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Transitional
justice and
security sector
reform: An
opportunity to
consolidate total
peace policy in
Colombia

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Summary

Envisioning total peace without reforming the state's security sector seems futile. This becomes particularly evident when the state struggles to acknowledge its role in the violence of the armed conflict and exhibits limitations in peacefully resolving social conflicts. In this policy brief, I argue that achieving total peace is unattainable without acknowledging past atrocities committed by state forces as a collective responsibility. To tackle this issue, I delve into the concept of Intergroup Competitive Victimhood (cv), which is associated with retaliation, seeking revenge, and an unwillingness to forgive. cv is seen as a pivotal factor in justifying violence and impeding reconciliation among conflicting groups. Additionally, cv will help uncover the tension between individual and collective narratives within state forces regarding the past and its potential consequences for urgent reconciliation between the state and society in the post-peace agreement era.

Keywords:

armed forces; peace; reconciliation; security sector reform; transitional justice

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A relational approach of SSR

Ansorg and Kurtenbach (2023), are two of the most renowned authors in the field of Security Sector Reform (SSR). In their latest publication, extend an invitation to undertake a radical reevaluation of SSR within the context of conflict and war. Their inquiry begins with the following question: how can security sector reform be structured and executed to foster constructive and inclusive state-society relations, thereby paving the way for enduring peace? (Ansorg & Kurtenbach, 2023). At the heart of this proposition lies a relational approach between the state and society, advocating for a departure from one-size-fits-all approaches to SSR, which have been proven ineffective in post-war settings, and instead recognizing the highly context-specific nature of SSR endeavors. Importantly, this does not suggest disregarding international actors; rather, it emphasizes prioritizing a perspective of human security, wherein attention is centered on the populace (not solely on powerful local elites), ensuring the safeguarding of fundamental individual and collective human rights (Ansorg & Kurtenbach, 2017; 2023). Consequently, the radical nature of their proposal lies in the democratization of the very process of designing and implementing SSR initiatives.

In their study, the authors examine the social contracts within a society to comprehend how the provision of security and the mitigation or containment of direct physical violence can be reconsidered in post-conflict contexts. Questions regarding what forms of violence are deemed legitimate and who bears responsibility for controlling violence are profoundly contentious and subject to evolution over time, yet they may constitute the focal point of reimagining a new social contract in the aftermath of

conflict. In a broader context, this involves looking beyond the central state and considering non-state armed groups that exhibit functional similarities to state institutions, offering security and justice services that receive equal acceptance from both the government and society (Chaves et al., 2020; Piché, 2017). However, the inclusion of non-state armed actors is debatable due to the varying degrees of legitimacy they hold within communities, thus exposing rifts in traditional understandings of security. Experts acknowledge the complexity of engaging with these actors; nevertheless, evidence demonstrates the significance of acknowledging and incorporating them. As Piché (2017) states, “it is not about who should provide security and who people should turn to for security, but rather who does provide security and who people do turn to for security” (p. 30). Consequently, Ansorg and Kurtenbach (2023) analysis is centered at the interface of the relationship between the state and society, considering the involvement of civil society actors and other non-state security actors.

In this policy brief, I will focus on a key aspect posited by this radical rethinking of SSR, which is the recognition of the judiciary as a central nexus between the state and society relations. Studies reveal that a lack of accountability for past human rights violations does not diminish violence but rather shifts it from the political sphere to society (Ansorg & Kurtenbach, 2023). Consequently, the end of war does not inherently represent a critical juncture wherein profound changes occur rapidly but can alternatively facilitate path-dependent developments or reinforce existing structures (Ansorg & Kurtenbach, 2023; García & Rojas, 2020). War legacies can be elucidated by the fact that fundamental reforms delineated in peace agreements are perpetually shaped by entrenched structures



and behaviors, which are molded by contextual factors such as history, cultural, and war experiences (Ansorg & Gordon, 2019; Ansorg & Kurtenbach, 2017; Kurtenbach, 2010; Wood, 2008). In other words, reforms do not happen in contextual vacuum and to disrupt established patterns or alter security paradigms ingrained during periods of conflict, it is essential to analyze reforms within the security and justice system (police, military, judiciary) in the context of their interplay rather than in isolation (Kurtenbach, 2013, 2019). However, in practice, reforms of the security sector often revolve around mere modifications to institutions and the provision of equipment, rather than engaging in a profound dialogue concerning the normative understanding of security within the social contract of societies. This dialogue should address how security is conceptualized and how it can effectively address societal needs, prevent violence, and promote democratic values and development (Gordon, 2014; Rettberg, 2019; Sedra, 2010; 2018).

