***Documentality and Display: Archiving and curating the violent past in contemporary Argentina, Chile and Colombia***

**British Academy’s Sustainable Development Programme 2018, supported under the Global Challenges Research Fund, United Kingdom**

**Bogotá, November 2018**

**I. BACKGROUND INFORMATION**

Institution: Centro Nacional de Memoria Histórica

Name and position:

* **Andrés Suarez, former researcher from the Grupo Nacional de Memoria Histórica.**

Interviewers: Oriana Bernasconi, Cecilia Sosa, Jaime Hernández y Vikki Bell.

Location: Javariana University

Date: 2nd November 2018

**II. TRANSCRIPTION**

OB: [If you can] analyse how your registration process work that you do here in the centre has evolved. And particularly, if you can, make an analysis of how it has changed, what has been changing in your [own] way of registering, of documenting, understanding that it is an overlapping process, with many peace processes and agreements. You have been dealing with all this crossing, right? So how has the registering process evolved in relation to that?

And at the same time or if you prefer later, I would like to ask you: what are you proud of? What would you have done differently? What are the challenges and what lies ahead? What is the impact of these records on others? What have they mobilized?

AS: Well, my name is Andrés Fernando Suárez, I am a sociologist from the Universidad Nacional de Colombia, I have a Masters degree in Political Studies from the same university. I started my professional career as a consultant in the Instituto Nacional de Medicina Legal en Colombia. They have a small centre there called Centro de Referencia Nacional sobre Violencia that does a very broad job, more like an epidemiological observatory that tracks homicides, suicides, and all those issues from a public health perspective. [The centre] keeps track of that, and I joined a group that was formed only by epidemiologists and doctors, with the aim of giving a context to those figures and making them speak. To try to explain the causalities that were presumed, why they went down, why they went up, why there were some regions more affected. Because they only had the data to see what went up and what went down but they did not have any social or political contexts and wanted to introduce that perspective into the work.

Then I was a consultant for an imported program, from what I understand, from Central America, which was the Casa de Justicia program, which is a program that seeks to bring the situations of formal justice and non-formal mechanisms closer to the citizen. And as its name says, it seeks to place all institutions of everyday justice, those that address the most everyday conflicts of citizens in one place. And to place [those institutions] in marginal areas of cities so that the poorest citizen has a place to look for institutionality and be given [attention] quickly and wherever he is; and if the case involved the concurrence of several actors, [the person] should not have to go to another place, instead it would find the corresponding entity within the same house. I give you just one example: in the subject of domestic violence or domestic conflicts in Colombia, [people] should always attend a Comisaría de Familia, that is [an organization] responsible for these issues, the Colombian institute of [3.44] relatives, which is in charge of childhood containment, the police of childhood and adolescence, that is in charge of the containment of the minors and is the defender of family. What happened before? These institutions were in the city downtown, in the administrative city centre. So, for people to come from the peripheries to the city centre already implied a cost to be able to gain access to the justice. And the citizen was always remitted from one [institution] to another [institution] because they each handle different matters. Now, the citizen has his own entities in his own municipality, so he arrives and they can send him from one office to another but inside of the same house, and not from one place to another. And the houses are supposed to have [an office of] legal medicine, because if there is a case of sexual abuse the forensic medical evaluation can be immediately done right there.

So, we work in that program and I understand that the program was originally from Central America. It started there and was brought to Colombia at the end of the 90’s and in Colombia there are already 70 or 80 Casas de Justicia throughout the country. And my job in that project was to make some diagnoses in places where Casas de Justicia were going to be installed, and that included areas of armed conflict. Because initially the program was for metropolitan cities and their periphery. But there was also a claim from the conflict zones, because [there] armed groups have also been able to position themselves because they guarantee an access to justice that is immediate and administered expeditiously, often arbitrarily and violently, but quickly, and what is important is that it has legitimacy for the populations.

Then they asked the program to make diagnoses of the environments, to determine what were the types of problems that these environments had, so the Casa de la Justicia would house the most suitable institutions for the context. And second, [they asked us] to design a package of impact indicators, to know if the Casa de Justicia has had a real impact on the communities. [To know] if having put [the Casa de la Justicia] physically next to the communities and with all the services right in there had achieved greater credibility and greater confidence in the authorities, and if there had been improvements in the levels of coexistence.

After that I went to work in the Tesorería del Pueblo, where we assembled a project called Sistema de Peces Grandes. The first to present the Sistema de Peces Grandes was Armando Borrego, a well-known sociologist who has worked on the security issue in Colombia. And the system was set up in the Tesorería del Pueblo with the purpose of being a system that would monitor and warn of possible serious violations of human rights that could be committed. And [the system] warned the authorities so that the violence of those events could be prevented. So [for me] [the work] was to get to the Tesorería and try to design that system to warn or prevent. And there I worked for a long period. This system became famous nationally because it was the one that issued an alert for the Masacre de Bojayá. When the Masacre de Bojayá occurred, we issued an early warning and sent people from the area saying "there is an imminent risk that something serious may happen" because this is not a fortuitous event but for two weeks there has been information of paramilitary mobilizations, guerrillas in the area. That was one of the most important alerts generated by the system. And the system has been in operation since 2002 onwards, even today the system works.

Then I arrived to the Defensoría del Pueblo that is part of the public ministry and I left the system. I left the system because [8.27] ... and it’s that when we gave the early warning, a decision was made by the State, by the government in particular, which was that before the public opinion seemed to communicate that the early warnings were being taken seriously. And in my opinion it was the opposite. In my opinion it was a mechanism to bureaucratize the issue of alerts and to tend to neutralize [them]. I think that what was put in evidence was that in fact what seemed an institutional commitment of political will was not really. Let me explain to you, the Defensoría del Pueblo had the power to issue the alert. And it told all entities "this is going to happen here, this is going to happen there" with the information we have collected.

But, what are ‘early warnings’?

Early warnings are reports that warn of an eventual risk of serious violation of human rights, a massacre, a massive displacement, that a town was going to be invaded. [They were made from] information that came to the system of municipal entities that are public prosecutors, or information from civil society that informed the Defensoría, or movements that advertised, or pamphlets that appeared threatening. Then the Defensoría gave [the alert] to state entities and told them "here is the alert". Due to the nature of the Defensoría in Colombia, it does not have binding mechanisms. They cannot force [entities to act]. [It just] recommends or suggests. It is the Ministerio Público that is binding, the attorney general's office. If the office of the prosecutor sends [the alert] and an official does not give the alert, a disciplinary process is generated and he gets sanctioned, a disciplinary penalty, not necessarily criminal. So the Defensoría sent the alerts. And when the Masacre de Bojayá happened, the government said: no, what happened there was very serious, we have to take this seriously. So they created something called the CIA, which was the Inter-Institutional Committee of [ 10.43]

OB: But what happened is that you warned.

AS: And the massacre happened to be the Bojayá Masacre. It was a battle between the FARC and the military, were the FARC shot 3 or 4 gas pipettes and the third one fell into a church, that was the only structure of solid material that the town had. It was a river town with board houses, so people felt that being in a concrete structure would be safer, and they entered the church. And the pipette was a gas cylinder, I do not know if you know them. The pipette is a gas cylinder that you can use to cook. I suppose it must also be familiar in the south. But here they were adapted by the guerrillas. They put explosives, tacks, nails, everything in, to make it very lethal. Then they would throw that from platforms, it was not even a ‘mortero’. It was their rudimentary cannon but it was very lethal. And they were very devastating, but above all they were very imprecise. So what happened? In this case they threw the pipette, and the paramilitaries were behind the church. And the pipette did not reach the church but instead fell inside the church breaking the roof of the church and exploded inside the church and killed 80 people, 79 people died in that event.

So, to shorten the story because this is just a presentation, when the CIA is created, what is said is: The Defensoría no longer issues alerts, it issues an alert report, it can say "this will happen here", but this committee is the one that is going to decide, ‘so we are going to...’ And who was the committee? Defence Department, Ministry of Interior, the Presidential Program for Human Rights.

But we always had problems with the Defense Department because they said that an early warning had to say at what time, when and in what place [the events would happen]. [They said] that they could not mobilize their troops [if that did not happen]. And they always said that the Defensoría del Pueblo [that is us], were taking them to ambushes, or that they were being militarily attacked, that we were exposing them. Then of course, everything was sent to the CIAP, but what came out of the CIAP as early warning was very little, because there were so many bureaucratic obstacles. But it was sold to the country as if the government was taking it seriously. In Colombia that happens a lot, I do not know if [it happens] in the rest of Latin America [also], that governments say "we are worried about a commission". And they create a committee, and the committee seems to be very serious, [but just] ends up becoming bureaucratic issues. Sometimes they summon forces of civil society, or forces of the State more to neutralize than to work for the results. But the committee did not understand that it was about giving greater legitimacy and political support to the Defensoría and not to take away their faculties, because through the bureaucratic mechanism we lost the possibility of generating alerts and preventing.

And [at that moment] I left the Defensoría del Pueblo and went to the Instituto de Estudios Políticos y Relaciones Internacionales, which is an institute of the Universidad Nacional. And as a researcher of the institute I did a study on the massacres in Urabá and in a regional area in the west of Colombia. I'll show you. What I just said about the episode of Bojayá is here. And Urabá is here, this sector. From the west Fuenzalida to the coast [they look at the map and murmur] and the white is the Caribbean Sea. I did this research about this particular massacre because it historically has been one of the territories in Colombia with the highest incidence in the armed conflict. Where many massacres have occurred. But it also has a particularity.

It is one of the few territories in Colombia where a very particular phenomenon happens, that it was that the guerrillas perpetrated the greatest number of massacres as in any other place. And the amount of massacres committed was almost equal with the paramilitaries. And that did not happen anywhere else. And in other places the paras are the ones who perpetrated more massacres. The guerrillas and the paramilitaries tend to diversify very well their repertoire of violence. In this area it did not happen like that, it was a very important area for the guerrillas. [That place] became very important for the war in Colombia because that is where the most expansionary paramilitary project that Colombia had in the '90’s began to take shape. That is where the commanders who shaped the Proyecto Nacional de las Autodefensas Unidas de Colombia come from. And that has been to this day the largest territorial, political, and military project in Colombia that are the paramilitaries.

