords or companies were forced to pay in regions under the FARC’s influence. Accordingly they started kidnapping people who refused to pay the extortions, demanding large amounts of money in exchange for the person who was retained. Owing to these extortions and kidnappings they managed to increase their armed capacity, allowing them to expand throughout several regions of the country and thereby further increase their economic income.

The situation turned to be intolerable for the national government. Hence President Belisario

<sup>19</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

<sup>20</sup> Tawse-Smith, D. (2008). Conflicto armado colombiano. *Desafíos*, 19, 270-299.

<sup>21</sup> Rodríguez Pizarro, A. N. (2005). Acciones colectivas en el conflicto político colombiano: ¿De guerrilla a grupos terroristas? El caso del ELN. *Política y Sociedad*, 42(2), 133-147.

<sup>22</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

Betancurt (1982–1986) proposed a ceasefire between the FARC and the national army. The resulting agreement was signed in 1984.<sup>23</sup>

During this peace process, the FARC strengthened their presence on the political level, founding, along with the Communist Party and different socialist groups, the denominated Patriotic Union (*Unión Patriótica*, UP). Herein the FARC achieved the participation of demobilized members in public posts such as in the Congress and municipal councils.<sup>24</sup> The establishment of the Patriotic Union in the political landscape led to the growth of other social movements, such as labor unions or indigenous organizations.

Due to the impetuous and, for Conservative elites, seemingly dangerous strengthening of left-wing ideologies, the government began exerting repressive measures against the actors of those political movements.<sup>25</sup> Therefore the peace negotiations came to a halt and finally ended in 1987, when some FARC fronts ambushed an army patrol. Consequently President Virgilio Barco (1986–1990) pronounced that anywhere where public forces were attacked

the peace treaty would be finished.<sup>26</sup>

In the 1980s the FARC achieved the consolidation of a new activity, namely the cocaine business. Guerrilla fronts in the departments of Caquetá, Guaviare, Meta, Cauca, Santander and Magdalena undertook armed actions against powerful drug dealers by kidnapping their family members, assaulting laboratories for drug production and stealing cocaine to sell it to other drug dealers. The coca boom allowed them to benefit from cultivation, production and regional traffic of narcotics, and establish themselves especially in eastern regions of the country, where large coca plantations, laboratories and clandestine air tracks were created.<sup>27,28</sup>

By 1998 the FARC had gained control over almost 70% of the drug-trafficking market and due to illegal drug trafficking, kidnapping and extortions they increased their economic resources, which allowed them to continue with the armed fight. In the following years, they managed to possess approximately seventy fronts and close to 15,000 men. They also amplified their offensive actions against the security forces, as well as increasing violent

<sup>23</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

<sup>24</sup> Rodríguez Pizarro, A. N. (2005). Acciones colectivas en el conflicto político colombiano: ¿De guerrilla a grupos terroristas? El caso del ELN. *Política y Sociedad*, 42(2), 133-147.

<sup>25</sup> Zelik, R., & Azzellini, D. (1999). *Kolumbien: große Geschäfte, staatlicher Terror und Aufstandsbewegung*. Köln: Neuer ISP-Verlag GmbH.

<sup>26</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

<sup>27</sup> Corporación Observatorio para la Paz (2009). *Guerras Inútiles: una historia de las FARC*. Bogotá: Editorial Intermedio.

<sup>28</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

attacks on civilians.<sup>29</sup>

In 1999 President Andres Pastrana (1998–2002) created a demilitarized zone in San Vicente del Caguan (department Caquetá) thus showing the governmental disposition to negotiate with the FARC. The death of the FARC's commandant and co-founder Manuel Marulanda Velez from a heart attack in 2008 was an immense benefit to the government in its fight to eliminate the guerrilla groups. Consequently, by intensifying air raids against the FARC's guerrilla bases and eradicating illicit coca crops, the national army managed to diminish the FARC's power.<sup>30</sup>

However, today the FARC's actions are still present throughout the Colombian national territory with bombings, killings of civilians and members of the military, kidnappings, extortions, forced recruitments of minors and placements of landmines, among other atrocities. Despite the economic gains from extortions and kidnapping, the FARC continue financing their armed struggle through the business of drug trafficking.

### *The ELN*

The ELN was formed in the mid-1960s in the town of San Vicente de Chucurí (department Santander). Its first guerrilla front was formed by sixteen men. Unlike the FARC, whose members

initially represented mainly the rural population, the formation of the ELN also included members of the middle class, as well as college students and professionals. Approximately 50% of its members were farmers; priests and Christian urban sectors also participated in its formation and growth. It was in 1965 that the revolutionary group adopted the name of the National Liberation Army (ELN). Like other guerilla groups, the ELN used military resources and sought to organize subgroups or fronts to gain power, thereby changing social, political and economic principles according to their Communist values.<sup>31</sup>

In the beginning they operated with small fronts in regions with little economic development; only later did they expand to regions with greater economic activity and higher populations, thereby over the years achieving the establishment of war fronts in different cities. In the 1970s an expansion of the ELN fronts in the department of Antioquia, especially among the municipalities Amalfi and Anorí, was accomplished. In 1973, with the purpose of overturning the guerrilla group in the so-called "Operation Anorí", the National Army took the village of Anorí. Since this military operation the quasi-total defeat of the guerilla group was speculated. Only in 1983 did the ELN expand

<sup>29</sup> Ibid.

<sup>30</sup> Corporación Observatorio para la Paz (2009). *Guerras Inútiles: una historia de las FARC*. Bogotá: Editorial Intermedio.

<sup>31</sup> Rodríguez Pizarro, A. N. (2005). Acciones colectivas en el conflicto político colombiano: ¿De guerrilla a grupos terroristas? *El caso del ELN. Política y Sociedad*, 42(2), 133-147.

again to greater areas of the national territory and, by extortions of foreign companies of the oil sector, achieved the extension of its existing war fronts.

During the expansion of their fronts, the ELN succeeded in locating themselves in strategic areas for the exploitation of natural resources. Thus the fronts derived their economic resources from oil and gold and managed to keep funding the armed struggle.<sup>32</sup> In the 1990s, as their terrorist actions like bombings of energy and oil infrastructures and placement of car bombs in cities increased, varying national governments proposed that the ELN participate in peace talks and ceasefires.

Today the ELN is considered in its actions as a diminished guerrilla group, because its presence has been relegated to border areas of the country. However criminal acts such as kidnappings, extortions and attacks on infrastructures continue to be realized and affect the civil population.<sup>33</sup>

Currently the FARC participate in the peace process proposed by the government of President Juan Manuel Santos (2010-2014) in 2012. The dialogues between the government and the guerrilla group are being conducted in Cuba and Norway. Also while confirming the peace conversations with the FARC on the 27th of August 2012, President Juan Manuel Santos opened the possibility for the ELN to join the dialogues after they had expressed their interest in participating in an eventual peace process.<sup>34</sup>

<sup>32</sup> Tawse-Smith, D. (2008). Conflicto armado colombiano. *Desafíos*, 19, 270-299.

<sup>33</sup> Pataquiva García, G. N. (2009). Las Farc, su origen y evolución. *UNISCI Discussion Papers*, 19, 154-185.

<sup>34</sup> Valencia, R. L. (2012). *¿Farc y Eln: juntos en la mesa de negociación?*. Retrieved December 14, 2012 from <http://www.arcoiris.com.co/2012/09/farc-y-eln-juntos-en-la-mesa-de-negociacion/>



## 2.3 Paramilitarism

Paramilitarism in Colombia refers to the action of right-wing armed groups that were organized from the end of the 1970s onwards to fight the Colombian guerrillas. These groups originally emerged in terms of various self-defense groups to act against the repeatedly demanded extortion payments and subsequent kidnappings.<sup>35</sup> As those affected by this practice considered the state unable to protect them from guerrilla terrorism, they decided to arm themselves and violently proceed against the existing left-wing armed groups.

Although these groups weren't acting on a legal mandate by the state, their formation was accepted by the military and political elites,<sup>36</sup> as they turned out to be more efficient in the combat of the guerrilla groups.<sup>37</sup> Besides, the national army's lack of control in certain regions of the national territory due to the resistance of guerrilla groups allowed them to act

independently without any demands for accountability.<sup>38</sup>

With the participation and economic support of rich landlords, small entrepreneurs and traders, the aforementioned groups extended throughout different regions of the national territory. They soon lost their initial aim of self-defense and instead began to act as death squads for drug traffickers, rich landlords and transnational companies who sought the suppression of any kind of leftist movement or opposition.<sup>39</sup> The involvement of these groups represented different interests. On the one hand, the landlords acted in order to obtain territory for the expansion of cattle breeding. On the other hand, drug traffickers were interested in creating illegal areas for coca laboratories.<sup>40</sup> Therefore, starting from the second half of the 1980s, the paramilitary groups became more and more involved in human rights violations such as systematic displacements or mass killings.

<sup>35</sup> La verdadera y triste historia de los paramilitares. (2003, February 09). *Semana* [online]. Retrieved December 02, 2012, from <http://www.semana.com/cultura/verdadera-triste-historia-paramilitares/67967-3.aspx>

<sup>36</sup> Oldenburg, S., & Lengert, K. (2006). Der Weg der paramilitärischen "Autodefensas Unidas de Colombia" zur politischen Anerkennung. *Lateinamerika Analysen*, 14, 3-36.

<sup>37</sup> La verdadera y triste historia de los paramilitares. (2003, February 09). *Semana* [online]. Retrieved December 02, 2012, from <http://www.semana.com/cultura/verdadera-triste-historia-paramilitares/67967-3.aspx>

<sup>38</sup> Corporación Observatorio para la Paz (2009). *Guerras Inútiles: una historia de las FARC*. Bogotá: Editorial Intermedio.

<sup>39</sup> Oldenburg, S., & Lengert, K. (2006). Der Weg der paramilitärischen "Autodefensas Unidas de Colombia" zur politischen Anerkennung. *Lateinamerika Analysen*, 14, 3-36.

<sup>40</sup> Zelik, R., & Azzellini, D. (1999). *Kolumbien: große Geschäfte, staatlicher Terror und Aufstandsbewegung*. Köln: Neuer ISP-Verlag GmbH.

In 1997, the then existing paramilitary groups were joined under the umbrella organization United Self-Defense of Colombia (Autodefensas Unidas de Colombia, AUC). Consequently they represented a growing military structure that temporarily counted more than 30,000 members and continued to be involved in drug trafficking and mercenary activities for landlords and transnational corporations.<sup>41</sup> Moreover, in the historical development of the AUC, state agents such as members of the police and the army, as well as political representatives and economical elites, established beneficial relationships with the paramilitaries, which represented an important factor in maintaining the structure and existence of the AUC.<sup>42</sup> That is, to justify their existence and their violent actions, the paramilitaries not only had to underpin the state's incapacity to fight the guerrilla movements, they also needed the broader support of important political actors.<sup>43</sup> Thus by means of violence and intimidation—for example, the assassination of political actors as well as clientelism such as the payment of secret commissions—they managed to infiltrate the political sector in such a way that, in 2005, the

chief of the AUC announced that the organization had more than 35% of “friends” in the Colombian Congress. The detection of these relationships resulted in a judicial and political scandal, termed “Parapolítica”; that is, the nexus between paramilitarism and the Colombian political class.<sup>44</sup>

In order to end the widespread violence under the hands of the AUC groups, from 2005 a nationwide demobilization process for the AUC has been implemented within the context of the Justice and Peace Law 975, which will be explained later on. However, after demobilization, many criminal gangs (*bandas criminales*, BACRIM), also named post-demobilization groups (*grupos post-desmovilización*, GPD), emerged. According to the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES), these post-demobilization groups were formed both by paramilitary structures that were never demobilized and by demobilized fighters with a wide knowledge of drug-trafficking routes and the use of weapons. New combatants were also recruited. Until today these criminal gangs

<sup>41</sup> Forty years of conflict. (2011). *The Center for Justice and Accountability*. Retrieved December 07, 2012, from <http://cja.org/article.php?list=type&type=400>

<sup>42</sup> Álvaro, M. (2007). *La Parapolítica: la infiltración paramilitar en la clase política colombiana*. Retrieved December 07, 2012, from <http://nuevomundo.revues.org/4636>

<sup>43</sup> Para entender la para-política. (2007, February 10). *Semana* [online]. Retrieved December 07, 2012, from <http://www.semana.com/nacion/para-entender-parapolitica/100953-3.aspx>

<sup>44</sup> Álvaro, M. (2007). *La Parapolítica: la infiltración paramilitar en la clase política colombiana*. Retrieved December 07, 2012, from <http://nuevomundo.revues.org/4636>

continue operating in ways similar to those of the former paramilitary groups and thus are responsible for large-scale human rights violations.<sup>45</sup>

## 2.4 Laws in the context of the armed conflict

In 2002 Alvaro Uribe was elected President of the Republic and a process of rapprochement was initiated between the national government and the paramilitary groups. This represented a prominent change in the attitude of the government towards the paramilitary, as in spite of the paramilitaries' infiltration of political mechanisms, official negotiations with the AUC had always been denied.<sup>46</sup> Consequently, negotiations were installed that resulted in a plan for the AUC's demobilization, that is the delivery of their weapons and the combatants' return to civil life.

In the following years various laws and agreements intended to regulate demobilization processes and benefits for the demobilized combatants were adopted, such as Law 782 from 2002, or the agreement of Santa Fe de Ralito

aimed at demobilizing combatants in return for amnesties and reintegration. In 2005, with the Justice and Peace Law (*Ley de Justicia y Paz*, No. 975), further regulations concerning the demobilization and reintegration process were adopted, regarding the facilitation of trials and convictions of the leaders of armed groups.<sup>47</sup>

The Justice and Peace Law provides a legal framework for the demobilization of members of all illegal armed groups. However until now it is mostly members of the paramilitary who have chosen to take part in its procedure.<sup>48</sup>

Additionally, in 2011—as until then the situation of the victims of the conflict had not been considered sufficiently—the adoption of the Victims and Land Restitution Law (*Ley de Víctimas y Restitución de la Tierra*, No. 1448) introduced measures to integrally repair the victims; these are currently being implemented.