Research suggests that security institution reforms may inadvertently incentivize the use of violence (Acemoglu et al., 2016; Lake, 2022; Tiscornia, 2023). For instance, reforms can lead to militarization of the Police (Tiscornia, 2023) or the persistence of counterinsurgency logic of the internal enemy (Beehner & Collins, 2019; García & Rojas, 2020). Moreover, institutional perspectives often assume that individual behavioral change will naturally follow from institutional change, while overlooking the fact that sustainable behavioral change requires alterations in attitudes and perceptions (Castano et al., 2019; Karim, 2015; Ortiz-Ayala, 2020, 2021a).

In Colombia, the prevalence of counterinsurgency tactics in security policies has proven highly problematic, particularly in shaping the day-to-day interactions among the military, police, and society at large (Beehner & Collins, 2019; Matanock & García-Sánchez, 2018). Additionally, the persistence of illegal criminal economies, notably in the production and trafficking of illicit crops like coca further fueled violence and corruption (Acero & Thomson, 2022; Ortiz-Ayala, 2021b). Concurrently, both international and national strategies have contributed to the promotion of militarization and suppression. However, military and police reform initiatives have failed to adopt a comprehensive societal approach that prioritizes communities and recognizes the intrinsic link between security and broader civil society (Ansorg & Kurtenbach, 2023). Furthermore, they overlook the critical role

of ongoing transitional justice mechanisms in the country, which are essential for holding the security sector accountable and serving as educational tools to prevent the recurrence of human rights abuses by state security providers.

Transitional justice and security sector reform

Although there is a growing acknowledgment that a comprehensive approach should take into account the interconnections among institutions and activities within the security and justice sector, research in these areas, as well as international aid efforts, often remain disconnected from one another. (Kurtenbach, 2019). Furthermore, there is a preference for enhancing state capacity through institutional reforms and the integration of norms within state entities such as the armed forces, parliament, and judiciary, but again all of them disconnected from each other (Detzner, 2017; Munive, 2013). The practical challenge is that security sector reforms often prioritize state capacity through equipment and institutional frameworks—both top-down strategies—which contribute to the gap between SSR policy and its implementation (Channa, 2002). For instance, in conflict-affected states “those who provide security also have the capacity to threaten those they allegedly should be protecting” (Andersen, 2011, p. 11). Thus, the emphasis on institutional reform leads to speculation that those reform may overlook the everyday interactions or the relationship between state forces and community members (Ortiz-Ayala, 2020; 2021a). For that reason, the recent studies highlight justice mechanisms as key elements that could help heal the relationship between the state—particularly state security providers—and the community, while also addressing the behavior of state forces toward civilians (Trejo et al., 2018).

Comparative research reveals that the prevalence of criminal violence in new democracies varies significantly across nations, primarily contingent upon whether political elites choose to implement transitional justice mechanisms to confront past repressive regimes (Trejo et al., 2018). The findings of this study suggest that specialists within the state apparatus frequently wield significant influence in the functioning of illicit markets and the perpetuation of criminal violence following transitions from authoritarian rule to democracy. In post-conflict settings, a comparable trend of enduring violence



legacies indicates that variations in state-sponsored repression can be elucidated by the sustained wartime alliances between governments and militias. These alliances often result in heightened levels of state-sponsored violations of physical integrity rights during the postwar period (Carey & González, 2020). Given the challenge faced by certain states in establishing a monopoly over the use of force in the post-conflict phase, strategic incentives for the government, coupled with the trust and expertise gained during the preceding conflict, as well as the challenges associated with disarming militias and the personal motivations of militia members, amplify the risk of postwar state-sponsored repression. Consequently, members of specialized military and police units frequently leverage their coercive authority, access to information, and political immunity from prosecution for egregious human rights violations to safeguard and regulate the criminal underworld (Mitchell et al., 2013).