[That project] came out of that region that was historically of strong guerrilla influence. So the peculiarity of the region is that the century of massacres and wars that happened in the area did not begin with the paramilitaries, instead it started between the guerrillas. In that place there were two guerrillas [groups], and the two of them tried to kill each other historically for a long time. Since the end of the '70’s [there were these] two: EPL of Maoist orientation, and the other one was called the Soviet-oriented FARC, which had more presence in the area. But the EPL became strong in the area because a dissident movement of the FARC went to the EPL and there began the historical conflict between the groups for [controlling] the region. The paras accessed that place, but they had never been able to control the territory. In the late '80’s and early '90’s, one of those two guerrillas demobilized. It was the EPL guerrilla. The FARC saw that demobilization as a great threat because... [inaudible min.18.20] [They] said: ‘these people can be like the spearhead so that the State enters the zone and [we have to] abandon the armed struggle. One thing is that we have our quarrels and our fights, but we are revolutionaries. But now they [EPL] are not, they abandoned the armed struggle, entered the political struggle, and we can lose the control that we have in the area.’

So, persecution of the FARC by the demobilized guerrillas began. They armed themselves to attack the FARC. Both, especially the EPL when they demobilized (which was a political movement called Esperanza, Paz y Libertad). Then the FARC killed the demobilized and killed the soldiers of Esperanza, Paz y Libertad. Because they did not want to lose control of the area.

And in the area besides the FARC, there was a political party called the Unión Patriótica that had emerged in the peace agreements with the FARC in the 1980s. This political party had been left out of the competition but it always remained in the imaginary that was the FARC political party. So it was the political party that paid when they armed themselves and wanted to attack. They attacked the UP in the region. So this was crossed. They killed some union workers in a banana plantation, guerrillas killed unionists, a mobilized political party and the other mobilized guerrillas rearmed themselves and became a paramilitary group that came and attacked union workers of a leftist party called the Unión Patriótica in its war against the FARC.

So, I must confess that what led me to work on the whole issue of the armed conflict is that this is something that happened during my university years. This is something that was happening. I was watching it on television and I said: Someday I'll have to do research on [REGION] what is this madness, because I do not understand it. Unionized workers are being killed in the place that in Colombia was like the laboratory of the revolution and ends in this fight between them. And the paras took advantage of that fight, [because] they realized that the only way they could win [territory] was to take it away from the guerrillas and by dismantling any social and political movement that was there. They had to get into that division. So what did they do? They got into that division. They arrived in the territory and sided with the people of Esperanza, Paz y Libertad and the paramilitary group that was called Comandos Populares. Then they put themselves on the side of that group. They knew that because of the characteristics of the region, only if they joined the old EPL guerrilla [group] were they going to be able to win the region, expel the FARC or have a chance. Because in the past they had entered, perpetrated massacres, but did not achieve anything. The social political movement was very strong in the area, and there was also a concurrence of three very strong elements.

I mention that research because it is the reason... the coordinator of the research was Gonzalo Sánchez, then when Gonzalo was appointed... I do not know if they told you something about the Law 975, the National Commission of Conciliation and Reparation, the creation of the historical memory area of the historical memory group? So there is an important thing that I do not know if my colleagues clarified to you. Law 975 was created as the normative framework to demobilize the paramilitaries, from the negotiation that President Uribe made with the paramilitaries. In Colombia we have had a very complicated tradition and that is that we have made peace bit by bit, or in a staggered way. This process with the paramilitaries takes place in the second half of the 20th century, I'm sorry in the 21st century, but not necessarily as a necessary condition to create the conditions to end the guerrillas. That is, we never had a working table during the conflict where all the parties (paramilitaries, guerrillas and the State) sat.

The guerrillas considered it almost a matter of honour, that is [they said]: 'I will never sit with the paras'. Because they said that the paras are a state policy. That is, this is a problem, the State. Solve it there with them. We never... I say it because from the outside you can say first negotiate with the paras, then the negotiation with the guerrillas will come, so everything was calculated, but no. When Uribe negotiated with the paras, his policy was: 'I negotiate with the paras, I take them out of the war, I strengthen the State'. But to defeat the guerrillas he is not thinking of negotiating with them but defeating them militarily. When Santos arrives he sees that the guerrillas reached a point where they are still very weak. They came to a standstill. In other words, Uribe's policy had been worn down at one point and the FARC again waged guerrilla warfare that they had being doing all their lives for about 40 years, they knew how to do that. That point of stagnation was felt. Strategically the war had been won by the State but this guerrilla could continue to be a major threat to national security because of that capacity in the guerrilla war.

OB: And that is why Uribe does not recognize that there is an armed conflict.

AS: Yes, also. In that context of the negotiation yes, that is why he says: 'why am I going to eliminate the guerrilla? Because there is a terrorist threat? There is no legitimacy in them'. Anyway. In this process when this law is established, this normative framework... I am going to tell you a little about this because it is very important to understand the way in which conditions are given so that the processes of documentation, registration and archives burst into the country. Because in fact it is in the first mechanism, it is the first moment of transitional justice modelled after the 975 law. It will become a source of registration of political violence in the country because there will be free elections, the paramilitaries are going to speak, there is going to be a kind of staging with particularities, with types of narratives that will remain as a file, that will arouse social and political reactions through the archives, or of another type of registration or other types of expressions.

I return to the law. When the law is formulated, it has that first model, not because the government wants it. When the process began, the government presented a law called the law of penal alternatives. That law, introduced in 2003, was an amnesty for the paramilitaries. It was exactly that, an amnesty. But, it was done, despite the fact that President Uribe had very high popularity under his entire mandate. The only president of Colombia who won re-election, the only one who has won two elections without going to the second round. In other words, with citizen trust and [very high] levels of popularity. Despite all the scandal that occurred in Colombia of the 'false positives', he was called the 'Teflon president'. Teflon is a material from which pans are made in which nothing sticks [and they called him like that] to refer to the fact that nothing affects him. The Teflon president. Well, Teflon has been falling in recent years.

AS: Despite the popularity of the president [and that] one could say [that it was] a very strong, very popular executive power and [that] one could think that he had all the freedom to do what he wanted, he did not [do it]. Anyway, in Colombia [always] there has been an ‘institutionality’ that has been important in critical moments of the country, which has worked. When I speak of 'institutionality' I mean that there have been times when the other powers of the State, the executive branch, or the public prosecutor or the judiciary, have played central roles to balance. In other words, the balance has been reached.

And that's why this amnesty law was not passed.

AS: [When] that law [was] in the congress, opposition sectors, more liberal sectors that were even close to the president began to move away and said 'no'. The international community also expressed reservations and Colombia was also at a time when it could no longer ignore the international context. We are saying [that] Colombia has requested a reservation for the entry into force of the jurisdiction of the criminal court. But it was already an issue that was beginning to be taken into account internally. What we are going to do is not only cooperation, it is not just that the more liberal or opposition sectors are opposed, but that the issue of the international criminal court is already in place, and the issue had an important impact. So there was a mobilization of those sectors within the legislative power, there were sectors of victims who said 'no'. The paramilitaries also have a very strong burden because around the issue of paramilitarism we have a force within the conflict that was not a force that militarily attacked anyone. It was a force to attack the civilian population, so this issue of how it was going to be treated was very sensitive. Unlike the past and what previous governments have done with the guerrillas when they were going to negotiate, it was clear that the guerrillas also carried out military actions and attacked military objectives, they were armed apparatuses for war, they defied the State. And there we have an armed apparatus that fights little. That attacks the civilian population. When attacks appear, it is because the guerrillas attack them, the State does not attack them, nor do they attack the State. It was a very sensitive issue because they committed serious violations of human rights such as massacres, sexual violence, murders, many crimes against life and the physical integrity of people...

And above all, the violence they committed was very lethal, very devastating, and we are not dealing with a military force, it is not as easy as justifying them as a military force. So there was also going to be sensitivity around the issue. Then that law of penal alternative had to be withdrawn and the government had to place another one. And the law that came out, Law 975, was the product of all this balance of power, of internal forces. It is a law that basically resolved two issues. One fundamental issue is that the sanctions for serious human rights violations are no longer ‘amnestiable’. It is the first legal milestone where they are not going to amnesty everything, nor will there be widespread amnesty, serious crimes deserve punishment.

And a punishment was defined with a retributive penalty, that is, a criminal penalty of 5 to 8 years in prison for effective cooperation. That is, I have to confess the whole truth and if I confess it, then the legal benefit I have is to go to jail but between 5 and 8 years. Of course it is terrible, it is a political negotiation, the relatives were furious because jail no, under no circumstances. And the government carried a negotiation agenda that Colombians never knew because they told them 'no, it has to be done with discretion, with reservation', [so] it was never known.

OB: The agenda that they had with the paras.

AS: Yes, the agenda, unlike what happened with the FARC, the government said there are 5 points here, of course there are reserve quotas while we negotiate but the points are these, and the family members did not know what they were. Then that also gave rise to speculation, it was said then that there was an underground agreement that said there would be no jail for the paramilitaries, they would be allowed to participate in politics, and that their fortunes would be legalized for example. That there was not going to be reparation. In Colombia, nothing of that was talked about until this law appeared.

Then the law, the most important thing is that it begins to speak, establishes a first model of transitional justice but establishes it around the model of sanctions. It says there will be jail when the law goes like this. The laws in Colombia do not arise as they do in the whole world, you have to go to the institutional court to evaluate if it is in the constitution, if they are legal. So when the courts review [the law] they can say: no, here are some things that I do not like. Then, the court can declare the entire law or a part of it accessible, what it does not declare accessible cannot be applied, that is, it can repeal through what it declares. So that's where the judiciary comes in, and the court says: 'Yes, it's clear, confession of crime, they will have to pay penalties of 5 to 8 years in prison', but at the point where the court gets involved, it did not accept sedition as a political crime. Because the paramilitaries are not attacking the State, they attacked the guerrillas to defend the State. So there was no way to justify that there was a political crime, sedition or rebellion, there is not. When the sedition was removed, the paramilitaries not only went to jail, but they also could not participate in politics.

The court.

AS: Yes, that first moment is very important because this happens in the middle of the debate for everything that happened to us with the referendum, those two points. Prison and political participation. These are issues that remained from that time. Those who later became opponents in the agreement with the FARC, at that time were in the opposite position. Those who today are in favour of the agreement, in the past were detractors of the paras and those who were defenders of the paras, today are opponents of the guerrillas, of the agreement [and] of the type of model. The claim of the most radical sectors that oppose the peace agreement with the guerrilla has those two central points: jail and no political participation. They do it by saying...