In the present chapter we will exclusively focus on the Justice and Peace Law and the Victims and Land Restitution Law, as these are the most frequently discussed laws in the current demobilization, reparation and restitution processes.

<sup>45</sup> Codhes (2012). Desplazamiento creciente y crisis humanitaria invisibilizada, Boletín, 79 Bogotá: CODHES - la Consultoría para los Derechos Humanos y el Desplazamiento.

<sup>46</sup> Oldenburg, S., & Lengert, K. (2006). Der Weg der paramilitärischen "Autodefensas Unidas de Colombia" zur politischen Anerkennung. *Lateinamerika Analysen*, 14, 3-36.

<sup>47</sup> Colombia: The Justice and Peace Law. (2011). *The Center for Justice and Accountability*. Retrieved December 07, 2012, from <http://cja.org/article.php?id=863>

<sup>48</sup> La desmovilización y la Ley de Justicia y Paz en cifras. (2010). *Presidencia de la República Colombia*. Retrieved December 07, 2012, from <http://web.presidencia.gov.co/sp/2010/julio/24/16242010.html>

### *The Justice and Peace Law*

The Justice and Peace Law was signed on July 25, 2005. It aims to eliminate the structure of the armed groups by demobilizing and subsequently reintegrating members of armed groups into civil society.

After collectively—referring to subgroups or fronts of armed groups—or individually having delivered their weapons and abandoned all illegal activity, ex-combatants have to cooperate in establishing truth and justice by giving testimonies and answering victims' questions about crimes that have occurred. Consequently these crimes are being investigated by the district attorney's office. Resulting convictions could lead to incarcerations from five to eight years. During imprisonment ex-combatants have to contribute to their process of resocialization by means of study or work. Moreover they have to hand over all illicitly acquired goods to the state, which will later be returned to the victims. Reparation of victims is sought to be implemented by their active participation in testimonies made by the demobilized members of armed groups, by means of being able to pose questions to the perpetrator and thus having the opportunity to know the truth about human rights violations experienced. Also perpetrators are expected to reestablish the victims' dignity

by publicly declaring responsibility for sufferings they have caused, showing repentance and guaranteeing not to repeat crimes.

In order to accompany the implementation of Law 975, the National Reparation and Reconciliation Commission (NCRR) was established. Its role is to monitor the demobilization and reintegration of the armed groups and the participation of the victims in judicial investigation procedures as well as the recognition of their rights. Besides this, the commission should give recommendations for the adequate implementation of the reparations associated with the law.<sup>49</sup>

According to the Secretary of Press of the Presidency of Colombia (*Secretaría de Prensa de la Presidencia de la República*) altogether 53,659 demobilizations were registered between 2002 and 2010, among them 35,353 AUC members, 14,727 FARC members and 3,047 ELN members. Of those, 4,346 persons participated in the regulations in the context of the Justice and Peace Law. Of those participating 3994 belonged to the AUC, whereas 352 belonged to guerrilla groups like the FARC or the ELN.<sup>50</sup>

<sup>49</sup> La Comisión Económica para América Latina (CEPAL). (2010). *Ley 975 de 2005 – Ley de Justicia y Paz*. Retrieved December 07, 2012, from <http://www.eclac.cl/oig/doc/col2005ley975.pdf>

<sup>50</sup> La desmovilización y la Ley de Justicia y Paz en cifras. (2010). *Presidencia de la República Colombia*. Retrieved December 07, 2012, from <http://web.presidencia.gov.co/sp/2010/julio/24/16242010.html>

Until September 2012 there have been a total of 38,573 confessed deeds, relating to 50,409 victims within the legal framework of the Justice and Peace Law. Homicides accounted for the largest share of the deeds (25,083) followed by forced displacement (10,925). More than 75,000 victims had the possibility to participate in the truth-telling of violent acts in the context of the testimonies made by ex-combatants within the Justice and Peace framework. Regarding symbolic reparations, 1,173 perpetrators participating in the demobilization process asked for forgiveness, 1,083 have publicly expressed their regret, and 1,143 participants of the demobilization processes have declared non-repetition guarantees.<sup>51</sup>

Despite these data, the demobilization and reparation processes have been criticized by various national and international NGOs. According to different human rights organizations, the demobilization process does not contribute to the elimination of criminal structures but rather to the emergence of new groups – the BACRIM – which themselves do not

form part of the demobilization process and are not even recognized by the state as illegal groups in the context of the conflict.<sup>52,53</sup>

Furthermore, since some members of the state authorities have been discovered to maintain beneficial relationships with paramilitary groups, it seems highly challenging to achieve a complete destruction of these criminal structures.<sup>54</sup>

It was stated that 90% of the information obtained from the demobilized paramilitaries has not contributed to the clarification of the committed crimes.<sup>55</sup> It was therefore questioned if a compensation of the victims' desire for truth can be achieved despite the lack of significant information regarding the crimes committed within the conflict. Moreover, the maximum sentence of eight years for demobilized paramilitaries, even for the most serious human rights violations, can be interpreted as impunity, preventing the victims' access to justice and reparation, especially when taking into account that the penalty for homicide in Colombia

<sup>51</sup> Estadísticas Justicia y Paz. (2012). *Verdad abierta*. Retrieved November 08, 2012, from [http://www.verdadabierta.com/index.php?option=com\\_content&id=3825](http://www.verdadabierta.com/index.php?option=com_content&id=3825)

<sup>52</sup> Colombia: The Justice and Peace Law. (2011). *The Center for Justice and Accountability*. Retrieved December 07, 2012, from <http://cja.org/article.php?id=863>

<sup>53</sup> Amnistía Internacional (2012). Colombia: La ley de víctimas y de restitución de tierras – análisis de amnistía internacional. London: Amnesty International Publications.

<sup>54</sup> Planta, K. (2010). *Das "Ley de Justicia y Paz" - ein Balanceakt zwischen Gerechtigkeit und Frieden*. Retrieved December 10, 2012, from <http://www.boell.de/weltweit/lateinamerika/lateinamerika-9296.html>

<sup>55</sup> Colombia: The Justice and Peace Law. (2011). *The Center for Justice and Accountability*. Retrieved December 07, 2012, from <http://cja.org/article.php?id=863>

generally incurs a penalty of thirteen to twenty-five years.<sup>56</sup> This criticism stands in line with the fact that until February 2011 only three combatants participating in the regulations of the law had been convicted of their crimes.<sup>57</sup>

The criticism intensified when, in May 2008, fourteen paramilitary leaders who at that time were participating in the Justice and Peace process were extradited to the United States for drug-trafficking crimes. Many criticized the fact that these leaders were extradited even though they hadn't cooperated sufficiently in their testimony processes regarding truth-telling. Concerns have been pronounced that, once they are in the United States, the leaders will be judged only for the crime of drug trafficking and not for the human rights violations committed in the context of the Colombian conflict.<sup>58</sup>

According to this law, all persons affected by severe human rights violations in the context of the Colombian armed conflict, such as murder, enforced disappearance, torture, inhuman or degrading treatment, rape, abuse or sexual slavery, forced recruitment of children and adolescents, or forced displacement have the

right to reparations.

### *Victims and Land Restitution Law*

Another significant law in the context of the armed conflict is the Victims and Land Restitution Law, which was signed by President Juan Manuel Santos on June 10, 2011.

These reparations comprise five fundamental aspects:

1. Rehabilitation (judicial, medical, psychological and social assistance)
2. Compensation (economic compensation and administrative reparation)
3. Satisfaction (restoring the dignity of victims by means of symbolic reparations, such as truth-telling)
4. The non-repetition guarantee (certifying that the violence will not happen again)
5. Restitution (restitution of the living conditions regarding land, housing and employment)<sup>59</sup>

Within the legal framework of the Victims and Land Restitution Law, 55,650 victims received

<sup>56</sup> Alcaldía de Bogotá. (2000). *Ley 599 de 2000*. Retrieved December 10, 2012, from <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6388>

<sup>57</sup> Salazar, H. (2011). Colombia: sólo tres condenas por 52.000 crímenes de lesa humanidad. Retrieved December 10, 2012, from [http://www.bbc.co.uk/mundo/noticias/2011/02/110218\\_colombia\\_condenas\\_crímenes\\_en.shtml](http://www.bbc.co.uk/mundo/noticias/2011/02/110218_colombia_condenas_crímenes_en.shtml)

<sup>58</sup> Extradición masiva de paramilitares. (2008). *BBC Mundo*. Retrieved December 10, 2012, from [http://news.bbc.co.uk/hi/spanish/latin\\_america/newsid\\_7398000/7398251.stm](http://news.bbc.co.uk/hi/spanish/latin_america/newsid_7398000/7398251.stm)

<sup>59</sup> Departamento para la Prosperidad Social (DPS). (2011). *Lo que tiene que conocer para dar el primer paso*. Retrieved December 11, 2012, from [http://www.dps.gov.co/documentos/6222\\_ABC\\_enero\\_11.pdf](http://www.dps.gov.co/documentos/6222_ABC_enero_11.pdf)

administrative reparations, to a total of 330,000 million pesos, up until the end of July 2012. Furthermore, due to land restitution measures, 16,700 families are currently in the process of returning to their land.<sup>60</sup> Until May 2012 almost 900,000 hectares of land could be returned to the victims of displacement.<sup>61</sup>

In spite of the reparations accomplished, the lack of distribution of information about the law and its implications has been criticized, as many victims are not informed about the existence of the current reparation program.<sup>62</sup> As the law only includes human rights violations committed after 1985, as well as forced displacements that occurred after 1991, it is further criticized for the fact that only a portion of the victims will be eligible for reparations. Also the limited financial resources could exacerbate the adequate implementation of reparation measures.<sup>63</sup>

Finally, the security situation for those who demand their right to reparations and restitution of land have revealed major shortcomings, as threats, attacks and assassinations—mostly

directed against human rights defenders—are still evident in the country.<sup>64</sup>

## 2.5 Human rights violations in the context of the armed conflict

The fight between armed groups for power and land as well as the dominance of drug trafficking in Colombia have resulted in multiple human rights violations. The most frequent human rights violations in this context are massacres, rape, kidnappings and disappearances.

### *Massacres*

Massacres, i.e. systematic mass killings of four or more persons at the same time, mostly committed by paramilitary groups, already in 2007 exceeded 2,500, with a total of almost 15,000 casualties. The practice of massacres aims to intimidate the civil population and to emphasize the power against suspected members or supporters of the guerrilla groups. The first massacres were committed in Uraba in 1980, later expanding to other areas such as

<sup>60</sup> Ley de víctimas y restitución de tierras, un año de ajustes. (2012). *Nuevo Arco Iris*. Retrieved December 10, 2012, from <http://www.arcoiris.com.co/2012/08/ley-de-victimas-y-restitucion-de-tierras-un-ano-de-ajustes/>

<sup>61</sup> Listo primer paquete de restitución de tierras para campesinos. (2012, May 29). *El tiempo* [online]. Retrieved December 02, 2012, from [http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-11910325.html](http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-11910325.html)

<sup>62</sup> Ley de víctimas y restitución de tierras, un año de ajustes. (2012). *Nuevo Arco Iris*. Retrieved December 10, 2012, from <http://www.arcoiris.com.co/2012/08/ley-de-victimas-y-restitucion-de-tierras-un-ano-de-ajustes/>

<sup>63</sup> Amnistía Internacional (2012). Colombia: La ley de víctimas y de restitución de tierras – análisis de amnistía internacional. London: Amnesty International Publications.

<sup>64</sup> Arrango, R. (2008). Justicia transicional y derechos en contextos de conflicto armado. In M. Bleeker, J. Ciurlizza & A. Bolaños-Vargas (Eds.), *El legado de la verdad: Impacto de la justicia transicional en la construcción de la democracia en Latino América*. Bogotá: Centro Internacional para la Justicia Transicional.

Santander and Magdalena Medio. Between 1997 and 2003, the practice of massacres reached its climax in the regions most affected by the confrontations between guerrillas and paramilitaries (Sierra Nevada de Santa Marta, Norte de Santander, Arauca, Urabá, Córdoba, Magdalena Medio and Putumayo).<sup>65</sup>

### *Forced disappearances*

In the development of the Colombian conflict thousands of people have been forcibly disappeared. However, up to now there are no precise data about the number of the missing. The National Register of the Disappeared reported 16,907 disappearances until the end of 2011, while the Justice and Peace Unit of the Attorney General's Office counted 32,000 disappearances until May of the same year. According to a study of the Working Group on Enforced Disappearance, in 46.1% of the investigated cases the victims were farmers, in 7.8% social and community leaders, and in 3.9% human rights defenders. In 63.3% of all cases, paramilitaries were responsible for enforced disappearances. It can be assumed that by making use of this practice, they aim to hide crimes and prevent recognition of the victims.

On the other hand this practice is used to exert control over the population of territories dominated by the paramilitary. By means of making people disappear, they seek to destroy any kind of opposition or social resistance and in some cases the intimidating nature of this crime serves as an instrument to achieve displacements of whole communities. For this reason, the victims have been mainly farmers or community leaders. In recent years, however, enforced disappearance has also been associated with crimes like enforced recruitment or sexual slavery.<sup>66</sup>

### *Kidnappings*

Kidnappings in the context of the conflict were mostly committed by guerrilla groups to obtain the releases of members of their forces or to acquire ransom money for their economic sustainment. Since the 1980s in total about 21,000 persons have been kidnapped.<sup>67</sup> The FARC represents the group with the most "massive kidnappings," i.e. kidnappings that involve more than three victims, committed. According to Fondelibertad (*Fondo Nacional para la Defensa de la Libertad Personal*), between 1996 and 2008 they had realized 283 massive

<sup>65</sup> Masacres: la ofensiva paramilitar. (2012). *Verdad Abierta*. Retrieved December 11, 2012, from [http://www.verdadabierta.com/index.php?option=com\\_content&id=202](http://www.verdadabierta.com/index.php?option=com_content&id=202)

<sup>66</sup> Observatorio de derechos humanos y derecho humanitario (2012). *Desapariciones forzadas en Colombia: En búsqueda de la justicia*. Bogotá: Editorial Códice Ltda.

