

Colombia Seeks Justice for War Atrocities Via New Court

A court in Colombia is exposing atrocities in the country's long civil war, trying to compile a record all sides can accept, and offering leniency to those who confess. Not everyone is pleased.

By Julie Turkewitz

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BOGOTÁ, Colombia — The testimony is searing. “They tied me to a tree,” said one victim of Colombia’s guerrilla. “They put us in a cage,” said another. “I was kidnapped for four years.”

“Until then, I had not heard of ‘mass graves,’” said a victim of the military. “Finally I understand that those in charge of protecting civilians killed thousands of Colombians.”

After decades of civil war, Colombia has created a historic postwar court designed to reveal the facts of a conflict that defined the nation for generations, morphing into the longest-running war in the Americas.

Thousands have testified. Wide-ranging investigations are underway. The first indictments were issued in January — and the first pleas are expected in April. Perpetrators will be punished, with those who admit responsibility receiving lesser, “restorative” sentences, like house arrest or remaining free while doing hard physical labor. Those who refuse to do so will face trial, and the possibility of decades in prison.

The goal of the court, which began its work in 2018, is to give the country a common narrative about the conflict, one that will allow Colombians to move forward, together. The success of the court, called the Special Jurisdiction for Peace, could help change the trajectory of a nation that has been at war for much of its history, with one conflict rolling almost immediately into the next.

Its failure could mean the repetition of that cycle.

“We have a window — a generational opportunity — to leave behind the insane violence we have lived in all our lives,” said Ingrid Betancourt, a former presidential candidate who was kidnapped and held by guerrillas, sometimes in chains, for more than six years. “I would like us to be able to open that window and let the light in.”



Ingrid Betancourt, a former presidential candidate, during her captivity in a FARC jungle encampment. Colombian Government, via Associated Press

Colombia's most recent conflicts date to the 1960s, when a leftist rebel group called the Revolutionary Armed Forces of Colombia, or FARC, launched an insurgency meant to remake a sharply unequal society.

The war grew into a complex battle among left-wing guerrilla groups, right-wing paramilitaries, the military, drug cartels and the United States, which supplied and advised the military.

For years, everyday life was marked by bombings, kidnappings and assassinations. At least 220,000 people died and more than five million were displaced. The war ended in 2016, when the FARC and the government signed a peace deal that included the creation of the postwar court.

But if the goal of the court is to dig up buried truths, it is clear that this search is also exhuming and exacerbating longstanding divisions — and that the road to a common narrative, if one can be found, will be lined with conflict.

Some see the court as their best chance to find answers about lost loved ones, and the country's best hope for peace; others are angered that assassins and kidnappers will not receive prison sentences; still others simply dismiss the court's findings, saying the institution is biased in favor of the former guerrillas.



Eduardo Cifuentes, the president of Colombia's post-war court. "The essential task," of the court, he said, "is to ensure that there is peace without impunity." Federico Rios for The New York Times

The court's most prominent critic is former President Álvaro Uribe, who presided over some of the final years of the war, and who remains the country's most divisive and influential political figure. A recent report by the court implicates the military in more than 6,400 civilian deaths from 2002 to 2008, during his presidency.

Mr. Uribe responded to the report by calling it an "attack" with "only one purpose," "to discredit me personally."

The court is held in an imposing black building on a main avenue in Colombia's capital, Bogotá. Some testimony is public, and has been streamed on social media or released in public documents, offering a window into decades of suffering. To protect participants' safety, much of it takes place behind closed doors.

So far, the court's findings have been explosive, revealing victim counts far higher than previously confirmed and hard-hitting accusations that many skeptics did not expect.

In January, magistrates issued their first indictment, accusing eight top FARC leaders of orchestrating a kidnapping-for-ransom operation that lasted decades and resulted in more than 20,000 victims, many of them civilians, some of whom were raped or murdered. The kidnappings were used to fund the insurgency, said the court, and amounts to crimes against humanity.