Today

AS: That seems to be politically motivated by a spirit of justice but also has a lot of political revenge. It's like [saying]: 'You told me back there that I was going to get something, now it's my turn to tell you what happened with you back there'. That broke the agreement, in fact [broke] the negotiation with the paramilitaries. It broke the negotiation, it did that when this law was then implemented, with the negotiation broken the paramilitaries began to tell the truth and tell things. That perhaps in a context of agreement with the government had not been known. That is, they also used the truth in a reparative way. It is like: I am going to take revenge on the government [35.43] by using the law. Finally, [they say:] I'm going to pay with jail but I'm going to tell everyone who was involved. Well, this model of transitional justice was only applied to members of armed groups organized outside the law, that is, only guerrillas and for the military, so it does not include State agents. In Colombia [36.00] a victim of a State crime could not apply to that mechanism. Neither as a victim, nor register.

Because it was not war, that's under the Uribe government.

AS: That is under the Uribe government. He is consistent with his speech of terrorist threat. Since it is a terrorist threat, every action of the State is legitimate, and I [Uribe] am here giving a solution. And it was also ambiguous with the issue of the paramilitaries. On whether there will be a political recognition that they participated. Then a victim of state crimes committed by State agents could only be a beneficiary in a measure of reparation if there was a judicial sentence. So in this context, when you read the law and review it, the whole law is very focused on the benefits or on what we are going to do with the perpetrator. It begins to talk about victims, it begins to talk about reparation, but the law itself has no concrete mechanisms to materialize that. The victim is a ghost that crosses the law, sorry for the expression, but the law is designed for the perpetrator. That means, what I am going to do with him, what benefit I will give him, what he has to do, what he has to deliver. But there are no effective mechanisms with funding, with budgets, with people, with the capacity to guarantee the rights of the victims, there are none.

And of course, for the civil society organizations of the victims, the fact that prison sentences were between 5 to 8 years is a very painful issue. Because it was considered that there was not enough proportionality between the seriousness of what happened and the grief. So the subject could satisfy things internationally, but [here] people said 5 to 8 [years] is very little. We are going to have a discussion of when justice ends in the perspective of the victims. But for you to understand what this implied for the victims, the crime in Colombia that has the highest penalty has 60 years. So spending 5 years [in prison], or between 5 and 8 years, you may realize, it's like 10 percent of the penalty for very serious crimes that happened in the country.

So even though the law had these adjustments, in any case there were sectors of society that opposed it because they felt that the victims were not being included. The law was designed for the perpetrator, only [thinking] of the perpetrators. So it was a law that socially did not have any total legitimacy, it did not generate a total consensus in society. In that law, a mechanism called the National Commission of Reparation and Reconciliation was created. That instance that is created there is the one that begins to touch these issues. Because the Commission seeks to work on the issue of reconciliation, reparation, historical memory, and the issue of mobilization, disarmament and reintegration of those who had demobilized. [Those] were like the four functions. But that commission did not have budgetary autonomy to give compensation to the victim.

They were a ghost.

AS: These commissions had neither budget nor administrative powers to execute. They generated guidelines [and] did activities here or there. So it is a law that before the victims and civil society organizations and human rights was a law with serious questionings of legitimacy. So when Gonzalo Sánchez was offered to be the director of the area of historical memory, he was aware of the problem [and] he says: 'I would accept the area of historical memory if you let me work with that area as an autonomous group within the commission'. That meant asking for autonomy for that group.

As the commission was formed, all the parties of the commission had to give account to the direction of the Commission, to the plenary of the commission. That is, everything had to pass by them, that was a thing. If we were part of that commission, we all had to wear the logo of the commission. So he asked to work autonomously, and what that implies is that ‘I do my work, there is no censorship, nobody checks on me, nobody reviews my work, I [can] have a blog of my own to approach the communities so that the work is serious. And they let me make my own team.’ Then he made his team, called very important people, with very long careers, and the only person in that group that was totally unknown was me. And besides, [I was] the youngest of all. He called me for the book [41.00], which had gone out in academic spaces, and even today I asked him why he called me. Then, all the other people [were] very recognized academics, independents. He called people from different universities, an academic profile from different universities. So, as the other colleagues have already told you, when we started the work, the mandate of the historical memory area was one.

OB: In what year was this?

AS: It was 2007, he forms the group in 2007. He was offered to do it in 2006 and in 2007 he calls us all and forms the group. So we were 13 people: 12 academics and him. And the mandate that the law gave us, that 975 law for the area of historical memory, was to prepare a public report on the emergence and evolution of illegal armed groups. In the framework of the armed conflict, about the history of the guerrilla in Colombia, not of the armed conflict because there was no armed conflict.

Of the groups.

AS: [Of the] illegal armed [groups]. Then they asked us for a kind of history of the origin and evolution of the groups. And they gave us the mandate that that law had, that law had a mandate that ran from 2005 to 2013. In principle it had to end in 8 years, that was the period of transition that had been set with the paramilitaries.

Sorry, that was your work period or the period you should study?

AS: Of the law, complete. Until the law expired, because it was transitional, we had until 2013 to do the work. Then, when Gonzalo forms the team, [interruption in the recording min 43], he made the logo of the memory group, we adopted the logo, we left the building where the National Commission was and we got a separate house where we placed the logo. And as I say, we did not have to go through the commission to get approval, and the plenary of the commission accepted that autonomy, [they said] do an autonomous job. So the mandate they told us was: make that story. So what Gonzalo told us in the first working sessions was: 'we have until 2013 to do this'—we were in 2007, so we had 6 years left. Then he said: 'we could put something together with all the secondary literature produced in Colombia about the conflict, that would not be a problem, we can build something like that. Or we can do something different where the work of memory is not a traditional academic process but we develop social processes’, and he said: 'Our mandate can be investigative but I want it to also be political because that is why I asked for autonomy. I did not ask for autonomy to lock myself in Bogotá or to write from what others had done’.

Sorry, it will continue throughout the history of the group and the centre, we saw that very strongly.

AS: Then he says: 'We are in a context where the law only cares about the perpetrators', in fact in that year 2007 when he is conforming us as a group, the 'free versions' began, the paramilitaries started to recognize their crimes and confess their crimes in judicial spaces. I do not know if the colleagues told you a bit how this happened.

I do not remember.

AS: This was a very particular staging, it was a judicial scene, first of all. It operated in a judicial office, in the centre of the judicial office was the prosecutor who was in charge of the case, there was the public prosecutor's office, the Defensoría del Pueblo, and there was the accused. There was no audience in the room, [and] the victim was not in the room. This was transmitted to the victims by a closed television signal to a room, to an alternate room. Then the perpetrators did not see the victim, it was not part of the judicial scene. I say that because when we go to talk about an archive this has an impact because the record that was left is recorded.

In audio or video?

AS: In audio and video in the prosecutor's office, it is a judicial file. So the judicial record that is later a historical record is the only one that is recorded on video that shows the face of these actors of the judicial scene. The prosecutor, the public prosecutor, the lawyer and the perpetrator, and the victimizer, nobody else. The victim is in another room, and he is watching it on television. The victim does not speak directly to the perpetrator. Sometimes he was given the floor in the other room. A judicial investigator from the prosecutor's office collected the victim's questions and [then] asked them to the courtroom.

This was also creating a feeling of discomfort even worse in the victims. The victims did not like the law because they said: 'here there is nothing for us'. There is nothing of reparation, of attention to victims, the law had nothing of reparation to offer to them. [The law] was designed for the perpetrators and the issue of transitional justice, but thinking only of the retributive penalty and of the confessions. So, if they did not like it when it started, they liked it less when they started seeing this. And there was a phrase that they used. I attended several of those statements and I was in the room with the victims. I want to mention this phrase because I think it captures very well the discomfort and feelings of impotence of the victims. Because the victims said: 'we do not want to be in the room because we are going to kill him—but they said something very powerful—we cannot even pinch him'. To pinch is to press, deep down it is to say: I want contact with the other that is there that killed, and I cannot. That is, the gap still remains. So, this type of registration, which is the judicial record that remains, which later will become a historical memory file, also caused a second effect that was what the country saw when these sessions began, which was what was news.

The perpetrator.

AS: Well, the perpetrator. And in the images that were shown in the news, the judicial scene is shown, but the victim does not appear anywhere. They show the images of the judicial scene, and in the next room the victim could write a note on a piece of paper and send it to the other room. There was a type of rule to conduct the judicial action and it was that the official, the prosecutor who directed the judicial scene, spoke to the room where the victims were and asked them to write the very specific question on the piece of paper. So it was not what the person wants, but the concrete question. When the question was too long on the paper, the researcher summarized it. Then there was a set of mediations so that the subject did not arrive. Also because the judicial device is also very concrete, that is, when they arrived, they did not want to hear: 'this was the husband, [or] it was like that, or it was like that'. The importance of identification did not matter for the judicial system; the judicial system needs facts. 'Mister, say what you are claiming', and 'mister, you, who are accused say, did you do that?' And why he did it. The victims many times in their paper would write: "no, vindicate the innocence, the dignity of the person, that was a family project that was lost" no, nothing of that matters.

I think you remember the case of false positives. There was a case of a boy, who was also disabled, where one of the military who were judged ended up offering to give a lecture in human rights. That is, not only did the perpetrator have a voice, but he also had an authoritative voice and could make a political speech in his favour, even being sentenced to five years.

AS: No, I do not think, the one you mention must have been in ordinary justice because remember that the military could not benefit from transitional mechanisms. Then it was ordinary justice.

Sure, because it was safe for that case.

AS: And it must have been a legalization of the capture, in those cases of ordinary justice the victim can be there and has an audience. Here there was no audience at the scene. There was one that was judicial evidence, another that was recorded and the prosecution recorded the media, and what the media wanted to see was this, when this scene appeared. Well, I was telling you that the victims wrote things in their papers and passed them on, and the investigator had the power to filter them with the concrete judicial ritual of 'I ask for facts, I do not want any different expressiveness here', I am looking for the facts only. There was another code in the room that was a code of conduct and it was that expressions of emotions were forbidden. It was considered that it was a very arbitrary rank and that they could alter the judicial performance. I mean that if a person went into crisis and cried [they said to her]: 'No, ma'am, you are crying, you cannot be in the room'. There was an internal regulation for when the victim was crying.

VB: I understand that the work of the Centre was like compensating in the process.

AS: When we started, seeing that all this was happening, Gonzalo said: 'the meaning of the autonomy, of having political independence to do our social or ethical work is to compensate for this imbalance'. So how were we going to build our legitimacy? He said: 'In this context we have to give voice to the victims'. And secondly, we have to go to the territories where the violent events occurred and work from a concrete and visible experience, and that is where the idea of emblematic cases comes from. That is, we are going to work in a region, we are going to give a voice to the victims of a region, in a specific time and with a specific event and listening to their voices in a preferential way.