<sup>67</sup> Drama del secuestro en Colombia privó de libertad a 2.600 personas en 10 años. (2012, March 31). *El Espectador* [online]. Retrieved December 11, 2012, from <http://www.elespectador.com/noticias/paz/articulo-335714-drama-del-secuestro-colombia-privó-de-libertad-2600-personas-10>



kidnappings, followed by the ELN with 259 committed cases. However in terms of the total number of victims the ELN constitutes the guerrilla group with most victims of kidnapping, as during that period they kidnapped 2213 persons, followed by the FARC with 2204 victims. The use of this practice showed a peak in 2001, with a total of 1,061 kidnapped persons.<sup>68</sup> As a report by the Observatory of the Presidential Program of Human Rights shows, a considerable number—namely 14% of victims who were kidnapped between 1996 and 2007—still were in captivity at the end of 2007, whereas 4% died during captivity. About half of the kidnapped persons during this period—54%—sooner or later were released.<sup>69</sup>

Concerning the costs invested into payments of ransoms it can be assumed that between 1996 and 2003 56.5 million USD were expended to meet the demands of the armed groups and of common delinquency. 43.9% of the payments were received by the FARC and 20.2% by the ELN. However these sums may even have been underestimated, as many kidnapped persons or

their families don't report the amount of money actually paid.<sup>70</sup>

### *Forced displacement*

The forced expulsion of people from their land led to several millions of internally displaced persons in Colombia. It was carried out by all illegal armed groups in order to gain control over strategic territories. However, state forces have also played a significant role in forced displacements, as military operations aimed at defeating the armed groups have generated massive population relocations.

According to the United Nations Commission on Human Rights, internally displaced persons are defined as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."<sup>71</sup>

<sup>68</sup> Fondelibertad (2008). Informe especial: Historia de los secuestros masivos en Colombia. Retrieved December 07, 2012, from <http://www.fondelibertad.gov.co/1/Noticias/2009/mayo/29/003.html>

<sup>69</sup> Observatorio del Programa Presidencial de Derechos Humanos y Derecho Internacional Humanitario (2009). Dinámica espacial del secuestro en Colombia entre 1996-2007. Retrieved December 07, 2012, from <http://www.derechoshumanos.gov.co/Prensa/Comunicados/2009/documents/2009/Secuestro.pdf>

<sup>70</sup> Pinto Borrego, M. E., Altamar Consuegra, I.M., Lahuerta Percipiano, Y., Cepeda Zuleta, L. F., & Mera Sotelo, A. V. (2004). El Secuestro en Colombia: Caracterización y costos económicos. *Archivos de Economía*, 257. Retrieved December 07, 2012, from [http://www.dnp.gov.co/Portals/0/archivos/documentos/DEE/Archivos\\_Economia/257.pdf](http://www.dnp.gov.co/Portals/0/archivos/documentos/DEE/Archivos_Economia/257.pdf)

<sup>71</sup> Mooney, E. (2005). The concept of internal displacement and the case for internally displaced persons as category of concern. *Refugee Survey Quarterly*, 24(3), 9-26 (p.11).

In Colombia, between 1985 and 2011 nearly 5.5 million people were affected by forced displacement, among which a substantial number of people experienced more than one displacement.<sup>72</sup> Colombia is the country with the second largest number of displaced persons worldwide.<sup>73</sup> Most of the victims are people from rural areas living in strategic zones, for example for drug trafficking. Data regarding perpetrators of displacements are inconsistent since it often proves difficult to determine the armed groups involved. However, there seems to be a change within the perpetrators in the course of the conflict, as between 1985 and 1994 the guerrilla groups have generated the majority of displacements, whereas since 1995 the paramilitaries have been responsible for most of the displacements that have occurred. Since 2000, in most cases two or more armed groups were involved in displacements due to the confrontations between different armed groups.<sup>74</sup>

The Registry of Displaced Persons postulates that by the end of 2009 the guerrillas were

responsible for 32.2% of the total amount of cases of displacements of in the register inscribed persons, the paramilitaries for 14.2% and members of the security forces for 0.5%.<sup>75</sup>

According to CODHES, most displacements in 2011 were caused by confrontations between the FARC and the national army, followed by post-paramilitary groups – BACRIM – that generated the second highest number of internal displacements.

So far, neither the demobilization of some of the armed groups nor the Victims and Land Restitution Law has contributed to the extinction of the practice of displacements. In 2011 more than 200,000 people were displaced, most of them in Antioquia, Nariño and Cauca.<sup>76</sup>

### *Violence against human rights defenders*

While the human rights violations increased, the fight of NGOs and other groups also increased so that these crimes might be acknowledged. The struggle of indigenous leaders, farmers, trade unionists and human rights defenders has resulted in these people becoming main targets

<sup>72</sup> Codhes (2012). Desplazamiento creciente y crisis humanitaria invisibilizada, Boletín, 79 Bogotá: CODHES - la Consultoría para los Derechos Humanos y el Desplazamiento.

<sup>73</sup> Feature Series: Colombia's Justice and Peace Process. (2012). *International Center for Transitional Justice*. Retrieved December 11, 2012, from <http://ictj.org/news/feature-series-colombia%E2%80%99s-justice-and-peace-process>

<sup>74</sup> Forero, E. (2003). El desplazamiento interno forzado en Colombia. Retrieved December 11, 2012, from [http://www.ideaspaz.org/secciones/eventos/download/edgar\\_forero.pdf](http://www.ideaspaz.org/secciones/eventos/download/edgar_forero.pdf)

<sup>75</sup> Comisión Nacional de Reparación y Reconciliación (2010). *Programa de Restitución de Bienes*. Bogotá: Comisión Nacional de Reparación y Reconciliación.

<sup>76</sup> Codhes (2012). Desplazamiento creciente y crisis humanitaria invisibilizada, Boletín, 79 Bogotá: CODHES - la Consultoría para los Derechos Humanos y el Desplazamiento.

of armed groups.

Despite the laws in the context of the Justice and Peace process condemning violations of human rights, murders, threats, judicial persecution and theft of confidential information continue to happen. As presented in the annual report of Amnesty International, in 2011 twenty-nine trade unionists and more than forty-five human rights defenders and community leaders were killed, many of them committed to fight for the restitution of land.<sup>77</sup>

## 2.6 Focus of the survey

Within the violations of human rights, displacement is a crime with various consequences for the victim. Victims of displacement are exposed to multiple human rights violations before, during and after the displacement. Displacements are usually preceded by death threats in order to force persons to leave their land. Resisting individuals are faced with torture, sexual violence, forced disappearances of family members, and murder. Those surviving displacement are confronted with severe social and economic difficulties. Having lost home, properties, and employment, they often find themselves in poor living

conditions, lacking a secure home and sufficient food. As Lozano et al. pointed out, victims of displacement not only lose their properties, they also lose their community and even family members. Without the support of their former social network, coming to terms with one's traumatic experiences and losses is severely exacerbated.

In addition to this, in the aftermath of displacement obstacles do not decrease. Many victims suffer from stigmatization and institutional discrimination as they do not receive adequate support to improve their living conditions or are not acknowledged as victims by legal authorities.<sup>78</sup>

Due to the current situation of Colombia in which more than 5 million people are displaced, it seems of great importance to inquire about the experiences of victims of displacement in the context of the Colombian armed conflict. Furthermore it seems important to assess the possible consequences of these experiences on mental health status. In a study on the mental health of Colombian displaced people, it was found that 21.7% of the interviewed sample suffered from posttraumatic stress disorder (PTSD), a mental disorder that frequently occurs

<sup>77</sup> Amnesty International (2012). Annual Report 2012. Retrieved December 11, 2012, from <http://www.amnesty.org/en/region/colombia/report-2012>.

<sup>78</sup> Lozano, M., & Gómez, M. (2004). Aspectos psicológicos, sociales y jurídicos del desplazamiento forzoso en Colombia. *Acta Colombiana de psicología*, 12(04), 103-119.

<sup>79</sup> Alejo, E. G., Rueda, G., Ortega, M., & Orozco, L. C. (2007). Estudio epidemiológico del trastorno por estrés postraumático en población desplazada por la violencia política en Colombia. *Universitas Psychologica*, 6(3), 623-635.

after experiencing stressful life events.<sup>79</sup> Other surveys found high incidents of symptoms of depression, such as sleeping difficulties or suicidal ideation.<sup>80,81</sup>

Reparation measures are crucial for the acknowledgement of the victims' suffering and serve as a compensation provided to victims of severe human rights violations. The Justice and Peace Law (Law 975) and the Victims' Law (Law 1448) are important instruments within the Colombian Justice and Peace Process in pursuing the very same objective. However, their implementation still holds certain challenges in terms of the adequate consideration of the victims' desires for justice, truth and reparations. Rettberg et al. conducted a study with victims of the armed conflict concerning their knowledge of the Justice and Peace Law, their opinions towards reparations, and their desired reparations. It was found that victims living in rural areas in particular did not have access to the mechanisms offered by the Justice and Peace process (e.g. public hearings). Also, a large amount of the interviewed victims expressed

dissatisfaction as they still did not know who was responsible for the crimes committed against them.<sup>82</sup>

As Law 1448 of 2011 focuses on integral reparation and the restitution of land to the victims of the conflict, questions on the victims' opinions regarding reparations were included in the survey.

Although the Colombian conflict is still present and does still generate victims of displacement, threats and disappearances, the current political dialogue of the country frequently mentions two concepts which can contribute to a sustained peace: forgiveness and reconciliation.<sup>83</sup>

Currently, as the demobilization and reintegration of former combatants is being realized, the promotion of conditions to facilitate the victims' process of forgiveness and reconciliation with the perpetrator is of great value.<sup>84</sup> Whether forgiveness and reconciliation can happen in the current political situation, however, is questionable. Questions on reconciliation and forgiveness in the context of the conflict are therefore included in the survey.

<sup>80</sup> Lozano, M., & Gómez, M. (2004). Aspectos psicológicos, sociales y jurídicos del desplazamiento forzoso en Colombia. *Acta Colombiana de psicología*, 12(04), 103-119.

<sup>81</sup> Mogollón Pérez, A.S., & Vázquez Navarrete, M.L. (2006). Opinión de las mujeres desplazadas sobre la repercusión en su salud del desplazamiento forzado. *Gaceta Sanitaria*, 20(4), 260-265.

<sup>82</sup> Rettberg, A., Kiza, E., & Forer, A. (2008). Reparación en Colombia ¿Qué quieren las víctimas? Bogotá, D. C.: Agencia de Cooperación Técnica Alemana, GTZ.

<sup>83</sup> David, R., & Choi, S.Y.P. (2006). Forgiveness and transitional justice in the Czech Republic. *Journal of Conflict Resolution*, 50(3), 339-367.

<sup>84</sup> Valencia Agudelo, G. D. (2012). *Tareas de la sociedad civil en el actual proceso de paz*. Retrieved November 08, 2012, from <http://www.arcoiris.com.co/2012/09/tareas-de-la-sociedad-civil-en-el-actual-proceso-de-paz/>

In summary, the survey comprises the following objectives:

The primary interest is to inquire about the experiences of the victims of displacement due to the armed conflict in Colombia. A second purpose is to assess the current mental health status of victims to gain insights into the possible consequences of traumatic experiences. Another aim is to assess the victims' opinions regarding the reparations in the context of the process of Justice and Peace. Lastly, the survey aims to assess victims' attitudes concerning armed groups, as well as their attitudes on reconciliation and forgiveness.

## 3. Study with victims of forced displacement

### 3.1 Methodology

#### *Procedure*

The present survey was carried out by the Berlin Center for Torture Victims (bzfo) in collaboration with the Colombian non-governmental organization National Association of Victims for the Restitution and the Access to Land "Tierra y Vida" (*Asociación Nacional de Víctimas para la Restitución y el Acceso a Tierras "Tierra y Vida"*). Participants in the survey were victims of displacement of the Colombian conflict affiliated with Tierra Y Vida. Tierra y Vida offers assistance to these victims during the process of claiming the restitution of their lands.

The report is based on a survey which was carried out in four Colombian districts: Bogotá (department Cundinamarca), Apartadó (region Urabá, department Antioquia), Montería (department Córdoba) and Cartago (department Valle del Cauca). These districts were selected on the basis of the presence of headquarters of our partner organization Tierra y Vida. The districts also included surrounding communities, which were supposed to be within a maximum of ninety minutes travel distance to the interview location. The cross-sectional survey was carried out in Colombia between September 3 and December 12, 2012, including a pilot study from September 3 to September 7 to secure the correct accomplishment of the interviews and the adequacy of the applied measures.

Participants were identified by a random sampling procedure from a list of victims of displacement due to the armed conflict; this was facilitated by Tierra y Vida. After selection, potential participants were contacted with the help of our partner organization. The survey's objectives were briefly explained and potential participants were asked if they were interested in taking part in interviews of approximately ninety minutes duration.

The structured face-to-face interviews took place in private settings obtained with the support of our partner organization. Prior to any interview, participants were informed of the following points, concerning which they had to give their informed consent:

- The completely voluntary nature of the interview
- The duration and the topics of the interview
- The right to refuse to answer any question as well as to end the interview at any time

- The principles of confidentiality and anonymity

The respondents were reimbursed all traveling expenses. No other financial compensation was given. However, after the interview, participants received a snack as well as a guide containing information about psychosocial service facilities in their department.

### *Interviewers*

The interviews were conducted by a team of Colombian psychologists who were experienced in working with victims of the Colombian armed conflict. Prior to the start of the survey, interviewers had participated in a two-week training course on the objectives and content of the survey, the consequences of war and trauma, and interview techniques.

Interviewers were regularly supervised by three psychologists. The quality of the interviews was maintained through regular observations by the study coordinators.

### *Measures*

Measures on perception of the conflict, readiness to reconciliation, attitudes regarding reparations, and questions towards the experiences during displacement were developed within the research team of the bzfo. Psychological consequences were assessed using standardized questionnaires.