Therefore, evidence indicates that the prosecution of flagrant human rights violations serves as a strategic policy measure to deter future assaults on civilian populations. Additionally, it signifies that abuses of power within state security apparatuses will face punitive measures. Specifically, robust transitional justice mechanisms aimed at ending political impunity contribute to societies becoming less susceptible to widespread criminal violence (Sikkink, 2011; Trejo et al., 2023). The evidence further highlights the distinct role and significant influence of truth commissions, as they provide an extensive analysis of the motivations, contextual factors, and networks that derived systemic patterns of egregious human rights violations. This knowledge can be leveraged by both citizens and judicial authorities to uncover and prosecute abusive state officials. Moreover, truth commissions shed light on the imperative to reassess cultural values and beliefs that fostered perverse incentives within security institutions. Consequently, truth commissions hold the potential to serve as a powerful tool for deterring state actors specializing in violence from playing prominent roles in perpetuating criminal violence, thereby ensuring the commitment to non-repetition. For this reason, I posit that transitional justice mechanisms can serve as pivotal instruments in reshaping the attitudes of individuals within the security sector who remain active during Colombia's post-peace accord period. Furthermore, they can function as tools for instituting an institutional re-socialization strategy aimed at reformulating values and beliefs within the military

and police concerning the new social contract. In essence, robust transitional justice mechanisms emerge as potent deterrents, preventing security personnel from undertaking actions that exacerbate homicide rates (Trejo et al., 2023). Consequently, transitional justice mechanisms could contribute to readdress the relationship between state forces and the community.

In sum, recently scholars have successfully established that a holistic approach to security sector reform should be intertwined with transitional justice processes. The only means to prevent the state from becoming an actor that either fosters or is complicit in the perpetuation of violence in the post-conflict period entails elites, including political leaders and civil society adopting transitional justice mechanisms to uncover, prosecute, and penalize state specialists in violence for egregious human rights violations committed during the conflict era. This process redefines the parameters of state coercion and dissuades members of the armed forces and police from assuming prominent roles in the perpetuation of criminal violence. If achieved, it would be possible to dismantle what I refer to as "war mentalities" that characterize the state security's enemy-centric approach to peace, where certain civilians are deemed less deserving of state protection based on their group identities or wartime roles. Ensuring physical protection for all, particularly those categorized as enemies during conflict, requires transforming the security sector's "war mentalities" in the post-peace period (Ortiz-Ayala, 2021c).

Timing matters: The imperative for holistic security sector reform in Colombia

Currently, there exists a noteworthy and unprecedented involvement of security forces personnel in Colombia's Special Jurisdiction for Peace (JEP), the judicial component of the nation's transitional justice framework. According to the JEP, Colombia's military was responsible for a minimum of 6,402 extrajudicial killings between 2002 and 2008. Commanders exerted pressure on their troops to achieve greater success on the battlefield, emphasizing the escalation of enemy casualties as a measure of effectiveness (Acemoglu et al., 2016). As a result, the individual statements provided by army members have not only aided in the reparations for victims but have also facilitated the establishment of truth



and the enhancement of mechanisms aimed at preventing the repetition of such atrocities.

During one of the historical hearings organized by the JEP for the “National Case 03: Extrajudicial Executions by State Agents in the Special Jurisdiction for Peace,” commonly known as ‘False Positives,’ a sergeant recounted the case of a young male. After leaving school to pursue further studies, he was apprehended and subsequently killed while in a defenseless state. His death was falsely reported as a result of combat. Reflecting on the incident, the sergeant stated.

I recall this young man vividly because I had spoken with him. He was a simple, humble individual whose only wrongdoing was being stigmatized by non-state armed groups and by us, the security forces, particularly the national army. As individuals who pledged to protect the civilian population, we find ourselves here today, acknowledging these grievous facts that do not bring me any sense of pride. (JEP, 2023)

The sergeant’s statement not only highlights the self-reflection of a military officer confronting the facts, but also reveals the stigmatizing nature of the motivations behind these abuses by the public forces. In the subsequent sections, I explore the constraints and possibilities inherent in the transformative capacity of individual testimonies presented to the Special Jurisdiction for Peace (JEP) in catalyzing changes in the war mindset prevalent during the conflict in the security sector, which facilitated state violence. I contend that the JEP functioning as a transitional justice mechanism, holds the potential to alter this mindset and chart a course toward reforming criminal behavior within state forces. However, despite the transformative potential of transitional justice, current efforts to reform the security sector and advancements in transitional justice, where members of these security institutions are involved, are unfolding separately and disjointedly. On one hand, those appearing before the JEP are often perceive themselves and are presented as individual cases, which may reinforce the narrative of isolated instances of misconduct. On the other hand, at the institutional level, there has been a timid acknowledgment of these events as the outcome of collective and systematic practices.