It also happened that the judicial operators often did not have enough preparation to assume this transitional path. Then they operated as ordinary justice operates looking for the facts one by one, so they were also very long sessions and the prosecutor handled the cases one by one. When they were going to judge they did not see macro cases or systemic crimes, nor patterns, because one of the principles of the national justice is that before the immensity of cases that it has, it prioritizes cases or works with a couple of cases, or [works] with patterns of criminality because it cannot count one by one. If it was for the one by one count, it should go to the ordinary justice. They were transitional justice but they operated as if they were in the ordinary justice that was one by one, they did not ask about the attributes of the cases that I see, what pattern I see, no. They asked the perpetrator for the one by one.

And then it happened that because of the design of the confession, that is, the logic in which the confession was given, the perpetrator dominated the scene, because he started talking and nobody asked him anything, it was a free version. He would arrive and he would say: "I am going to confess my crimes". The judicial scene did not start with the prosecutor saying: 'well let's start this hearing, I'm going to start asking.' It was a free version. 'Begin by telling [us] the facts you will recognize'. So what these actors began to do was that they did not start by narrating the criminal facts, but they began with the history of their origin and began to make a political claim of justification saying: 'We saved the country [and] the State. If we had not been there the guerrillas would have taken over this country, we are the saviours of Colombia', and the victims were in the other room hearing that without being able to express anything. Then they built their history of the armed conflict becoming the heroes of what had happened, justifying the crimes. And only after narrating that they began to enumerate the crimes, and when they talked about the facts they reproduced the logic of criminalization or stigmatization of the victims.

Their speech was: 'Everything that happened was because I defended the people, because I saved Colombia from communism, I saved it from the guerrillas. All those I killed were communists and they were guerrillas'. They were saying all the time: 'They were guerrillas; they were...' And they started to make very interesting discursive processes too. Sometimes the victims questioned them by sending them a note saying: 'But where did you get that information from? It could not have been like that'. They did not stop justifying, but instead they said: 'It was the information I received'. It was as if they said, ‘if somebody is guilty, it is not me.’ That is, they had a set of resources all the time to justify and evade responsibility.

There were issues that were also very painful for the victims and I believe that they are related to the dynamics of the war itself and to the dimensions of what these actors did. And it is that at one point, because of the magnitude of the crimes and because the public prosecutor was showing the cases one by one, the perpetrators said: 'Do not show me more faces because I do not know them, and I cannot remember everyone'. It was not just a matter of cynicism but the scale and dimensions of what had happened were such as, that as one of them said: 'There is a moment in the war when you lose the account and it is better to lose it'. That is, of course they are organized groups and there are systematic organized machines but at some point they said: 'It is not that we were keeping records of all those that we killed. At some point we lost track'.

This for the victims, back in their room, was totally painful. The fact that their particular case was lost in that immensity and that the perpetrator said 'Give me more data to [see] if I remember if I participated directly'. And it was very hard for them to be told: 'Do not show me the pictures anymore because they do not make sense to me'; 'Help me activate my memory' the perpetrators said, 'Tell me which street it was on, or what particularities that death had’. Then the victims on the other side said: 'No, it happened in this place, remember the victim who ran away'? That is, they were anecdotes to activate the memory and if the perpetrator had been there, he said: 'ok, I remember and that case was like that'. In another [case] he said 'I do not have the slightest idea'. But a very strong moment was when someone said: 'Do not show me the photos anymore'. That for all the themes of memory and for all the victims is a subject that is too sensitive, the centre of everything, the axis of humanity is in the photo. In other words, the photo is the return of the almost denigrated person, and that is tremendous.

But those were a little of the dimensions of immensity that they dealt with when he [the perpetrator] said: 'It's just that I do not remember', and also the bureaucratic recurrence of them in the sense of saying: 'I do not remember, but I'll take his name on a list, and when I go and meet with my men I'll read it with them and I'll bring up the reasons of what happened'. So that was the context, that was the type of records. I mean, I mention this because that staging of the law leads to a type of file that exists today, which is the judicial file, which at some point will stop being protected, but despite being protected today, some social researchers still use it. Even we have used part of the information that is in those files. It is protected because they contain judicial procedures, and until there was no sentence they could not be [used]. In other words, they were considered a summary reservation and in some cases the people, as they had fought with the government, began to say the names of the soldiers who had collaborated, who had supplied them with the lists.

So this file also has an impact on another file that I would call the "social file", which is the one of the media. If one looks back, what was news [at that time], the news was the perpetrator talking about what he was denouncing, the link with the military, with the politician who appeared. From this process arose the most important thing in terms of truth left by the process, which was that one could see by itself the dimensions [of the conflict], because [those people] began to tell, to tell, to tell, to tell things, and a series of dimensions that were not part of the war began to arise: The country was confronted with the issue of atrocity. That is, in Colombia we did not believe that people had been dismembered, nor that they had used chainsaws, we did not believe it. The victims said it and we did not believe them. In these scenes instead, they narrated that, and they said why they used those methods, what things had happened. And also all that was news for the media. Looking at the media files now, one sees that there are confessions that they used ovens like the Nazis in the Jewish holocaust, that they used the chainsaw, that they used the school of dismemberment, that bodies were thrown into the rivers, that there were many common graves, and that was the centre of the discussion. And there were very complicated moments in those confessions as well, and that was when they contributed different proof to their testimonies. For example, a video recorded with a cell phone where a paramilitary was dismembering a person was leaked to the press. Those kind of things were news.

Did an internal competition arise within the paramilitaries to see who would tell...?

AS: No, no

Were certain effects not enhanced because they were in the public focus? Because they had the floor, they did not want to tell ...?

AS: No, I do not think so. I think that each one of them was telling the issues that were happening, they were showing a little of when the order had arrived, how it had arrived, no, there was no.

Because you are talking about the effect of being able to measure. The story told by the paras of the massacres that they committed allows, as a side effect, that society realize the size of what occurred.

AS: Yes, but for them [the paras] it was an act of competition of what had been the worst atrocity. In fact, there was a case where a paramilitary confessed about the kilns, about some crematoriums he had installed in the north of Santander, this is in this region of the country, Catacumbo, and he ... [1.04.00] confessed about the kilns. Then, of course, everything that the perpetrator was telling generated fascination not only in the media but also in researchers. So, they went [to visit him] and there is a note that was very interesting at the time where a well-known chronicler from Colombia is going to interview him, and the chronicler tells him that what he is saying [also] happened in the holocaust, and the paramilitary tells him that he did not know, [and] that if he had known, he would not have done it. All these kinds of banal things, whatever.

But something about that fascination seems to me, I emphasize it as that phenomenon of fascination against the story of the perpetrator, that it was the legal instance propitiated by the State that provided, that facilitated that scenario.

AS: I think they create the condition, but it depends a lot on the society that echoes that fascination. Because they invited journalists without knowing that the paramilitary was going to reveal that, nor would they take it, the prosecutor knows.

No, totally. Not as a conscious effect of the actors involved but what happens from that scene.

AS: So that context is very important because there a kind of file is generated, that is, the mechanisms of transitional justice are creating archives but also counter-archives. In this context we are born in an institutional context but we are a contra-institutional alternative, from the inside. Because we say, we are going to work on the issue of the victims and since there was also discomfort because there was no recognition of the people of the State, we decided to start the emblematic cases with a case where paramilitaries were involved, because the ones who were demobilizing and confessing were paramilitaries, and [with cases] that had the participation of State agents because they were not recognized. And the decision was politically deliberated by Gonzalo who said: 'We have to see how far they are going to let us get there', and you do not know how far they will let you get by doing things little by little, and later make it hard. No, make it hard. And we are going to touch on an issue that is recognized by the State, which is very strong, related to atrocities committed by paramilitaries but with State participation. [The case of a person] that was condemned by the State in Trujillo. And we are going to start up there. He told us: 'Our work can last six years or it can last a month, or it can last [until] our first book, and our first book does not close, we'll see'.

But we were just part of a larger phenomenon that was beginning to happen, which was that in the face of this implementation of the law, society and the victims were beginning to react. In Colombia, most of the victims when we began to know the dimensions were not organized. In fact, such a long war of course has the effect of destroying people’s organizational capacity and breaking social networks, that is a very strong thing. That's why when you know the real dimensions of the war in Colombia, you admire much more the NGOs that worked inside the war, they did an impressive thing. Then two phenomena occurred, in front of this reaction, in Colombia occurred what we have called an explosion of memory initiatives. Then people began to organize more demonstrations, people began to paint murals, people organized plays, people began to do what they had in mind, they started doing commemorative acts. More incipient files began to be organized in the country, that surely somebody had told them about the nature of the file that was being collected, people began to make notebooks, there were people who began to make notes, or [who were] making initiatives where they commemorate the victim.

Building parks, building monuments, that kind of thing was done in Colombia before, but after 2005 and this law, people believed that the law was going to facilitate it, but no. It is an unforeseen consequence of the implementation of the law, and of the shortcomings of the law that generated this reaction against the institution to develop all these types of expressions of memory and archives. Then initiatives of people who began to make copies and to take them to the newspapers also began to appear, with the idea that this had to be documented, the idea of documenting was to recover the dignity of ‘my’ victim. They began to organize archival processes that consisted not necessarily in documenting to condemn, but in documenting to dignify. And to build a version of the victims that was not being recognized in the judicial process.

And the other very important thing that happened with the law is that despite its limitations, when the judicial process started, the victims also had the option to go and present their case, denounce their case so that the perpetrator could be confronted about whether he was responsible or not. And that's another file that is resting in the prosecutor's office. We at the observatory picked it up to work it. And with this work, a huge testimonial bank was created in the prosecution because the victims had to go and give their statement, register to the mechanism so that then those were the facts that were going to be asked to the military later.

It was an impressive narrative space, the prosecution had 250 thousand testimonies of homicides. The prosecution had a notion of conservation archival practice, because [those testimonies] were on paper and they digitized everything, all the testimonies were digitized. And of forced disappearance [they had] 55 thousand testimonies, that implied that since the State was the depository of the information, it was before the State that it had to present this because it was a mechanism of transitional justice implemented by the State. [Then] from one moment to another the State became a great repository of the voice of the victims. Because where these testimonies are, they are [1.12.00] there is no civil society organization in Colombia that today has the testimonial bank that the State has through all the mechanisms of transitional justice it has created.