The following questionnaires were included:

1. Questions towards readiness for reconciliation, and personal concepts of reconciliation and forgiveness
2. Perception of the current reparation program for victims of the armed conflict
3. Questions on experiences during displacement
4. Questions towards quality of life retrieved from the EUROHIS-QOL 8<sup>85</sup>
5. Traumatic events, adjusted checklist based on the Harvard Trauma Questionnaire, HTQ<sup>86</sup>
6. PTSD symptoms, PTSD Checklist-Civilian Version, PCL-C<sup>87</sup>

<sup>85</sup> Schmidt, S., Muhlan, H., & Power, M. (2006). The EUROHIS-QOL 8-item index: psychometric results of a cross-cultural field study. *European Journal of Public Health*, 16(4), 420-428. doi: 10.1093/eurpub/ckl155

<sup>86</sup> Mollica, R. F., Caspiyavin, Y., Bollini, P., Truong, T., Tor, S., & Lavelle, J. (1992). The Harvard Trauma Questionnaire: Validating a cross-cultural instrument for measuring torture, trauma, and posttraumatic-stress disorder in Indochinese refugees. *Journal of Nervous and Mental Disease*, 180(2), 111-116.

<sup>87</sup> Weathers, F. W., Litz, B. T., Huska, J. A., & Keane, T. M. (1994). PTSD Checklist - Civilian Version. Boston: National Center for PTSD.

7. Depression and anxiety symptoms, Hopkins Symptom Checklist, HSCL-25<sup>88</sup>
8. Loss experiences and prolonged grief disorder, PG-13<sup>89</sup>

Questionnaires for which no Spanish version was available were translated into Spanish by a Colombian psychologist. These versions were then translated back into English by bilingual psychologists who were unfamiliar with the original English versions, in order to verify correspondence between the texts. Adaptations were made when necessary.

<sup>88</sup> Derogatis, L. R., Lipman, R. S., Rickels, K., Uhlenhuth, E. H., & Covi, L. (1974). The Hopkins Symptom Checklist (HSCL). A measure of primary symptom dimensions. *Mod Probl Pharmacopsychiatry*, 7(0), 79-110.

<sup>89</sup> Prigerson, H. G., Horowitz, M. J., Jacobs, S. C., Parkes, C. M., Aslan, M., Goodkin, K. et al. (2009). Prolonged Grief Disorder: Psychometric Validation of Criteria Proposed for DSM-V and ICD-11. *Plos Medicine*, 6(8). doi: e100012110.1371/journal.pmed.1000121



## 3.2 Results

The following chapter will present the results of the survey. First, the sociodemographic characteristics will be presented. Hereafter, the experiences of participants during the conflict, their mental health, opinions regarding reparation measures and attitudes towards reconciliation will be addressed sequentially.

The data were analyzed using the IBM Statistical Package for Social Sciences (SPSS), version 17.0.

### *Sociodemographic characteristics*

An overall of N=454 victims of displacement due to the Colombian armed conflict were interviewed. Of those, 146 participants were interviewed in Bogotá (department Cundinamarca), 97 in Apartadó (region Urabá, department), 90 in Montería (department Córdoba) and 121 in Cartago (department Valle del Cauca). The sample consisted of 265 female and 189 male participants. The mean age was 48 years ranging between 18 and 85 years of age. Socioeconomic status was assessed by participants' social layer (*estrato social*). In Colombia, seven social layers numerated from 0 to 6 classify the populations' socioeconomic status, whereas 0 indicate the lowest social layer and 6 the highest. In the current survey, more than half of the participants belonged to social layer 1 (very low) and about another third to social layer 2 (low). The remaining participants either belonged to social layer 0 (10%), or to the third social layer (5%). Results reflect an overall low socioeconomic status.

Participants spent on average about six years in school. Almost half of the respondents had some or had completed primary education, whereas about a fifth of the respondents had some or had completed secondary education. Only 14% had university education. About three quarters of the respondents were able to read or write, whereas 9% stated they were illiterate. Asking for their ethnicity, about half of the participants responded that they were of mixed race (*Mestizos*) and 15% that they were Afrocolombians, while 7% indicated they belonged to the indigenous population, thus reflecting the ethnic diversity present in Colombia. However, a substantial number of respondents (18.7%) did not know to which ethnic groups they belonged.

More than half of the participants indicated Catholicism and 21% Christianity to be their religious affiliation. Also, about two thirds stated that their religious faith was very important to them and another 23% stated that it was important, implying an overall distinct religiousness.

Table 1 illustrates the sociodemographic characteristics.

**Table 1: Sociodemographic characteristics**

Sample size (N)	Female (%)	Mean age (S.D.)	Marital status							
			married	widowed	divorced	single	in a relation- ship			
454	58.4	48.0 (13.1)	26.7	9.9	10.1	18.7	34.4			
Age distribution (%)					Education					
18–35 years	36–45 years	46–55 years	56–70 years	> 71 years	Mean education in years (S.D.)	Literacy (%)				
						yes	a little	no		
19.6	24.2	29.3	20.7	6.2	5.7	77.5	13.9	8.6		
Ethnicity (%)					Religious faith (%)					
Mestizo	Afrocolombian		Indigenous	other	Catholic	Christian	Protestant	other		
51.1	15.0		6.6	8.6	59.6	21	3.3	9.7		
Distribution of education (%)					Socioeconomic status, social layer					
No education	1-5 years	6-9 years	10-11 years	>12 years	0	1	2	3	4	5
5.3	47.6	18.9	14.3	13.9	10.2	56.4	28.3	4.6	0.2	0.2

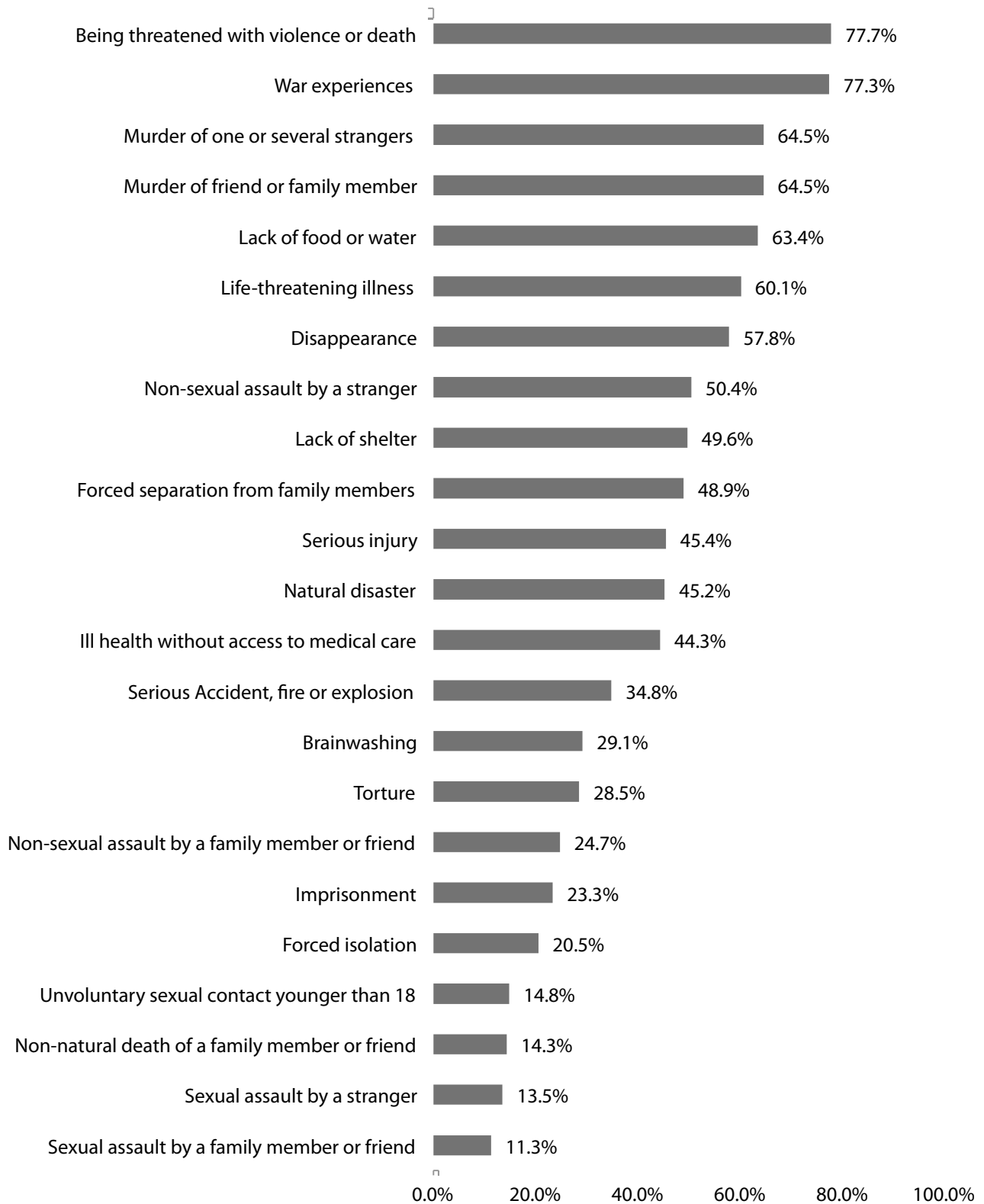
### Traumatic events

The exposure to traumatic events is widespread within the population of the displaced people in Colombia. During a traumatic event, a person experiences or witnesses an actual or threatened death or a threat to the physical integrity of self or others.<sup>90</sup> A traumatic experience can elicit intense fear, helplessness or horror and may lead to severe long-term consequences for the person's physical and mental health.

The following data represent the lifetime traumatic events as reported by the participants, either experienced or witnessed. Also traumatic events were included that did not occur in the context of the armed conflict. However, the majority of reported events are war-related events.

Overall exposure to traumatic events was high: on average every person had experienced ten traumatic events during their life. About three-quarters of the respondents had experienced or witnessed being threatened with violence and death (78%) and about the same amount had war experiences as, for example, bombings and armed confrontations (77%). Almost two thirds of the participants also stated having experienced or witnessed the murder of one or several strangers (65%) or the murder of a friend or family member (65%). More than half of the participants further indicated having witnessed the disappearance of people (58%).

<sup>90</sup> American Psychological Association. (2001). *Diagnostic and Statistical Manual of Mental Disorders (4th edn, revised) (DSM-IV-TR)*. Washington, DC: APA.

**Figure 1: Traumatic events (experienced and witnessed) as reported by the participants**


It became evident that a substantial number of participants had fallen victim to sexual assaults by strangers or family members. About 15% reported that they had involuntary sexual contact under the age of eighteen years. As rape and sexual assaults continue to be a taboo subject, the real numbers may well be higher.

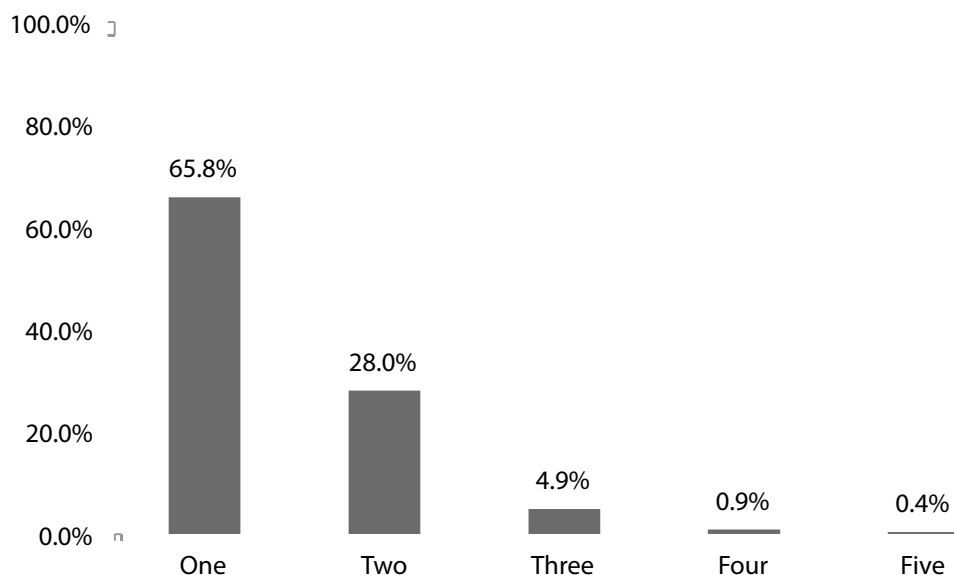
Figure 1 displays the percentages of the experienced or witnessed traumatic events as reported by the participants.

### *Forced Displacement*

To obtain an image of the experiences of the respondents during their forced displacement, questions in relation to their displacement were administered. The majority of the interviewed participants in the current survey had either experienced one or two forced displacements. The remaining participants had experienced up to five displacements as displayed in the figure below.

**Figure 2: Number of displacements**

*How many times have you been forcibly displaced?*

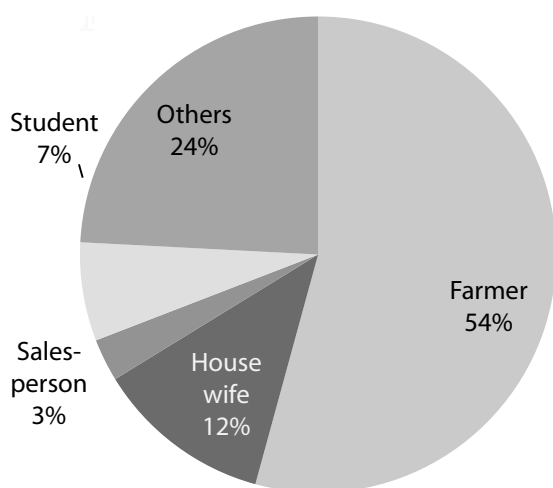


The average time since the displacement, that is, in the cases of more than one displacement since their first displacement, was thirteen years. Most of the victims were displaced together with their family (85.4%) whereas 7.3% were displaced alone and 1.8% were displaced together with their community. 6.0% percent were displaced with their family and their community.