The accused former FARC leaders have indicated that they will admit guilt. If they do, they will receive non-prison sentences, which could include up to eight years digging up old land mines or tracking down bodies. If they don't admit guilt, they'll face a trial and the possibility of decades behind bars.

They have until late April to reply to the court.

"We are assuming collective responsibility," said Julián Gallo, who is among the indicted leaders, in an interview.

"These were practices that in some form delegitimized our fight," he went on. "What we have asked for is forgiveness."



Julián Gallo, a former FARC commander, is among those accused of orchestrating a kidnapping-for-ransom operation that lasted decades. Federico Rios for The New York Times

Some see the charges and the defendants' response as signs that the court's decisions will be taken seriously, enabling it to establish that common narrative.

Héctor Angulo's parents, a metalworker and housewife, were kidnapped by the FARC on April 19, 2000. He sold his home and paid a ransom for their release, but the guerrillas never returned his parents. He has spent two decades searching for their bodies, he said.

He's not sure he can ever forgive, he said, "because the pain one feels for a family member is irreparable." But he supports the court's work, he added, because "it's what we have."



Héctor Angulo's parents were kidnapped by the FARC in 2000 and are presumed dead. Federico Rios for The New York Times

Ximena Ochoa opposes the court. Her mother was kidnapped by the rebels on Dec. 16, 1990, held for four terrible months and released after her family paid a hefty ransom. She believes that the court is a distraction designed to gloss over the FARC's unresolved crimes. The guerrillas, for example, have yet to hand over much of their war chest.

The court, she said, will allow the former rebels to admit to some things, an effort to placate the international community by claiming that justice has been served in Colombia.

"This whole transitional justice thing is a hoax," she said. Of the FARC, she added: "They are never going to tell the whole truth."



Ximena Ochoa, whose mother was kidnapped by the rebels, believes that the court is a distraction designed to gloss over the FARC's unresolved crimes. Federico Rios for The New York Times

Two of the rebel leaders accused of crimes against humanity are sitting senators, including Mr. Gallo — the result of a provision in the peace deal that transformed the FARC into a political party and gave it 10 seats in the 280-person legislature.

Some victims are calling on the indicted senators to step down. Others, including Ms. Betancourt, believe they should be allowed to stay.

“It’s very important that we say to Colombia that we are building a democracy that is mature enough to listen to the political voice of people who committed crimes,” but then “accepted and signed the peace accord,” she said.

In February, magistrates turned their attention to the crimes of the military, issuing the scathing report that implicated officials in the intentional killing of at least 6,402 civilians when Mr. Uribe was in office.

The killings were part of a previously revealed strategy in which Colombian soldiers or their allies lured civilians from their homes with the promise of jobs, and then killed them and tried to pass off their deaths as combatant kills. Many of the victims were poor, some were mentally disabled.

The idea was to show that the government was winning the war.



A FARC encampment in the Colombian mountains in 2016. Federico Rios for The New York Times

In Colombia, the scandal is among the most-discussed aspects of the conflict, and victims have become known as “false positives.” A previous report from the country’s top prosecutor had put the number of victims at 2,248.

The court’s new number is nearly three times as high, and implies that a significant percentage of combat kills in that era were actually civilian murders.

The association of retired military generals responded to the court’s announcement by calling the numbers “inflated,” and an attempt to “delegitimize the commendable work” of the military.

Magistrates are expected to begin announcing indictments in that scandal later this year.

Mr. Uribe, who has repeatedly said he did everything he could to stop the killings, is exempt from the court as a former president.

During one of the court’s public hearings, Jacqueline Castillo described how her brother Jaime, a civilian, disappeared one day in August of 2008, and reappeared days later in a mass grave far from home, identified by the military as a rebel killed in combat. She went to the grave, she said, and watched as men pulled her brother from the earth.

Before, she had idolized the Colombian military.

“They were my heroes,” she said, pressing her palm to her heart. “Now they make me sad.”

Sofia Villamil contributed reporting.