There is a testimonial element [and it is] that we have voices of the perpetrators, with a particular type of audio-visual record, with a staging. Now they appear, they come to fight to speak, the victims do not appear and the victims are in that double hiding in which they are not in the judicial rooms and they did not always use all their testimonies to ask the paramilitaries what they have done. Some of these testimonies could not be applied to the paramilitaries because the law, as I said at the beginning, was for organized, illegal armed groups. These were not only paras; they were also guerrillas. So over time there were guerrillas who accepted that law and there were many guerrillas who did not, so the prosecution could not ask about the guerrilla cases. But here is the input to use now that the [GETO 1.13.15] began... it has had to take all this because people did show up, because the law said "organized armed groups".

So this is the first framework, and we made a bet where we said: 'Our autonomy will only make sense if we achieve social legitimacy, and social legitimacy can only be reached if we activate [certain] processes. So we are going to go to the territories, we are going to listen to the victims, [and] we are going to build the case with the victims'. And the documentation process par excellence for us was literally the voice of the victims, which means testimonies, fundamentally. We also started to go and see ourselves questioned because when we began with Trujillo, [1.13.00], which was our first case, it was a case where we had the victims' voices and files of the victims because as they had given their case to the State and the State had been convicted, it had been forced to build a park-monument in Trujillo. And in the park-monument there is an exhibition and there is an archive, or they began to put together the file. Then they brought the stories, they brought their posters where they had the photos and they built a document that over the years came here to the Historical Memory Centre, it came because of our past as a memory group of Trujillo. And that document was declared patrimony, there is a figure that UNESCO uses for archives that it considers heritage, but I believe that it is an imprecision if I say that it is of the humanity. It is a heritage of memory of humanity, is a very important one of the UNESCO, and because in that massacre a priest was killed, he became the icon of the massacre, of everything that happened in that town. Because Colombia has a deep religious Catholic tradition, touching a member of the church means to break a cultural taboo. It's like condensing all the atrocity in the figure of the father. By father I mean the priest, who was killed in a very cruel way—he was dismembered, so people made him a martyr. In fact, a painting was painted in which he appears as if he was Jesus Christ but totally mutilated, his trunk appears. That was also the form of memory of that community, which is very painful because it is of martyrdom, of suffering. So due to the memory of the massacre it is sometimes very difficult to find a drop of hope there, because everything was chained to that idea of Jesus Christ living the martyrdom on the cross, then this is like the martyrdom that this community lived, then it is a cyclical thing.

And at the end in that town they made a small chapel for the father [priest], and there they placed the oil painting where this figure of the crippled Christ appears, it is like the one of Bojayá but in painting, only that it has no head, it is the trunk only. And they left a book, they left it there on the altar where people could write stories of gratitude to the priest, they wrote them themselves, the children can make drawings of what they wanted. And the book was filled and filled, and that book is still in that chapel. And that book was the one that received that special recognition from the UNESCO of heritage and memory issues. And that book over the years was brought to the Memory Centre.

[They said:] We are going to hand [it] over to the Memory Centre because we started with that case. Then there were files of that nature, on paper, where the same people were the ones who kept their records. And it was a registry, that in the middle of the density that case had had due to the martyrdom-like iconography of case..., the text did not speak of the death, it speaks of the work that the priest did, the advice that the priest gave, it speaks of the seed of life that was the priest. So as I say, this was a very important long-term memory initiative, and it was happening in a much larger national context where other memory initiatives were taking place and that is what explains the subsequent emergence of the victims' law. All that social and political unrest that had been generated by how the law was being implemented, because it was a model of transitional justice, that was only thought of when the perpetrator and the victims were absent, made the victims begin to mobilize. Then the law of victims is a consequence of the gaps and shortcomings of the Justice and Peace Law, that is [law] 975. When this law is implemented, it triggers all these social processes. I say this because when one sees it as an historical sequence and people believe that the State said: 'we are going to make the law of victims' as if it was a natural development. It was not a natural development of anything, it was even unforeseen consequences of the political process, nobody controls the political process that is having this. But that law began to be discussed with the Uribe government.

The one of victims.

Yes, the victims, in the congress, but the law was not approved during the Uribe government. Why did this happen? First, because the victims, above all, of state crimes, claimed recognition of the principle of equality before the law. They said: if a claim can be filed for reparations and for attention to the law of victims for those who were paramilitaries, for those who were guerrillas, why cannot it be done for a State agent? All access barriers to accessing those Reparations at that time required that there had to be a court ruling. Then that principle of good faith that was applied to those two, people said: 'apply it also for state agents'. And in other measures, of course it was an important issue [1.20.00] because it implied a discursive incoherence with the official discourse of the terrorist threat, and it would imply recognizing the armed conflict, introducing State agents.

The second topic of strong discussion was that a very important sector of the victims claimed that the reparation of the State must be done under principles of responsibility and not solidarity. In the law of victims there were two positions, one that said: The State will give compensation and will rehabilitate for solidarity, because they are its citizens, but it is not responsible for what happened to the citizens, it will not accept that criminal responsibility. [And] there was a sector of victims who said: no, reparation must be based on the principle of responsibility and not solidarity. Finally, the victims law was also made based on the principle of solidarity, not the State assuming responsibilities. Because for the State that was super complicated because they felt that meant recognizing issues that later in the international arena, in the inter-American court and in the entire international judicial system, were going to be complicated.

And the third [topic] that was why the law ended up falling, which was very complicated, was that this debate that was ethical and political, but above all ethical, ended up bogged down by a fiscal and economic debate. The Uribe government said: 'I am not with the victims’ law because it is unviable fiscally speaking'. At that time, we barely had projections of how many the victims could be. We did not have trustworthy data of how many [there] could be. So [the law] sank in the legislature of the Uribe government. Then when President Santos arrived, he quickly took it as one of his flags, he also did it to set the peace process with the FARC. During the first year and a half, discursively it is not that he said straight: 'There is armed conflict'. He was doing it progressively, but in the first year and a half, because in that first year and a half was when the secret dialogues with the guerrillas were carried out to define the agenda. He announces the agenda with the guerrilla in 2011. He says: 'Yes, we are meeting with them, we have a goal. We are going to negotiate with the guerrillas'. But before that, he was very cautious, he was slowly creating the conditions for the subject. But he approves the victims' law before the country finds out that these dialogues were being carried out. And I think it was also approved to acclimate the negotiation a bit. So the victims' law is a little 'watered down' in 2011. Because we already have a new mechanism of transitional justice but this is more focused on the issue of laying the foundations of a public policy for the reparation pension to the victims. It recognizes by principle of equality that the measures of attention and reparation will be for all victims, including those of State agents.

The government ditches the discussion. They see projections, projections that later overflowed, and other institutional political projections that changed the map of fiscal viability a bit. We are talking about the issue of fiscal viability because within the measures of reparation, the law contemplated that actions would be developed in five measures for an integral reparation. That is to say, it would be guaranteed that it was also a law of land restitution. Meanwhile, a special judicial jurisdiction was created to guarantee that the judicial processes for people to recover their lands were more expeditious. In legal terms, the burden of proof was reversed in favour of the victim. If the victim presented a claim, the one who had to approve the validity of the claim or the legal support of the claim was not the victim, but whoever was affected. They were the one who had to demonstrate, in good faith, that they did not do it by violent means. It was the one that was affected by the property, not the victim who carried the proof. That was a special jurisdiction that was put together for the issue of restitution, and it implied creating more state bureaucracy.

The rehabilitation measures involved a whole package and a program of psychosocial care. But the ones with the greatest impact were clearly the compensation measures, because they contemplated a scale for the different victimizing facts. [It involved] recognizing an economic amount as compensation. Then there were victimizing events and for each one of those events a specific economic amount was recognized. Not all the facts of the war were recognized, that is very important for that other institutional file that is going to be called the Single Victims Registry. That is another novelty of the law. A unique record is created. Until then we did not have the universe of victims, we [did not] know how many they were. In fact, the government risked making the law with projections of how many there could be. And it did so considering those victimizing incidents that were left. So there were the homicides, the personal injuries with incapacities of more than 30 days, forced disappearances, kidnappings, conscriptions, mines, sexual violence, I think they were like eight incidents. That left out some incidents. What was sought with the incidents was to guarantee all the measures, so that's why they did not allow all of them to enter. The biggest of all of them is not included, which is the forced displacement. Later on, over the years when we built the universe, [we realize that there are] 8 million victims, 7 million displaced. Then the government made the calculation, and between direct and indirect victims, there was a universe of one million to one and a half million, counting homicides and disappearances. Because in addition, the law established that compensation was not for the extended family nucleus but only for the first degree of consanguinity. Well, they established some specific rules. Then the calculation was done over that. But obviously the fiscal projection for a million and a half is very different than for eight million people.

Today, in the morning, we read you in an article and it is the same thing that you said in the article. Yes, indeed [laughs].

AS: Arbitrary arrests, for example. Southern Cone organizations would come here because of so much protest. And I think it did not end up being an issue that generated so much social mobilization. Of course in the groups of crimes of State it was, but it wasn't in the rest of the society. Maybe because of the magnitude of the other issues, 80 thousand enforced disappearances, 280 thousand deaths, I think those kinds of things...

I got lost in this. What happens when [there is] this legal vacuum of the non-recognition of forced displacement as one of the victimizing incidents ...?

AS: The explanation is that for the purpose of repair and construction of the institutional file that gives an account of the victims of the conflict, it is left out in this first moment.

Oh, because there was no awareness at that time that there was…?

AS: No, it was because of the fiscal problem.

Because there was no money.

AS: Because there was no money. The State said: 'With a million and a half I can do this.' But what I want to emphasize is that these decisions of [numbers of] victimizing incidents give rise to an institutional archive that can then be occupied as a historical archive, under the false belief that it accounts for everything and it does not. The regulations, the rules based on fiscal criteria conditioned the facts and make up a file that is consulted [nowadays]. What the document ministry is trying to do: 'Beware that all the facts are not there, I cannot say that these are all the victims, they are not'. Second element, the issue of forced disappearance, torture, threat, those kinds of events, were not included. If there was an event of harassment, let's say someone said: 'Someone is watching me'. All that kind of harassment, that climate of psychological violence, none of that was included here or even recorded.