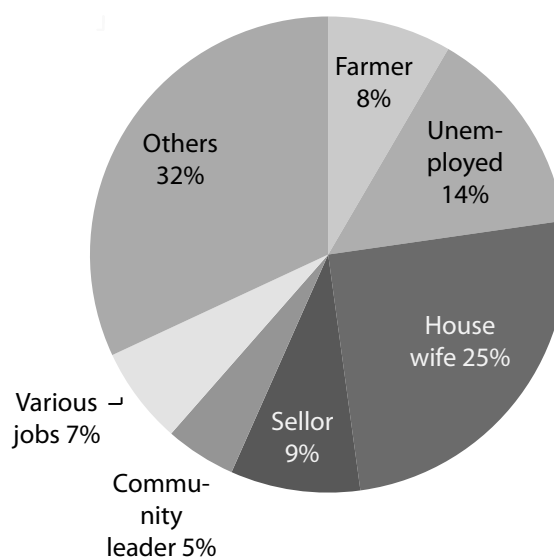
When asking for their employment prior to the displacement, more than half of the respondents indicated having worked as farmers (i.e. stock breeder, peasant, grower). However, after the displacement, less than

10% indicated working as farmers. In fact, a substantial number of participants currently stated being unemployed (14%) or not having a fixed but various informal jobs. Figure 3 displays the occupations before and after displacement.

**Figure 3: Occupation before displacement**



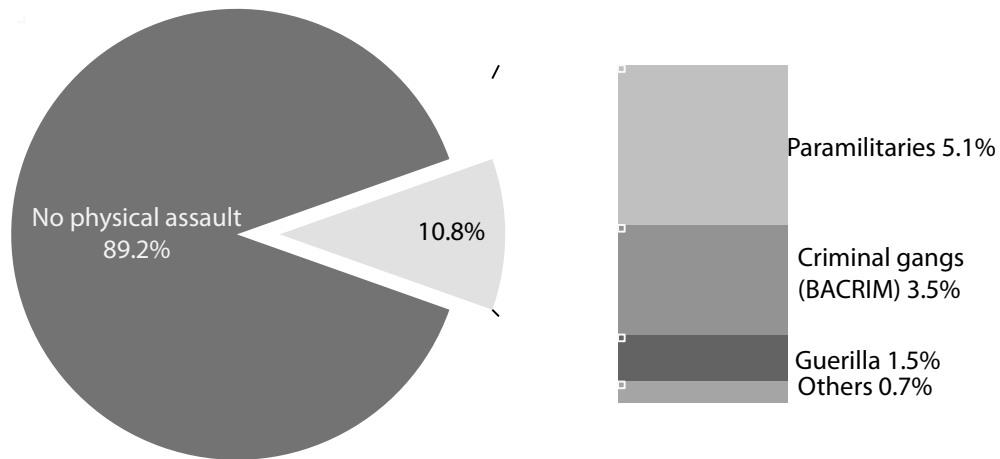
**Occupation after displacement**



#### *Perception of the conflict*

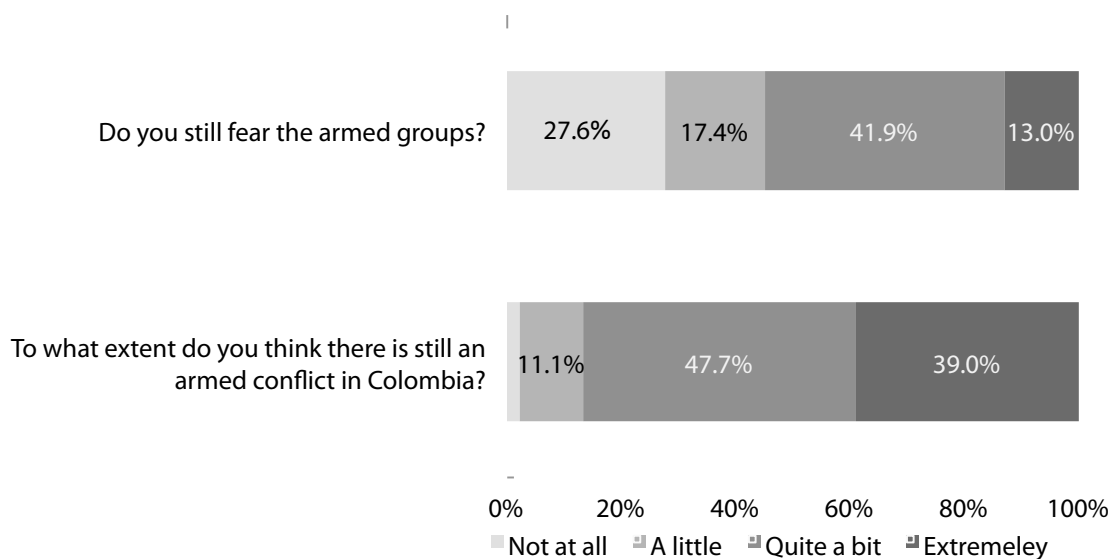
As severe human rights violations due to the armed conflict continue to happen, we also included questions regarding the victims' more recent experiences within the armed conflict as these might influence their perception of the armed conflict. In the current sample, 21.8% of the respondents indicated having been displaced within the last five years. Also, some of the respondents stated that they had suffered physical or psychological assaults by armed groups during the past six months. These assaults were mainly committed by paramilitaries, criminal gangs (BACRIM), and guerrilla groups.

**Figure 4: Percentage of participants having suffered physical assaults within the last six months and perpetrators of these assaults**



Given these recent experiences and the vast number of traumatic events suffered, it is not surprising that more than half of the respondents stated that they still either “extremely” or “quite a bit” feared the armed groups (data shown in Figure 5). However, almost one third stated that they fear armed groups “not at all.”

**Figure 5: Perception of the conflict**



Asked whether they still perceive a conflict between different armed groups, 86.7% of the participants stated that they “extremely” or “quite a bit” agreed.

### *Mental health*

The widespread exposure to traumatic events as well as the constant fear of new aggressions by armed groups due to the continuing conflict might lead to severe long-term mental health consequences in victims of displacement. After the experience of traumatic events such as displacement or the violent loss of family members due to assassinations, victims might develop different trauma-related stress disorders. These might manifest themselves in symptoms of post-traumatic stress disorder, depression and anxiety.

Post-traumatic stress disorder (PTSD) is one of the most known post-traumatic reactions to traumatic experiences. PTSD is characterized by the involuntary re-experiencing of a traumatic event through nightmares and flashbacks, the avoidance of stimuli associated with the event such as talking about the traumatic event, and increased arousal often causing sleeping difficulties or exaggerated startled responses. The symptomatology usually results in impairment in different areas of functioning such as in social or occupational life. The results indicate that 64% of the investigated sample suffered from PTSD.<sup>91</sup> Participants reported mostly suffering from feeling upset when something reminded them of the stressful experience, and also suffering from repeated or disturbing memories of the stressful event. Of those suffering from PTSD (n=290), 90.0% stated they had experienced these symptoms for a period of more than three months.

Anxiety is the state of apprehension towards a realistic or imagined threatening situation and combines symptoms of fear, nervousness and restlessness.<sup>92</sup> Persisting anxiety can significantly impact the ability of persons to cope with daily life. During violent experiences of conflict or war, victims often lose a sense of security, thus facilitating the development of anxiety disorders.<sup>93</sup>

In the current sample of victims of internal displacement, 59% of the participants suffered from anxiety.<sup>94</sup> The symptoms causing most suffering were “feeling fearful,” “feeling tense,” and “being nervous.” Also, many respondents indicated suffering from headaches, which further emphasizes the physical

<sup>91</sup> PTSD was assessed using the PCL-C, a cut-off score of 44 (overall symptom score) indicating “caseness”

<sup>92</sup> American Heritage Dictionaries (Ed.). (2005). *The American Heritage Science Dictionary*. Boston: Houghton Mifflin Company.

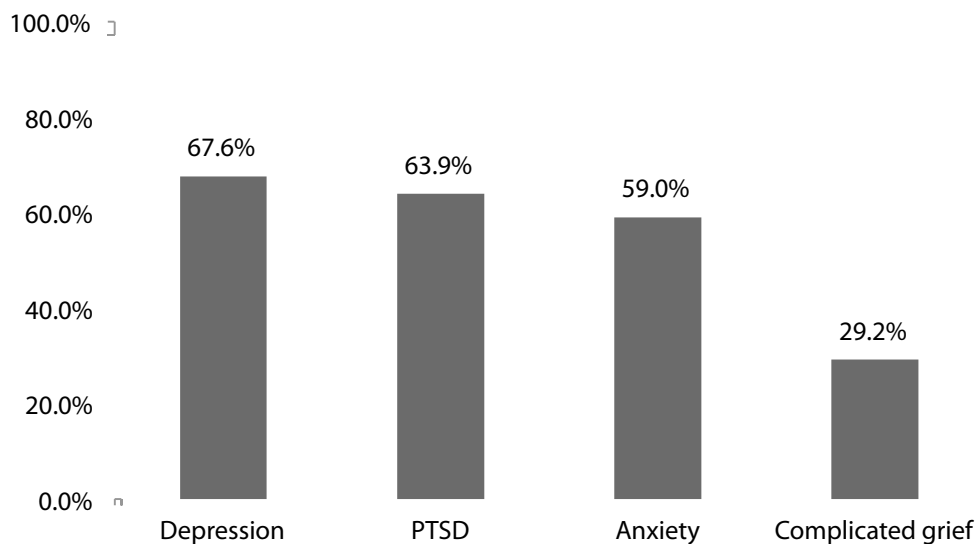
<sup>93</sup> Milgram, R. M., & Milgram, N. A. (1976). The effect of the Yom Kippur War on anxiety level in Israeli children. *Journal of Psychology: Interdisciplinary and Applied*, 94(1), 107-113. doi: 10.1080/00223980.1976.9921403

<sup>94</sup> Anxiety and depression were assessed using the HSCL-25, a cut-off point of 1.75 (average symptom score) indicating “caseness”

consequences anxiety might have.

Depression represents another stress-related disorder and is characterized by episodes of general low mood, low self-esteem and the loss of interest or pleasure in things that were previously enjoyed. Symptoms of low mood and loss of interest usually impact on all aspects of life such as, for example, social and romantic relationships as well as job performance. In the current sample, a total of 68% suffered from depression. Particularly common in this sample were the symptoms of “worrying too much about things”, “feeling hopeless about the future” and “being sad”.

**Figure 6: Percentage of participants with depression, anxiety, post-traumatic stress disorder (PTSD) and prolonged grief disorder**



In the case of losses of family members or friends, especially under violent or traumatic circumstances, people might suffer from complicated or prolonged grief reactions. Prolonged grief is characterized by intense yearning, pining or longing for the deceased to a level of intensity that impairs daily functioning. These grief reactions can be accompanied by feelings of emptiness or meaninglessness due to the absence of the deceased. Also, for many people it results in difficulty accepting the death (and moving on with life), especially in cases of enforced disappearance, where relatives are kept in uncertainty about the whereabouts of loved ones.



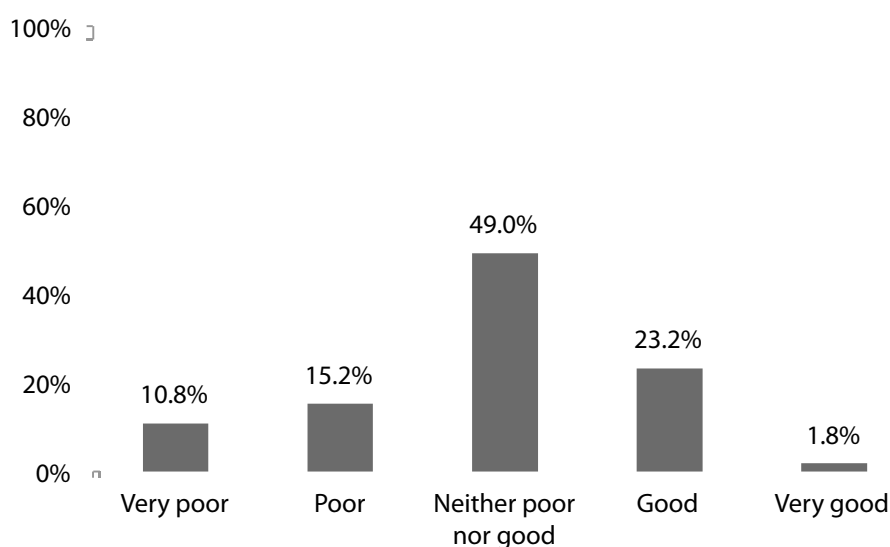
In the current sample, 67.8% of the participants had lost family members due to the armed conflict. Of those (n=308), 29% suffered from prolonged grief reactions.<sup>95</sup> Given that the average time since the loss of their loved ones was about twelve years, the prevalence found in the current sample was relatively high.

### Quality of life

After displacement, people often struggle with the loss of their homes and social networks, and are additionally confronted with economic constraints, which can impact their quality of life. Hence, a set of questions concerning the participants' perception of their quality of life was administered.

**Figure 7: Quality of life as rated by the respondents**

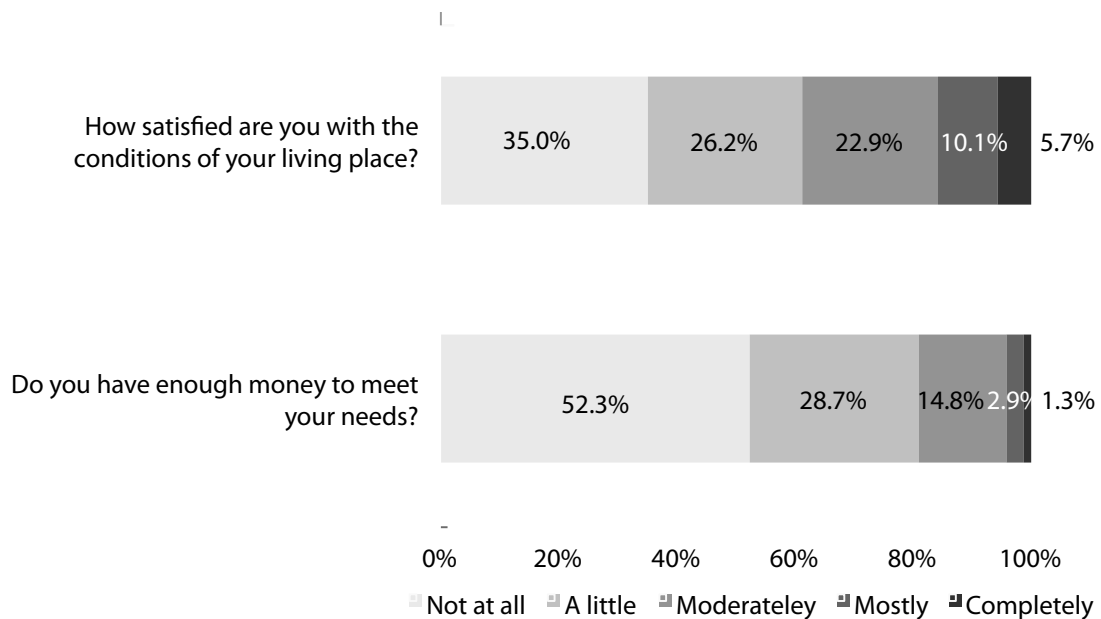
*How would you rate your quality of life?*



Results demonstrate that half of the respondents rated their quality of life as “neither poor, nor good” (data shown in Figure 7). However, concerning their satisfaction with living conditions and sufficient economic resources (“Do you have enough money to meet your needs”), it became evident that most of the participants were “not at all” or only “a little” satisfied. Figure 8 illustrates the participants' satisfaction levels in different quality of life domains.

<sup>95</sup> A prolonged grief diagnosis requires presence of at least one of the two separation distress symptoms and ratings of at least 4 (“every day” or “marked”) on at least five of the nine cognitive, behavioral and emotional symptoms. Further, the symptoms must result in impairment of significant areas of functioning and must have been experienced for at least six months.

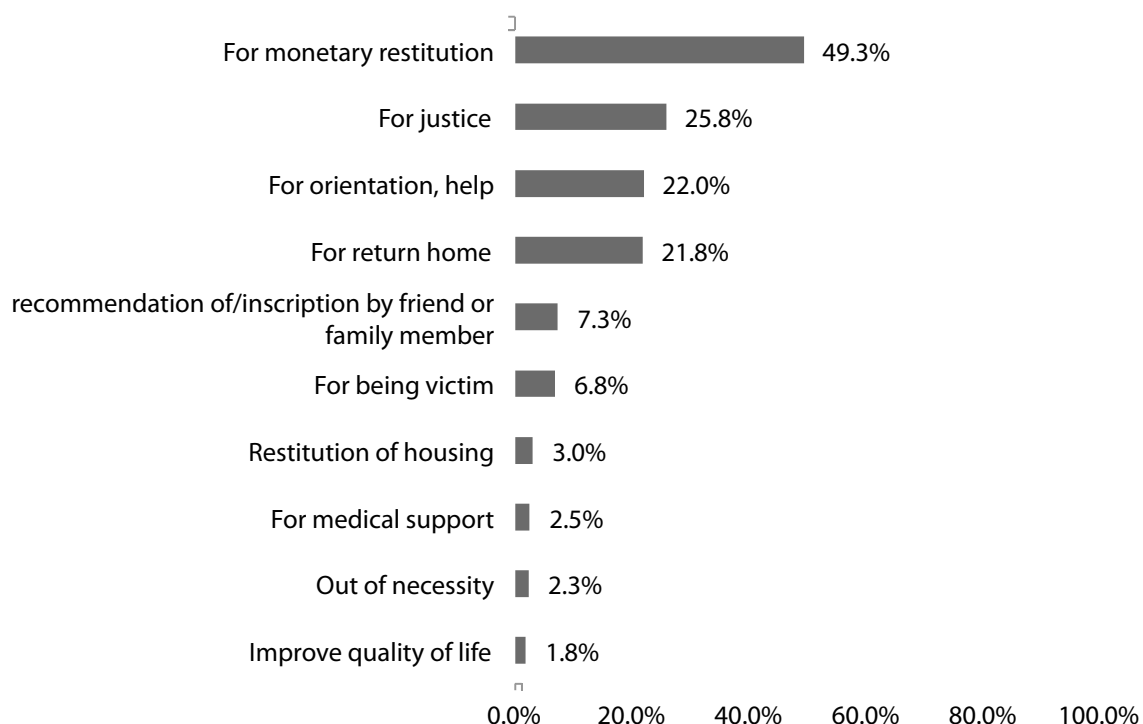
**Figure 8: Quality of life**  
**Satisfaction with conditions of living place, economic resources and personal relationships**



### *Reparations*

Within the legal framework of the Justice and Peace Law and the Victims and Land Restitution Law, victims of human rights violations due to the armed conflict are entitled to monetary and material compensation as well as juridical compensations from the Colombian state. Despite the reparations yet accomplished, the reparation program has been criticized as—among other things—it did not include the victims’ desires and opinions. Questions regarding the victims’ desires and opinions were therefore administered within the current survey.

Reparation measures were considered important (88.3%) or rather important (9.5%) by most of the participants. The majority of the participants (88.3%) were registered for the current reparation program of the Colombian state. The main reasons stated for registering were receiving monetary restitution, bringing about justice, and receiving orientation, counseling or help. Others indicated they had registered to return home or because they had received recommendations to register by a friend or family member. Various answers could be recorded for each respondent. Figure 9 presents the reasons stated for registration as reported by the participants. The high proportion of inscribed persons in this sample is due to the fact that the interviewed participants were affiliated with our partner organization Tierra y Vida, which supports victims in claiming the restitution of their lands from the state. It is possible that within the general population of victims of the Colombian armed conflict a lower proportion of persons is inscribed.

**Figure 9: Reasons for registration in reparation program***Why did you register in the reparation program?*

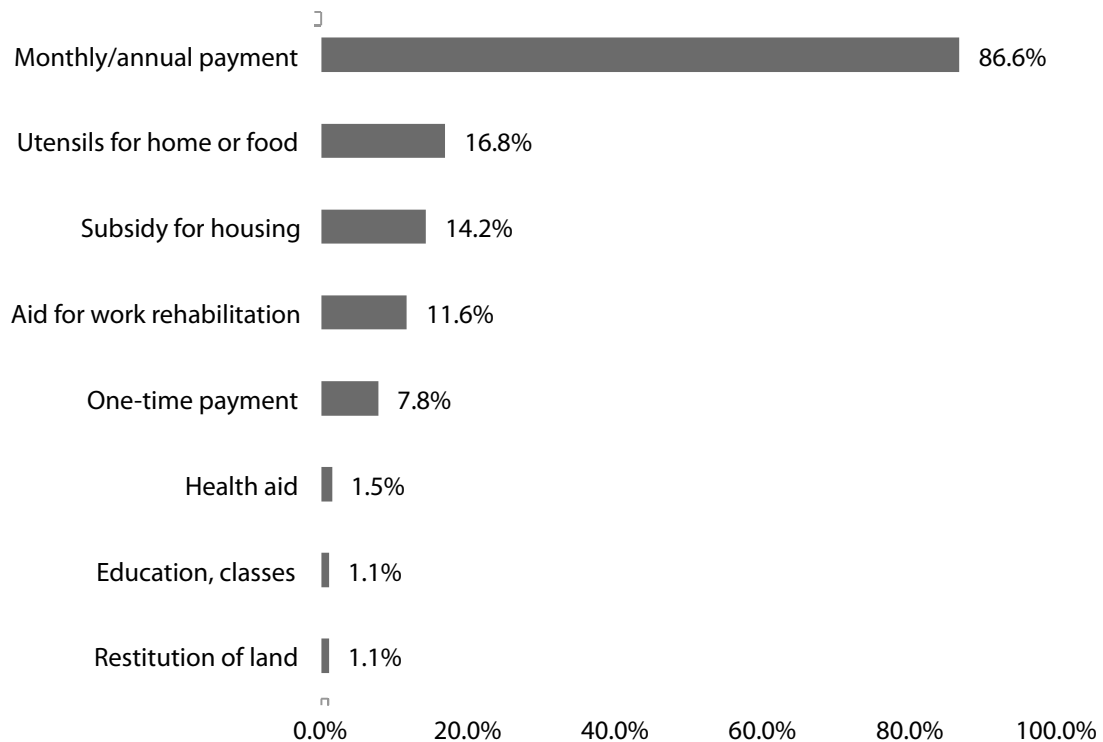
Those who did not register themselves for the reparation program (11.7%, n=53) stated that they did not do so due to lack of knowledge (30.8%), fear of being threatened (23.1%), and the impression that they were dealing with inefficient authorities (19.2%).

When asked for reparations received from the Colombian state, 62.8% of the participants reported having received some reparations. However, not all reparations were actually disbursed within the framework of the reparation program of the state. Several participants stated having received monetary or material aid from national and international NGOs, ecclesiastical organizations, and aid organizations such as the International Committee of the Red Cross (ICRC).

Many participants were not able to distinguish who was accountable for the payments they had received. Furthermore, some participants had received monetary or material aid without being inscribed in the state-funded reparation program. These circumstances might be due to lack of information about the program for victims and the resulting lack of knowledge on the victims' part. Therefore, the final figures of reparation payments presented here do not necessarily reflect on the actual reparations offered by the state.

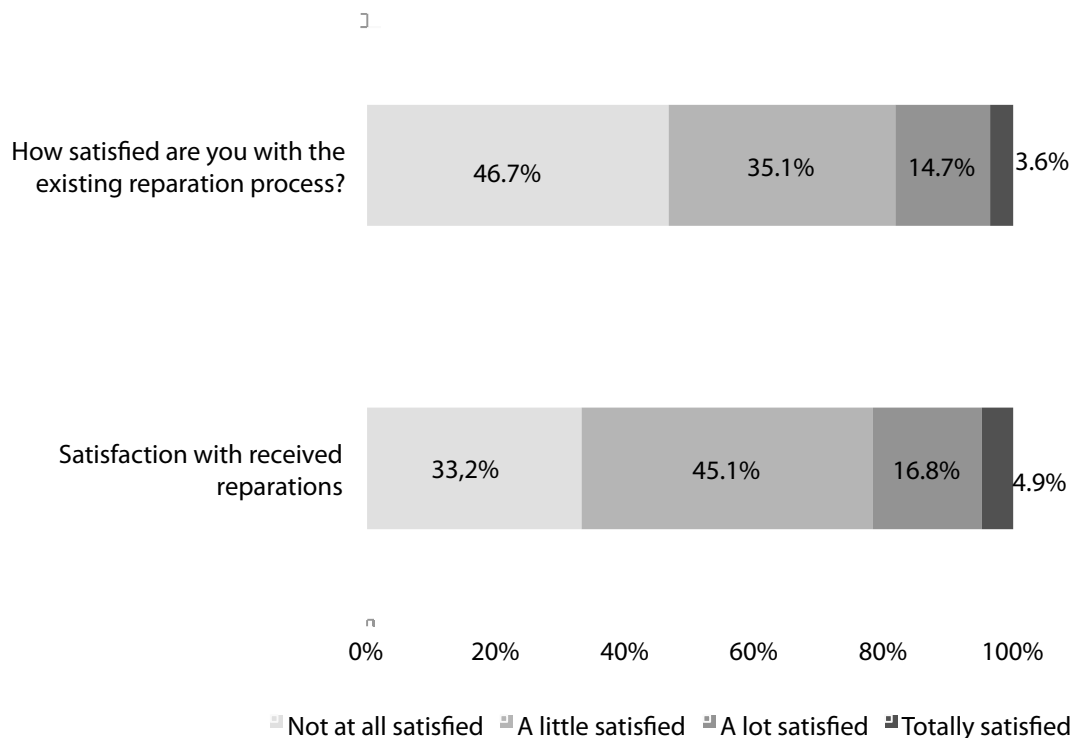
**Figure 10: Type of reparations received by participants stating to have received reparations**

*Which type of reparations did you receive?*



Of those having received reparations (n=268), 87% were compensated with monthly or annual payments. Yet some participants complained that they did not receive these payments on a regular basis. Others had received a subsidy for housing: that is, a monetary compensation given in form of a check card allowing the beneficiary to acquire housing. Some were equipped with reparation measures to help them regain access to the working environment (e.g. sewing machines or materials to start a small business). One-time payments, as received by about 8% of the participants, are indemnifications for specific occurrences during the armed conflict such as the murder of a family member or a rape. In the current sample 1% of the participants were indemnified with the restitution of their land. Figure 10 presents the type of reparations received.

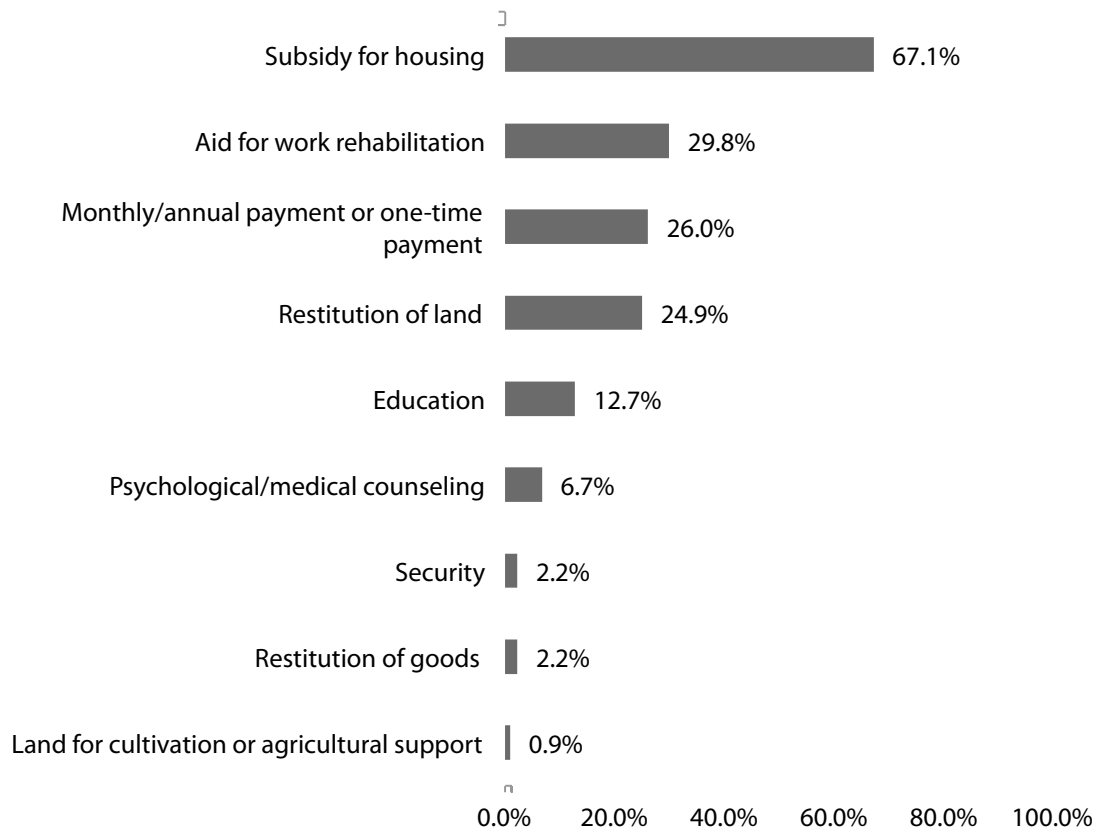
When questions were asked regarding satisfaction with received reparations, it became evident that only a few participants were completely satisfied. On the contrary, more than three quarters stated to be only “a little” or “not at all” satisfied. A similar picture resulted when asking for the satisfaction with the general reparation process. Figure 11 illustrates the participants’ satisfaction with the current reparation process and with received reparations.