And therefore it was not in the RUV

AS: And therefore it was not in the RUV, not even arbitrary detentions, threats, or tortures, just to name three very common in the southern cone, arbitrary detentions and tortures that are very sensitive. They were not included in the registry here. I am sure that there must have been some pressure from the Ministry of Defence, from the militaries because it is a type of modality that exposes them more to them. Although I believe that there are historical moments that have a great importance in terms of dimensions, but as a set it does not have it. Then the military was not going to like it very much, not because of the historical set, but because when you were living with your dictatorships in the southern cone, we also had something similar here, but under constitutional government. We had many states of emergency, that is, here something worked called 'National Security' where things happened similar to yours, not on the same scale, many arrests did not end in disappearance, but at that moment, that historical period that was between '78 - '81, people were very afraid of the military.

That is, they do not want anything to be touched there. Because they know that there were arbitrary arrests, there was torture on a scale that says that 80 thousand people were arrested and that all the detainees were tortured. There were not consequently 80 thousand disappeared, no. There were very few compared to what happened in the southern cone in Chile or Argentina, where the dimension of disappearance has been documented. But if it has been said much that there was torture. At that time, too, the arbitrary nature of the detention meant that civilians were brought to trial by a military court and tried.

So they do not want that to be touched. So I think that it was also related to that. That pressure that the State applied by saying: 'It is good to recognize the principle of equality but do not include those crimes'. So, in this archive when one speaks of victims of State agents, although the law was very inclusive by leaving out the victimizing event, it would not allow the principle of equality to be applied before the law of all events.

And it also left a period, from '85 onwards?

Yes, that was the second issue I was going to tell you. And the thing is that because of fiscal reasons, it was said that a date was set for compensations and that was from the year '85 onwards.

Not for symbolic…

AS: For symbolic [reparation] it could be recognized but obviously that was not attractive for the victims. To risk [themselves] to go through the whole process only to receive a rehabilitation measure. A measure of compensation was important to rebuild economic projects that had been truncated, impoverishment... This is a subject that must also be taken into account because it happens that these files tend to be institutional, they are often taken by researchers to support their approaches and one sees them without the slightest hint. That's why I was so interested in the seminar when Oriana and Elizabeth invited us, because they talked about that other important part and that many times researchers do not do it because we consider that the source is given, and there is a sort of sacralisation of the archive, as if the file was built alone or what was written was all true, and that happens a lot. The reference is often used to indicate responsibilities in some cases. That's why the presentation encouraged me and I wrote that article, because others are using [this material], including researchers from the academy, without asking themselves that key question. And they support approaches with this evidence, without seeing how the evidence with which they are working was built. That also [has to do with] the temporality that I marked and the types of events that I chose. [Those aspects] also lead me to a file, that I must read it considering those particularities.

At what point did the displaced persons subject change, which is the true figure that is going to give a total shift to the dimensions of this issue. It happens because of a lawsuit filed before the international court by the victims of forced displacement who considered that their rights were being violated with this law and that they did not have the right to reparation. Because among other reasons, the State alleged that it did not include them because they already had a policy of attention for the displaced, that is, a policy of humanitarian assistance in some cases, of economic entrepreneurship. Also, in the government's calculations, they said: 'Well, I'm giving this kind of social policy on this side...'

Sorry. That is, the victims constituted as such in terms of the victims' own law are the ones that reveal the way in which the law leaves their case out. They were not considered; you could not speak of a victim in the case of forced displacement.

AS: That was what the victims of forced displacement claimed. That is, there is a law that supposedly is for me, but when they were not represented they said: 'A displaced person is only the one who has a relative that was killed, and he can go. I did not have any relative killed but I got displaced, they took my land, they made me leave'. Then they sued the State [and] the court says: 'The State has to take care of the displaced because it is their obligation in terms of policy but they cannot deny their rights as a victim, [and] they are doing it by not recognizing it in any way, or by believing that they can replace them by the assistance measures that they have to provide them by law'.

That is the court.

AS: The Constitutional [court] is the highest court, the last instance that ensures that all the laws that are made do not go against the political constitution, they are like the guardian of the political constitution. So everyone who fights things in the judiciary ultimately arrives there. Then they put it before because the law of victims had to be law and be recognized so that the court could pronounce itself. So, the first change that occurred is that the court said: you have to take over the rights of the victims of forced displacement. Then, they have to be included in the registry and there the record became 8 million. What the compensation issue means, they had to include them in the table but with a lower compensation. But however low [compensation] may be, multiply that by [8 million]. It changed. It obliged the State to change the criteria with which it was delivering compensation.

The court also reprimanded the State. They told it: 'you cannot deliver [the compensations] to the victims of homicide first, to the victims of disappearance [secondly], you can't. You left the displaced out, [therefore] every time that you deliver compensation you have to deliver it for the displaced too'. That also prevented [the strategy] that sometimes you could focus on a type of modality to get it out quickly, and send messages, you can send messages in the implementation of the policy. One says, if the universe of victims is low and I am committed to the reparation because there are 15 thousand victims, I do a special procedure, or if I think disappearance is a crime with which there is a series of historical social debts. During the delivery of compensation, they said, if you deliver a monthly compensation package you have to include displaced persons, in whatever they have organized. They could no longer do this kind of thing, because it would have been considered discriminatory to the displaced.

And the second moment of the law of victims happened when the law came into force. The law only applied to organized armed groups and agents of the State, guerrillas, paramilitaries, all in the framework of the armed conflict, that is, it recognized the armed conflict. But when the paramilitaries demobilized there was a part of them that did not demobilize [and] there was another that rearmed. And these groups that continued or were rearmed continued the armed conflict. The State considered those who had not been part of the negotiation and these groups who had also been involved a lot with drug trafficking. But in Colombia, paramilitarism has always been closely linked to drug trafficking. They called these groups, he did not recognize as actors of the armed conflict, and he said: 'they are criminal groups' and he even gave them a name, 'bandcri', which means criminal gangs. He said: 'this is no longer an armed conflict, this is organized crime'—Despite the fact that they were dissident groups of the paramilitaries, groups of paramilitary structures that did not fully demobilize and groups that rearmed themselves.

Basically, this was due to a State bankruptcy based on the impossibility of facing the payment of compensations.

AS: I think there were two reasons, one political and one economic. The economic was about fiscal planning: if they let the victims of the groups rearmed, if they recognized them politically they had to be recognized as victims. Then the issue was when to stop. And the second issue at stake was of a political nature: if I recognize that these [groups] are continuations of the paramilitaries I am recognizing that the peace policy totally failed with them. Everything would have ended in failure, [therefore] Uribe was not going to recognize that issue under any circumstances. Then there was also a political construction that paramilitarism ended in 2005. So what did the constitutional court do? The victims of these groups also sued them and said that they were the same only with another name, and that they were still in the dynamics of the war. [They] maintain territorial controls and behave like an organized armed group. Then the constitutional court accepts the claim of these victims and although it does not fully recognize these groups as armed actors, it does recognize a form of violence of these groups that was forced displacement, because the demand was presented only by forced displacement.

Then forced displacements of any kind also have to be covered by the law of victims and [must be] compensated. The court did not open it to all crimes: homicides, disappearances, no. Even if it had opened it for other crimes it was not a fiscal problem. The problem was still displacements, because we knew that in Colombia there were between 150 thousand and 200 thousand displaced people per year. Even while the negotiation process [was underway] during the government of President Santos, the displacements ranged between 50 thousand and 100 thousand still. They were too many. Then, the hardest sectors of the opposition said, in the past it was fiscally viable because it was for other reasons, but this got out of control.

And this issue, in comparison with the displaced within the law [issue], also begins to stimulate (we were talking about this with some people during these days) the fact that the victims are going to start thinking strategically [about] where they want be located to obtain a greater Reparation, a better economic repair, and they'll develop their strategies to see where it is better to locate or position themselves as victims. The incorporation of the displaced facilitates is this a bit? Because you said: they have to put them somewhere, under the table, in a minimum category where that economic repair is low. But we are talking about the existence of an economic hierarchy of victimizing facts, and the provision of tools for the population to be located on one side or the other. I say this to think about how this ends up twisting in some way and ...

AS: The victims see it as a gain, as an achievement that is not going to be taken away from them. Then, when all the mechanism that is approved in the peace agreement comes, they do not dismantle anything from the law of victims. The idea is that the victims' law continues, that is, all the mechanisms that will be implemented there of the sanctions, of the measures ...

The peace agreement leaves the entire legal system as it is

AS: It is like if they accumulate, it can be simultaneous. In fact, the law of victims started and its operation had not repealed the 975 law of justice and peace, that is, that law is still in force. If there is a guerrilla who says: 'no, I am going to present myself to the other law, and I will go to jail' it is in all their right, because that law was valid until 2013, and in 2012 they made a reform to prioritize and to produce sentences faster. Because after 7 years, it had only produced 3 sentences. In 2011, it only had three sentences. So they changed the model so that internally the methodology would allow... So if today you read the Colombian newspaper in a month, you can get confused because you can see that 'Justice and Peace' just got a sentence against Macuso for 2,000 crimes. You read it and if you do not have this story you will say: 'oh look, that law has already started. Look, there is a transitional justice sentence'. No, that is the first of the three that is still active. I mean, there are paramilitaries who have already left prison and have not been sentenced. But they have served their sentence, and the sentences continue to come out and accumulate the facts.

That is a totally different legal system in Argentina, because if there is no sentence they are still prisoners.

AS: No, time starts counting from the moment they are already in jail. So several left without having a sentence.

And to this day, how many sentences are?

AS: To this day there are about 43 sentences. The thing is that the first three that I tell you about, the first three years covered about 250 victims, because they handled them as if it were one case, one by one. Now there are sentences that are called 'macro-sentences'. La Mancuso is a sentence for 35 thousand victims and seeks systemic crimes, as a transitional justice mechanism must operate, it cannot do the one-to-one. They have decreed around 43 sentences and already have about 70 thousand victimizing facts from 2012 until now. But that is still parallel, only that unlike what you are going to hear now from the court that creates the peace court, this is a room within a court of ordinary justice, which was what the opponents of the peace agreement wanted. The justice and peace room is a room within the higher courts on a regional level. That is, there is no room in the court of high court. JEP that created the peace agreement is a high court next to the constitutional, the Supreme Court, the Council of State. That is what the Uribismo did not like and neither did the opponents, [they said:] 'how are we going to create a high court? No, put it as a room within the Supreme Court, within the legal judicial system. The ordinary one already exists'. The courts were also uncomfortable; they did not want the JEP to exist in the design of the agreement because it is another high court. So now every time that in Colombia the high courts get together they have to include the president of the JEP as well.