**Figure 11: Satisfaction with reparation process and received reparations**


Asked generally for desired reparation measures, most of the participants indicated that subsidies allowing them to acquire housing should be provided to them. The aid for work rehabilitation and financial reparations (one-time, monthly, or annual payments) were mentioned by about a third of the participants. Some also asked for restitution of their land and education for themselves or family members. Figure 12 below illustrates the desired reparation measures as stated by the respondents.

**Figure 12: Desired reparations**

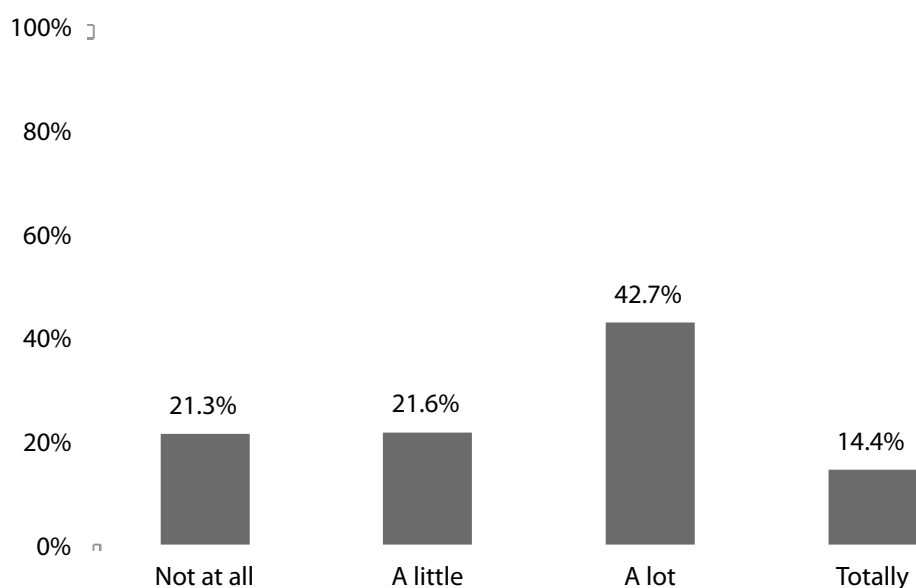
*Which other reparation measures would you like to receive?*



Despite the high level of participation in the current reparation program, more than half of the respondents indicated being “a lot” or “totally” worried about their or their families’ security due to participation in the reparation process. Only about 20% stated they were not concerned at all. Actual threats related to the reparation process were reported by 19.4% of the respondents, whereas 80.6% stated having never been threatened during their participation in the reparation process.

**Figure 13: Security regarding participation in the reparation process**

*Are you worried about your security or the security of your family because of participation in the reparation process?*



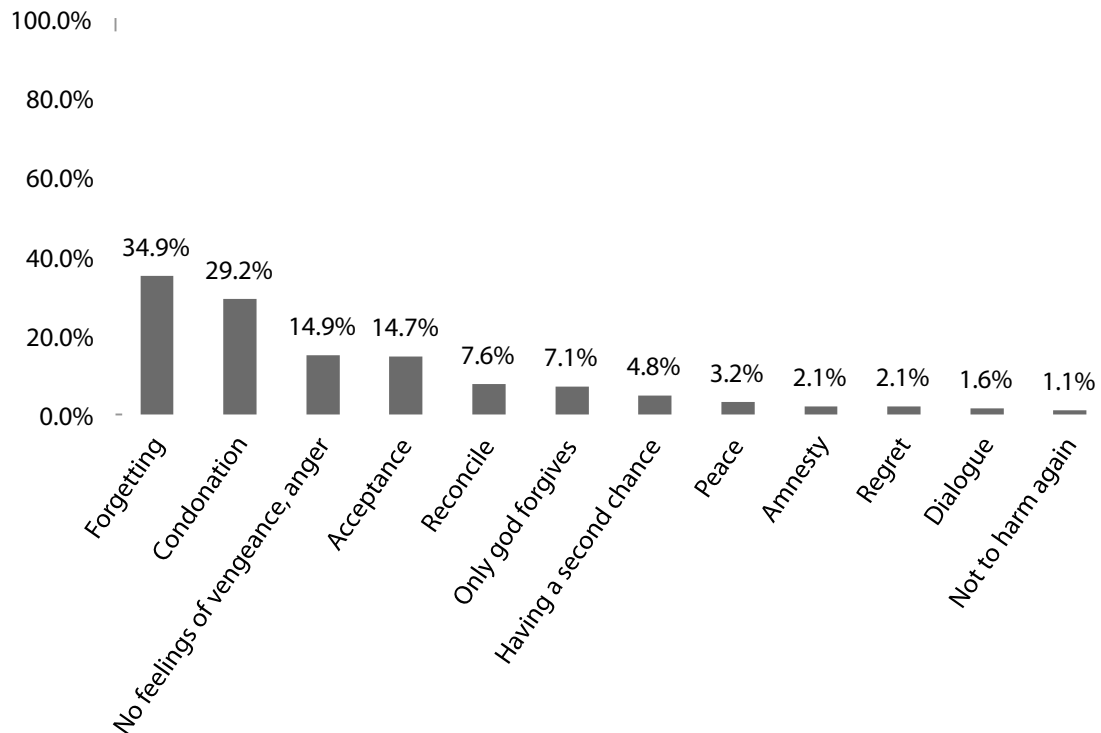
### *Forgiveness and Reconciliation*

Reconciliation and forgiveness are two concepts that are frequently mentioned in the context of peace activities. Therefore questions were administered seeking to clarify the participants' understanding of "reconciliation" and "forgiveness."

About one third of the participants associated forgiveness with forgetting and condoning. Fewer respondents defined forgiveness as acceptance, as not having feelings of vengeance, anger or hate, and as reconciliation. Several answers could be recorded for each respondent. Figure 14 illustrates the definitions of forgiveness as reported by the respondents.

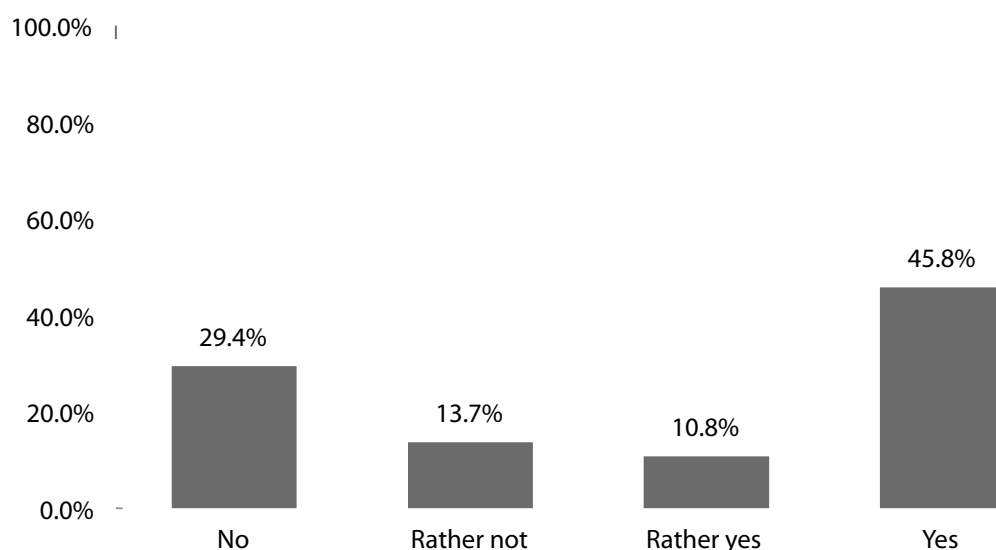
**Figure 14: Respondents' understanding of forgiveness**

*In your opinion, what is forgiveness?*

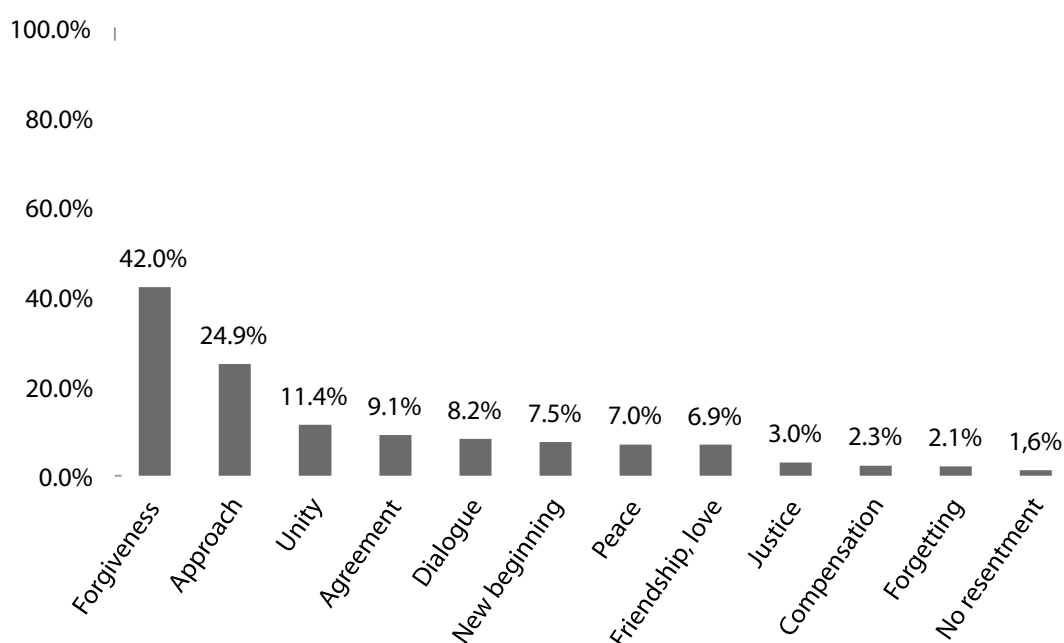


Respondents were asked to specify which armed group violated their human rights. In cases where more than one armed group was mentioned, participants were requested to specify which armed group had most severely harmed them. The majority named the paramilitaries (58.8%) or the guerrilla groups (34.0%). We then asked whether respondents had forgiven the armed groups responsible for the human rights violations suffered. Despite the atrocities experienced, about half of the respondents affirmed that they had forgiven the armed groups. However, one third of respondents stated they were not ready to forgive the armed groups. Almost no differences in their disposition to forgiveness could be found between victims of paramilitaries and victims of the guerrilla. Respective data are shown in Figure 15.



**Figure 15: Respondents' readiness to forgiveness***Did you forgive the members of the armed groups?*

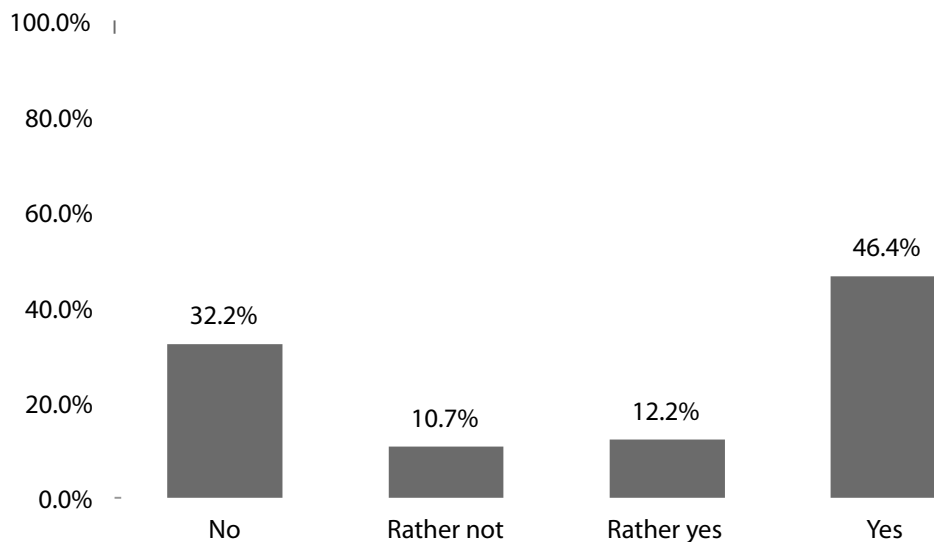
Asking participants for their personal understanding of the concept of reconciliation, many associated reconciliation with forgiveness, the approach between armed groups and victims, and unity. Others understood reconciliation in terms of agreement and having dialogues. Data are shown in Figure 16.