By contrast, the other is a room and there are three rooms that are in regional courts. And in the superior court of Bogotá, which is a regional court. It is not even national like the high court, who are: high court, the Supreme Court of Justice, the Constitutional Court, the Council of State, the Superior Council of Adjudication and now the JEP, so it is not a small room. The magistrates that are there are three, three judges in that room and those magistrates are appointed by the prosecution. It was not as it happened before, where a group of experts came and appointed the 38. They are three magistrates who have to process about 150 thousand events. At least that is what is estimated for the paras, and with around 350 thousand victims of direct events. In that law of justice and peace, displacement was not considered as a crime, because there they worked with serious crimes only, which at that time were: forced disappearance, massacres, murders, sexual violence...

And in the JEP there are around 34 magistrates.

AS: 38, and now 14 more will enter.

And is the [law] Justice and Peace already repealed, or will it be in parallel with the JEP?

AS: Still parallel.

Then the [law] Justice and Peace will be for the paras.

AS: [The law] is for the paramilitaries and over time there were guerrillas included too, from the FARC [and] from the ELN above all, they took refuge in that [law]. They left the guerrillas and demobilized, but because they were involved in serious violations of human rights, they sought shelter under [the law].

So the JEP is for the other guerrillas.

AS: The JEP is for the guerrillas who have demobilized now from the FARC, for State agents and for civilians who want to come of their own accord. So, I'm going back to the historical memory group to explain to you. And now I'll explain the last legal framework in which we are in the peace agreement, so that you can see the differences with the previous two, but they are simultaneous. In fact, in Colombia, the Attorney General has already asked us for some time that we need to put an end to the Justice and Peace law, because this is what happens, there is great confusion with the issue that the reform was made, that was done in 2012, to try to optimize, improve the law.

So that ended up in 2013 also repealed.

AS: Yes, it was left open but things were removed from that law. Among them the National Commission of Reparation and Reconciliation was eliminated, that was where we were located. And us as a memory group. When the new law of victims is created, the society and the victims ask for an institution dedicated strictly to memory, that was not part of a group. Then the law of victims creates new institutions. The first law, the law of Justice and Peace, created the Justice and Peace room for judicial issues, and the National Commission of Reparation and Reconciliation, which was a very shy institution that was just beginning to talk about reparation and memory issues. This commission disappears and is replaced. The Victims Law creates three institutions. The land restitution management unit, which deals exclusively with the issue of keeping track of people who claim for land from which they were dispossessed or that they had to abandon, and it is also in charge of all that parallel legal process that is still valid and has a validity of 10 years. 2011 to 2021, but it is obvious that they will extend it, the mandates. The unit of victims is created, the unit of integral attention and reparation to victims, that before was the unit of victims in Colombia. That unit is in charge of implementing the whole reparation policy, they are the ones that give the compensation, they are the ones who must coordinate all the measures for the rehabilitation issue, and for the measures of individual satisfaction of the victims.

How would that be, of satisfaction.

AS: They do dignifying acts, sometimes overlapping with those of ours, which may be that people want a little memorial in their town, or an act commemorating the massacre that happened, or a book, or a ceremony, very specific things. And the National Centre of Historical Memory is created. The Centre has the function of executing a memory task and its aim is to recover, receive, compile, preserve and analyse oral testimonies, documentary material, material of any kind that shows the violations that occurred in the context of the armed conflict. And so that they can reach that goal, I think I told you this already, we had the human rights file, the investigations of enlightenment, pedagogy and communication, the theme of differential approaches, the job of creating the museum. And I think you were told about one thing that is not part of the law of victims, which are the agreements of contribution to historical truth. They mentioned to you the agreements that must be signed by the paramilitaries, this is the lowest level combatant, who is not involved, who is not one of the maximum responsible for perpetrating serious violations. They did not go to transitional justice or go to prison. They did get an amnesty.

For guerrillas, for the both of them.

AS: No, the law is for paras.

For the lowest level combatant.

AS: For lowest level combatants who have not been directly involved in crimes against humanity or serious violations. [They] did not go to prison, they did not go to the Court of Justice and Peace. They received an amnesty. Because the only crimes in the strict sense that were imputed to them were the illegal carrying of arms and the formation of armed groups, that is, the consent to commit a crime, but aggravated. Then the law understood that with the criminal court [those crimes] could not be so problematic, so they gave them amnesty. Because they could not put everyone in prison, because there were 35 thousand. 2,500 postulated to the law of Justice and Peace which later became about 3,500. Although they are superimposed and are simultaneous there is also a snowball effect, there are layers that are added, adding, adding. Then they made the agreement but the constitutional court, when it is reviewing that amnesty said: 'There is something that does not satisfy me' and that is that these paramilitaries have to do something for their victims. That is, they were part of the group that perpetrated the event and they are not the most responsible, that is fine, I accept it, but they [still] did something. So, they have to do something for the victims, they have to contribute by doing something. They are not going to prison but they must contribute to the truth. So the prosecution said that the amnesty violated the right to the truth of the victims and of society. Then they told them that to keep their amnesty they had to subscribe to something called the 'historical truth contribution agreement', and that task was given to the Centre. That's a law called law 1424, which is from 2010, which they had to pass very fast because the government said: now all these paramilitaries are going to feel [they are] in legal insecurity and they are going to go back to the jungle again, and they are going to rearm. So they offered this mechanism and the court accepted it. This mechanism speaks about another file that is created within the Centre, which turns the Centre into a 'listening space for testimonies', but not necessarily testimonies about the committed crimes. Instead, they were about the life of the combatant, how the combatant was formed, how the daily life was in the camp, and [then they] indirectly found out about the crimes, because sometimes the combatant could say: 'I heard this thing'. This allowed a historical clarification of the structures, how they were formed, what the internal orders were like, how the whole process of formation was, the internal discipline, how it worked.

And did you do the interviews?

AS: Yes, but it was made by a specific unit of us that is called the Management of Truth Agreements. The Management of Agreements had to be created, because the arrangement to contribute to the agreements as the name says is only a contribution. That is, the Centre had to sign a piece of paper that said "he contributed" and that could not result in his testimony being only a contribution, it could be a very lax interpretation. But the Centre invented a whole methodology to give rigor to this process of contribution that consisted in telling the person: First of all, I decide. I am going to make the instruments and I am going to apply them to you, so you are not going to tell me a 'free version' of what you want. Instead, I am going to ask you. Then a survey was made to characterize the person, to characterize the armed structure, they were interviewed to also know what they knew about how the organization structure had been formed, what that structure did in a certain territory and to know the life of the people who were beneficiaries of this agreement.

And these three inputs were organized, collected, and what the person had said was identified and contrasted with other sources. With sources from the prosecutor's office about the origin, it was what the prosecution has been able to investigate about the origin of these groups. And this also gave the victims the possibility of providing information that could be contrasted by us. [This allowed us] to be able to say: 'this person is telling lies' or 'this person really contributed something'. In the end, the agreement is signed or it is considered that there was a contribution, if it is possible to contrast with another source of information or with what the victims say, [if there are] very important, very relevant coincidences.

Or in other cases they say things that we do not find in any other source, even if is a little thing it is considered a contribution because the mechanism was not judicial. It was a non-judicial mechanism but we wanted to give it rigorous methodological elements so that it would not happen that the Centre became, as we say in Colombia, just a notary that only signs. 'Someone came and gave a statement in 10 minutes and we gave him the signature', no, no, no [We did not do that]. We made a process.

Then, we began the historical memory group in 2007 and began to work in Trujillo, to work with the victims, to work with the emblematic cases, to work with victims of paramilitarism. Then we made the report of El Salado, then we made the land report, then we made the report of agents, [the one] of people who worked for the judicial branch who were killed in the massacre of [2.02.00]. We published all those works and we managed to build a legitimacy with the victims in the following way. The work that was done with them was not only to take their testimony, but, and here comes an important archive topic, we implemented strategies for documenting the cases beyond the conventional ones that we would use in the investigations. Then, in addition to the semi-structured interviews, we began to develop workshops with the communities, to do a very intensive field work that was not just the interview.

And there it was the photographer, right? The one of the exhibition that we visited.

AS: Yes, [there were also] photographic records [and] audio-visual records. But when the field work ended and we had collected the information, before publishing we returned to the community and in a plenary session we told them what we were going to publish and showed them the main findings of the research. They could discuss issues or provide more information to document some topics. That is, we clarified that in any case, although our preferential option was with the victims, we did not renounce our investigative dimension. We always defended our autonomy on that level with the victims, as well as to know the autonomy of them. We told the victims: 'if there are things that you do not share about this report, you can say it publicly even if you have worked for the report, there is no problem'. That also helped a lot, to go back before publishing and tell them what we were going to publish.

Did you have any response from the victims of the territories who said: no, not this?

AS: Most of the reactions that occurred, which we began to discover, were that there were victims who had never had the possibility of access to an explanation of the facts [that had happened to them] in the broadest possible perspective. They knew a lot of what they had lived, which was local, but when you do the research following the historical method you start to see the regional or national scales and how they affected what happened to [the victims]. When you use other sources to which they do not have access, such as the press, or the judicial file, or even the perpetrator's own voice, they saw themselves within such a complete collage that for them it was a contribution, to see all those pieces together. So in many cases, what was there was a feeling of: ''Well, here the pieces have been assembled'. Sometimes there was no reaction of saying: 'I criticize this or not', because the whole was overwhelming, a whole that we had not seen. Or that weaving threads were beyond their experience or their local environment was something that impressed them a lot. And there was a human component that was not intentional from us, but it was that in all the reports there was a photographic component, a theme of dignity, of [showing] the profiles of the victims, the very voice of them as testimonies inserted in the sections of the work was a subject that overwhelmed them a lot, even emotionally.

But after creating this registry, and now that it is preserved and accompanied from the Centre, the effective consultations to the archival material and to the registry by the communities are not too many.

AS: No. But you have to make a clarification. It may be that if within all the material for the work does not find an answer to that query, it may have to do with access conditions.

We talked about that, especially about the virtual file.

AS: Yes, no, for example, that ...

From the registry they told us that they do not have consultations. They did not find a way to bring the victims back to the Centre so that they could also make the material their own.

AS: There is the dilemma that when presenting a virtual archive, you are looking to achieve the greatest possible access, but also [it may happen that] the type of community with which you work can be dissociated from the virtual character of the archive.

Yes, probably.