**Figure 16: Respondents' understanding of reconciliation***In your opinion, what is reconciliation?*

Consistent with findings regarding the participants' disposition to forgiveness mentioned above, almost half of the participants also indicated being ready to reconcile with the members of the armed groups. Likewise, about one third of the participants stated not being ready to reconcile. No differences in their disposition to reconciliation were found between victims of paramilitaries and victims of the guerrilla.

**Figure 17: Respondents' readiness to reconcile**

*Are you ready to reconcile with the members of the armed groups?*



Furthermore, 89% of the interviewed sample stated wanting to live in peace together with members of the armed groups whereas only 7% claimed being "not" or "rather not" ready to live in peace with them.

## 4. Discussion

The data of the present survey was collected between September and December 2012, by means of interviews with victims of forced displacement due to the armed conflict in Colombia. The purposes of this survey were to inquire into the experiences of the victims, and to assess both their current mental health status and their opinions regarding reparations in the context of the Justice and Peace process. Lastly, it aimed to gain insights into the victims' perceptions of the conflict and the armed forces, as well as their attitudes towards reconciliation and forgiveness.

For this survey, 454 victims of displacement due to the armed conflict were interviewed. In general, the results demonstrated an overall low socioeconomic status. It had been reported in other studies that many victims suffer from severe economic constraints as a result of their displacement and that many of them even live below the poverty line.<sup>96</sup> The low socioeconomic status found in the current sample was also reflected by the participants' strongly expressed dissatisfaction with their current living conditions and economic resources.

Furthermore, it can be assumed that their lack of economic resources was, partly at least, due to not having stable employment. More than half of the respondents indicated that they had worked as farmers prior to their displacement. After displacement, however, only 8% were still working as farmers, suggesting that many people were not able to continue with their previous work. This is also underlined by the fact that after displacement a substantial number of participants were unemployed or had various but no stable jobs. For older and less educated people, in particular, finding or qualifying for a new job might prove to be difficult. This implies that not only did people lose homes and property as a result of forced displacement, but many also lost the work opportunities necessary to finance their basic needs.

The results of this survey also support findings of other reports documenting that the people most affected by displacement are farmers and ethnic minorities such as indigenous people and Afro-Colombians living in the countryside.<sup>97</sup>

<sup>96</sup> ABColombia. (2012). Colombia the Current Panorama: Victims and Land Restitution Law 1448. London: ABColombia.

<sup>97</sup> Ibid.

### *Experiences during the conflict*

With regard to their experiences during the conflict, it became evident that participants of the current survey had been exposed to a wide range of traumatic events. Paramilitaries, guerilla groups and criminal gangs (BACRIM) are responsible for a number of atrocities committed during the (ongoing) armed conflict such as forced displacements, massacres, torture, and enforced disappearances.<sup>98</sup>

Respondents in this survey had lost their homes and property, had been threatened with death, and had seen family members and strangers being tortured and killed.

As shown within the results of this survey, despite the demobilization of parts of paramilitaries (AUC) and guerilla groups within the Justice and Peace Law, some participants reported having suffered forced displacements within the last five years and physical and psychological assaults within the last six months. This tallies with the latest CODHES-report mentioning the new displacement of 259.146 persons and an increased number of massacres and assassinations of communal leaders and

indigenous people committed by armed forces in 2011.<sup>99</sup>

In keeping with this, 87% of the participants were convinced that the conflict between different armed groups was still going on.

These incidents might hinder victims in regaining their sense of security as well as recovering psychologically.

### *Mental health*

Experiencing a wide range of traumatic experiences as described by the participants of the present survey can result in severe psychological impairment for the victims and their families. In the current sample of victims of displacement due to the conflict, high levels of psychological distress were found. More than half of the respondents suffered from PTSD, depression and anxiety respectively. Studies evaluating the mental health of conflict survivors reported average rates for PTSD of 30.6%<sup>100</sup> and for depression 30.8%, indicating that a much higher rate existed in the current sample. Anxiety rates in other studies were found to range

<sup>98</sup> Bureau of Democracy Human Rights and Labour. (2002). Colombia: Country Reports on Human Rights

<sup>99</sup> Codhes (2012). Desplazamiento creciente y crisis humanitaria invisibilizada, Boletín, 79 Bogotá: CODHES - la Consultoría para los Derechos Humanos y el Desplazamiento.

<sup>100</sup> Steel, Z., Chey, T., Silove, D., Marnane, C., Bryant, R. A., & van Ommeren, M. (2009). Association of torture and other potentially traumatic events with mental health outcomes among populations exposed to mass conflict and displacement: A systematic review and meta-analysis. *JAMA: Journal of the American Medical Association*, 302(5), 537-549. doi: 10.1001/jama.2009.1132

between 38% and 54.4%<sup>101,102</sup> also displaying that participants of this survey rated in the upper section of this range. Moreover, of those respondents in this survey who had lost family members or friends due to the violence of the armed conflict, 25.9% suffered from prolonged grief reactions. Other studies reporting prolonged grief after severe human rights violations documented rates ranging between 8% and 38.3%.<sup>103,104,105</sup> Compared to these rates, the participants of this survey were moderately to strongly affected by prolonged grief.

The high level of psychological distress found in the current sample might be attributable to several factors. First, the Colombian armed conflict is ongoing, continuing to cause victims and generate fear in Colombian society. Some studies suggest that ongoing conflicts lead to

poorer mental health outcomes in survivors than resolved conflicts. Secondly, participants are severely affected by their precarious economic conditions as revealed by the overall low socioeconomic status and the dissatisfaction with economic resources. Restricted economic opportunities such as not having access to employment and loss of socioeconomic status after forced displacement have been found to equally impair mental health outcomes.<sup>106</sup>

Overall, traumatic experiences, fear over the safety of oneself or family members, and the shortage of economic resources may result in severe psychological distress in victims of forced displacement in Colombia. As well as the effective implementation of reparation measures to help the victims satisfy their basic needs, it seems very important to provide psychosocial counseling so that victims may recover psychologically from their experiences.

<sup>101</sup> Stammel, N., Heeke, C., Bockers, E., Chhim, S., Taing, S., Wagner, B., & Knaevelsrud, C. (2012). Prolonged grief disorder three decades post loss in survivors of the Khmer Rouge regime in Cambodia. *Journal of Affective Disorders*, 144(1-2).

<sup>102</sup> Sabin, M., Lopes Cardozo, B., Nackerud, L., Kaiser, R., & Varese, L. (2003). Factors associated with poor mental health among Guatemalan refugees living in Mexico 20 years after civil conflict. *JAMA: The Journal of the American Medical Association*, 290(5), 635-642. doi: 10.1001/jama.290.5.635

<sup>103</sup> Stammel, N., Heeke, C., Bockers, E., Chhim, S., Taing, S., Wagner, B., & Knaevelsrud, C. (2012). Prolonged grief disorder three decades post loss in survivors of the Khmer Rouge regime in Cambodia. *Journal of Affective Disorders*, 144(1-2).

<sup>104</sup> Schaal, S., Jacob, N., Dusingizemungu, J. P., & Elbert, T. (2010). Rates and risks for prolonged grief disorder in a sample of orphaned and widowed genocide survivors. *BMC Psychiatry*, 10(55). doi: 5510.1186/1471-244x-10-55

<sup>105</sup> Morina, N., Rudari, V., Bleichhardt, G., & Prigerson, H. G. (2010). Prolonged grief disorder, depression, and posttraumatic stress disorder among bereaved Kosovar civilian war survivors: A preliminary investigation. *International Journal of Social Psychiatry*, 56(3), 288-297. doi: 10.1177/0020764008101638

<sup>106</sup> Porter, M., & Haslam, N. (2005). Predisplacement and Postdisplacement Factors Associated With Mental Health of Refugees and Internally Displaced Persons: A Meta-analysis. *JAMA: Journal of the American Medical Association*, 294(5), 602-612. doi: 10.1001/jama.294.5.6025510.1186/1471-244x-10-55

## Reparations

The vast majority of the participants (88%) were inscribed in the reparation program of the Colombian state. The main stated reasons for inscribing were monetary restitution, justice and orientation or counseling. Almost two thirds of the interviewed sample had received reparations, of which the majority were financial reparations. However, the reparations received do not necessarily reflect on those received by the Colombian state, as some of these compensations might have been aids of national and international non-governmental organizations. Moreover, some participants complained that they did not receive awarded payments on a regular and reliable basis. Three quarters expressed their dissatisfaction with the reparations received so far and with the reparation process in general.

In asking for desired reparations, many indicated desiring a subsidy for housing, restitution of land or financial compensation in the form of monthly, annual or one-off payments. This shows that the main focus of the participants is receiving economic or substantive reparations rather than symbolic reparations such as commemorative days or guarantees of non-repetition. It seems plausible that, because of the

overall low socioeconomic status and the resultant precarious living conditions, for many participants it is highly important to receive economic resources to satisfy their basic needs. Also, more than 40% of the participants mentioned reparation measures for work rehabilitation or education for themselves or family members to regain access to the working environment. As many participants were unemployed after displacement or did not have stable jobs, it seems very important that they have income sources enabling them to improve their living conditions. Only a few people asked for symbolic reparations. It might be that a desire for symbolic reparations arises only once basic needs are satisfied: a finding that had been reported in other surveys.<sup>107</sup>

During the interviews, it became evident that some victims did not know how to claim reparations or which reparation measures exist within the current reparation program. In other studies on victims of the Colombian armed conflict, also, victims reported a lack of knowledge regarding the rights protecting them.<sup>108</sup> The practical aspects and the content of the laws have not been adequately explained to the victims, which might exacerbate the claim for

<sup>107</sup> Robins, S. (2009). Whose voices? Understanding victims' needs in transition. Nepali Voices: Perceptions of Truth, Justice, Reconciliation, Reparations and the Transition in Nepal. *Journal of Human Rights Practice*, 1(2), 320-331. doi: 10.1093/jhuman/hup006

<sup>108</sup> Lozano, M., & Gómez, M. (2004). Aspectos psicológicos, sociales y jurídicos del desplazamiento forzoso en Colombia. *Acta Colombiana de psicología*, 12(4), 103-119.

reparations especially for less educated people.<sup>109</sup> Therefore it seems necessary to implement a more profound distribution of information regarding the reparation program, including educational events informing victims about their rights and reparation measures.

Despite the high level of participation in the current reparation program, more than half of the respondents indicated being “a lot” or “totally” worried about their or their families’ security in the reparation process. Also 20% stated that they had been threatened in relation to the reparation process, underlining findings in reports mentioning the poor security situation for those demanding their rights to reparation and the restitution of land.<sup>110</sup>

#### *Forgiveness and reconciliation*

Despite certain obstacles for a reconciliation and forgiveness process due to the ongoing armed conflict, participants of the current survey were found to be fairly open to reconciliation and forgiveness. Almost 60% of the respondents indicated being ready or rather ready for reconciliation and forgiveness.

Some explanations for readiness for reconciliation and forgiveness in the current sample should be discussed. It might be that after more than sixty years of armed conflict, many people wish to live in peace and in the hope that an end to the violence is finally being set. They might therefore be more willing to let the past go, by accepting it. This is also underlined by the respondents’ frequent understanding of forgiveness as “forgetting,” “acceptance,” and “peace.” Furthermore, 90% of the respondents indicated that they wanted to live in peace with members of the armed groups. It also seems plausible that religion plays a major role in the respondents’ attitudes towards forgiveness and reconciliation. As reported above, 80% of the participants of the current survey indicated Catholicism or Christianity to be their religious affiliation, and the majority attributed great importance to their religious beliefs. Forgiveness and reconciliation represent key concepts of Christian religion, which has its basis in the belief in a God who is in control of life’s occurrences and therefore provides meaning to life.<sup>111</sup> Christian religion emphasizes

<sup>109</sup> Ley de víctimas y restitución de tierras, un año de ajustes. (2012). *Nuevo Arco Iris*. Retrieved December 10, 2012, from <http://www.arcoiris.com.co/2012/08/ley-de-victimas-y-restitucion-de-tierras-un-ano-de-ajustes/>

<sup>110</sup> Arrango, R. (2008). Justicia transicional y derechos en contextos de conflicto armado. In M. Bleeker, J. Ciurlizza & A. Bolaños-Vargas (Eds.), *El legado de la verdad: Impacto de la justicia transicional en la construcción de la democracia en Latino América*. Bogotá: Centro Internacional para la Justicia

<sup>111</sup> Koenig, H. G., & Larson, D. B. (2001). Religion and mental health: evidence for an association. *International Review of Psychiatry*, 13(2), 67-78.

the need to seek forgiveness from others and to grant this to each other.<sup>112</sup> It therefore seems possible that participants of the current study felt a moral or religious obligation towards forgiveness and reconciliation.

### *Limitations of the survey*

Some limitations of the results of this survey should be considered.

First, although recruitment was based on random sampling, the current findings cannot be generalized to the population of victims of displacement due to the armed conflict as we interviewed only those persons affiliated with our partner organization Tierra y Vida, which offers support to victims in the process of claiming the restitution of their land. Results might be different for victims not affiliated with Tierra y Vida.

Secondly, some of the questionnaires were translated from the original English version into Spanish. As it always proves difficult to translate ideas and meanings into another language, an extensive translation and discussion process was implemented to finalize the questionnaire, including retranslation back into English and detailed discussion with local experts on the meanings and terms used in this survey.

Lastly, some scales of the questionnaires might have been difficult to understand for older and less educated people. This problem was addressed by using visualized scales. Also, interviewers were trained to monitor the participants' understanding and to repeat questions when necessary.

<sup>112</sup> McCullough, M. E., & Worthington, J. E. L. (1999). Religion and the Forgiving Personality. *Journal of Personality*, 67(6), 1141-1164. doi: 10.1111/1467-6494.00085



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Nadine Stammel and Christine Knaevelsrud designed and supervised the survey. Nadine Stammel, Carina Heeke, María Teresa Díaz Gómez and Marlene Ziegler coordinated the survey in Colombia. Carina Heeke, María Teresa Díaz Gómez and Marlene Ziegler supervised the data collectors in the field. Nadine Stammel, Carina Heeke, María Teresa Díaz Gómez and Marlene Ziegler analyzed the results and wrote the report.

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