AS: And the fact that the archive is in Bogotá. We also had to generate a 'consciousness of archive'. Because there are many regions, and it happened that many of the organizations experience that because they have been constantly doing daily activism, [so] when they actually arrived, people did not have an awareness of what an archive was. [They did not know] that it was important, to preserve it, to keep it, to order it. They looked at them weird, [and said:] 'Is that important?' pointing at every detail of what we were keeping. But I want to make a clarification, it may be that the victims do not access the basic inputs of the archive, because it may be that we ourselves have not taken that there, or because in those places they have not yet developed the processes to have their own archive. But that does not mean that there are no queries to the book that was produced. That is, we were impressed that in those communities the people were worshiping the book. The book has a symbolic force in marginalized communities, many of them illiterate. There we discover that the book still carries the symbolic power of being part of something. That is Benedict Anderson's idea of the ‘imagined community,’ in which the book means acknowledgment. In fact, some of the victims told me: 'the fact that our history is already written means that we are already a real part of history, we already exist', and said: 'if it is not written we do not exist'.

Then two things happened with the book: the first is that when we had done the validation, we printed it and the first place where we launched the book was in the communities. We went to the communities and before the public act where the book was going to be delivered, we went to all the houses and delivered it. And there in the photographic record are the pictures of what people did when they received the book. These people looked at the book, [and] the people of the communities where we delivered the book have read it five times, up to ten times. And it is not only because of symbolic recognition, but they are looking for meaning about what happened to them. That has a very deep psychosocial meaning. To see your voice, recognize the voice of your neighbour, your friend, recognize in the book the written history that you have not seen on television or radio, and that you have only seen in the words of the perpetrator.

VB: We have to stop here, because we don’t have much more time, but I have two things.

OB: I want to understand how the Centre's Archive is being transferred to the National Archive. Is there any part that has been already transferred to the National Archive? The National Archive is calling the Human Rights Archive [speak several at a time]. The question is: 'How is the Observatory Archive transferred to the Human Rights Archive?'

AS: No, we were simultaneous.

At first we were told by a girl who worked at the observatory who said that Ana was doing the transfer of the Conflict Memory Observatory. Is the Observatory transferring information to these three mechanisms that are beginning?

The second question is about the closing year of all this, because you said that the Centre was part of a law that expires. Is the expiration time going to be extended or how is the continuity of the Centre going to be? How is the Centre understood? Is it understood as a transitional mechanism that is going to end in a minute or is it thought of as something more long-term, with a longer temporality?

AS: Regarding the first question, I just wanted to explain that the Human Rights and Historical Memory Archive that the Centre has had several channels that feed it. One is the files that social organizations or victims choose to deliver to the Centre. Margot has explained it to you, she has the special file registry. We want to know where all the files are, who has them, what level of risk they have. If someone from that list wants to give the Centre that record, an original copy digitized, it does not keep the copy, it keeps the original, that is one of the components of the Human Rights Archive. The other one is the Centre's intern.

That comes from the historical memory group.

AS: One part is from the Historical Memory Group but in the Centre there is a Research Department. Each researcher when it finishes and publishes its book, takes all its files and hands them over to our internal archive. Then the observatory...

All the Trujillo data, and all the data are there, there are the transcripts, there is the audio of the interview, the video...

AS: There are the documents, the material from the press, everything that was collected for each case. What the Management of Truth agreements has collected, all the testimonies, the surveys, all this at some point goes to the archive. And that is internal, it belongs to us. The observatory was a project of the direction of investigations. Then I had my job, and when I finished it I handed it to the file. We finished the work of the observatory and hand it over to the archive. But we finished it because we wanted to deliver that input to the three new institutions that were created with the peace agreement.

Then there is what is in the general archive of the Memory Centre that can be consulted by the general public because we cannot deny that, and because the Centre is the intellectual owner, and it cannot give away what it owns and specially if it is a public institution. And we gave a copy to the Truth Commission, to the Special Jurisdiction for Peace, and to the JEP, and to the Search Unit. To those three institutions. Then there are internal processes within the Centre that only when they are finished are they transferred to the file. There are no file processes that are parallel or that are partially collected. No, that's like a clarification in the practice of the archive. So if I'm doing my research, for example about the Patriotic Union and I'm in the middle of my research, the Archive does not have half of my file. They tell me: 'Only when you finish give me all the support of all your research'. We work like this. The same for the processes, there is the institutional file, the administrative one.

Ask if the photographs of Jesus

AS: Well the photographs of him do not exist in a file of his own. They exist for each case, and only with the photographs that he accepted [to give us], because the deal with him was that there are some photographs that he does as an independent photographer and others that he does for each case. Then the ones that are of each case are in each case file. I would like to clarify something because I saw that you were asking about the historical memory group. I would like to clarify that it was not that the Historical Memory Group became the Centre of Historical Memory, instead the law created the Memory Centre. The organizations told the president: 'This group is already doing that, let them do it'. No, the group ended with the National Commission. And the Centre starts and is a political decision of the president, who says: 'No, I'm going to place these people somewhere, put them here.' And the president when he started the institution, he did it like when you start creating something from the logo onwards. The president had no problem with us maintaining the group's logo, it's not a transformation. One ended, and the other one started, but the accumulations of one was kept, that's it.

OB: It's like the Committee and the Vicaría.

AS: And they alleged that Gonzalo dragged us all in the process.

In the future do you think that the work of the Centre and the people are going to be eclipsed by the museum?

AS: Well, the museum discussion appears right there. You are asking what will happen after 2021 and if we are going to consolidate ourselves as a transitional mechanism? The answer is, if we think of ourselves as a transitional mechanism, that is a key issue. Because now something similar to what happened to us when we were a Memory Group will happen to us. The law mandates us to create the museum, the museum has a vocation for permanence. We have never contemplated that the museum exists parallel to the Memory Centre. The one that remains and is going to stay is the museum. Then as its closure approaches the whole Memory Centre is going to have to go progressively melting and getting into the museum. And the Centre will end and the one that will remain is the museum. Then the museum will have to think about which one of the functions the centre did will that it will also do. And all our work actually already in this last part is made according to the museum. The Archives Management will be inside the museum, in the museum there will also be the National Archive of Human Rights and Historical Memory. The research and the products of that research are the material with which the exhibitions will be made [in the museum], [the ones that] will be permanent. The memory initiatives with which we have worked are those that will be exhibited in the rooms and those that will be there in the temporary exhibitions. The allies of the Centre are the allies of the Museum. They will not be parallel, at one point the Centre will end and the one that will follow is the museum. Debate has already begun on whether the museum should be, as the Centre has been, a state body or if a mixed formula should be sought, to start working on that idea...

The law does not make that clear.

AS: No, the law is not clear about that. And in fact, we have asked the Truth Commission to include in their recommendations a specific one about the figure that is going to be used. It has been thought that perhaps it has to be something of the civil society, with some state subsidy or with a thing that allows the civil society to safeguard the museum from any official attempt to impose a unique version, a single story. So the goal is that all the work that we do is to leave all the material to the museum. Then, the permanent exhibition is completely built with the archive, with the investigations, with everything. In other words, it is the Centre that feeds the museum. So, the idea is that after 2021, the museum has a status of permanence. And that also the legal category with which the museum will operate will be defined. Now, it is very likely that the law of victims that ends in 2021 will be extended because it is not conceived at any time that the law disappears or that the public policy of reparation to victims is dismantled, in tune or simultaneously with the mechanisms contemplated by the agreement. For example, if we look at the agreements, the three mechanisms talk about truth, about justice, there is the issue of the disappeared, but none speak explicitly of reparation, for example. So that's because the agreement contemplates that the law has primacy. That's why there's nothing specific...

But yesterday we were told that the law of the victims has cases from 1985 to 2016. You are saying that so far only the last victimizing event happened three months ago...

AS: Yes, those are issues that when the reform is ready will have to be discussed, if the period until it ends is changed again. But the extension, beyond until when it covers, materially it will not be able to repair or at least compensate all the victims...

Did you leave the Centre?

AS: Yes.

Why did you leave and why did others leave?

Speaking much more in the plural, it is a more open membership…

AS: I was 6 years in the Centre and 5 years in the group, 11 years [in total]. And speaking for me and for the colleague María, who were Gonzalo's advisers, we left the place because Gonzalo considered that the cycle had been fulfilled. He had done the work of the group, had done much of the leadership of the Centre, and he always had this 'internal demon' related to the issue of how dangerous it was and how contradictory it could be—the message of being a person that nobody was going to tell to leave. He could perpetuate himself without even wanting that. During 11 years he told us that we should not believe that we were the only ones who can do the job. There are people who can do the same job or better than us and they are behind us looking for clues, and waiting. Then he came—and this is more private so do not touch this part of the recording. Two years ago he was telling us that he was already tired, also because of his age. But he was always worried about the idea that there was only one figure all the time, that people would see him as 'the guarantor of something'. He said: 'I have talked all the time about the plural memory, about democracy and staying here is like there is no one who could replace me'.

It's a moment of the order of ethics

AS: He had that anguish. The second [reason] was personal exhaustion, the need for relief. And the third [reason] had to do with the conjuncture of the change of government. He was very grateful for President Santos, he thanked President Santos for having recognized the work of the Memory Group by naming him the Manager of the Centre. He was grateful for all the guarantees that President Santos gave us. [The president] never approached us to suggest anything, he did not say a word, he did not say: 'change this or this'. In fact, at one time we had a problem with the vice president, because he was interfering in a terrible way and one day the president called him, and we said: 'either the president supports us or we all leave and this is over'. And the president pulled the vice president out of all those issues and told him: 'Do not touch them'. When President Santos leaves, [Gonzalo] says: 'no, this is enough'. And we all have the feeling that the moment has arrived, that this accumulation had reached a meaning, that it could serve the work of these three new mechanisms that were starting, that there are also things which the Centre has to be very careful to manage. Because of course, the Truth Commission is not going to exhaust the issue, but we solve many clarification issues, so we must also recognize the place of those who arrive [and] give them their space. The great fear that Gonzalo has now, is that the continuity of the Centre could be used by sectors who are opposed to the agreement to use the Centre to run over the Truth Commission, for example. He says: 'There is an accumulation for others and the agreement itself can be nourished by what we did', and he himself taught us to manage a low profile in our work. Gonzalo was never a manager with a high media exposure. When there were internal comrades who said: 'why do they not recognize our work?', He would say: 'I do not want them to recognize the Memory Centre. I want the historical memory to be in the public agenda'. And just when we sat down, because we sat, the three of us, to decide, he said: 'The issue is already positioned, it is time to take the step'. Then we, the assessors, also took the step with him because we came from there with him.