Despite the soldiers’ active participation in the public hearings, they have not received backing from the Army as an institution. A senior leader, who is a defendant in and heads an NGO providing

guidance to soldiers for the public hearings, articulated during an academic event that denial within the state security forces, particularly the army, dissuades soldiers from engaging with transitional justice mechanisms. It was noted that civilian and military leadership during the post-peace agreement government contributed to shaping a narrative within the army that individuals who had committed crimes during the conflict should be viewed as having “dishonored the uniform” and therefore were not entitled to institutional support (Universidad del Rosario, 2023). Some soldiers have even faced threats for their testimonies (Quintero Pardo, 2022).

Thus, progress in transitional justice may not necessarily achieve a radical transformation of the wartime grievances that could endure; instead, these grievances may not only persist but also become reinforced. To elaborate on this argument, I delve into the concept of Intergroup Competitive Victimhood (cv). cv denotes the endeavors of group members engaged in direct violent conflicts to assert that their group has endured more suffering than their adversaries. (Noor et al., 2012) Research also suggests that a collective perception of victimization serves as a cohesive force for fostering in-group cohesion, allowing conflicting parties to cultivate a robust victim identity. This fosters rigid boundaries around the group, hindering the establishment of trust-based relationships among erstwhile foes and perpetuating cycles of vengeance, rationalization of violence, and reprisal (Breen-Smyth, 2018). Competitive Victimhood (cv) may exacerbate the perpetuation and intensification of violent conflicts, presenting a substantial obstacle to conflict resolution (Andrighetto et al., 2012; Sullivan et al., 2012).

Competitive victimhood and barrier to reconciliation between state forces and society in Colombia

Examining cv within post-peace agreement contexts and the restructuring of the security sector is crucial for understanding how state actors may contribute to the persistence of violence and its manifestation in alternative forms, such as state repression, uneven law enforcement, or selective provision of protection. The Colombian case presents an ideal scenario for developing this argument for several reasons. Firstly, despite the peace agreement in Colombia, state violence persists, and state forces



have demonstrated inefficiency in safeguarding civilians and former insurgents (Albarracín et al., 2022; CrisisGroup, 2020; 2021; Olarte-Olarte, 2019). Secondly, the Colombian peace accord of 2016 includes special provisions under criminal law, notably the Special Jurisdiction for Peace (JEP), for state force members responsible for grave human rights violations and breaches of International Humanitarian Law (IHL). The incorporation of State Forces into the JEP acknowledges that the State's own agents committed crimes during the conflict, necessitating reparations for their victims (Güiza et al., 2020). Thirdly, despite soldiers' participation in public hearings, they have not received institutional support from the Army.

Drawing on the testimonies of soldiers presented during public hearings at the JEP for Case 03 and the counter-truth commission report published by retired Army Major Carlos Guillermo Ospina, the sole member of the security forces who participated in the Truth Commission and resigned from his position weeks after the conclusion of its activities due to significant differences with the other 10 commissioners regarding the military's responsibility in the conflict (Bermúdez Liévano, 2022). Major Ospina authored a counter-report spanning seven volumes, contesting the Truth Commission's findings. Employing an exploratory inductive approach, I examined the phenomenon of competitive victimhood and the tension between the individuals and collective memories within the security sector. The analysis highlighting how such narratives hinder essential reforms in the country's security sector, particularly the reconciliation between society and state institutions. These issues could impact the government's efforts to achieve what they term "total peace."

Before proceeding, it is important to clarify that transitional justice mechanisms have different scopes. From my perspective, there is no radical difference between the methodologies that had been developing in the country through the Center for Historical Memory¹ and the Truth Commission. Perhaps what changed was the context or the narrative

1 The National Centre for Historical Memory (NCHM), established by Law 1448/2011—also known as the Victims and Land Restitution Law—is a national public entity tasked with supporting the state's responsibility to preserve the memory of violations committed during the Colombian armed conflict. The NCHM plays a crucial role in ensuring comprehensive reparations and upholding the right to the truth, which both victims and society at large are entitled to.

standpoint. The Truth Commission must not only account for what happened but also contribute to building peace. In these scenarios, the victims do not only speak of what happened to them, but they also help to situate their memories—in other words, to reconstruct the context and account for who was present, who they believe was responsible, and why they think events occurred.

Victims and all those who contribute to the Truth Commission provide their explanatory logic of the events. These voices are contrasted with others, and through this interweaving of narratives, an attempt is made to articulate answers to questions about who did what, to whom, and why. The "whys" are generally more robust because they reconstruct processes from which patterns emerge. These patterns refute the notions of isolated incidents; instead, they reveal mentalities, logics, and modus operandi, thereby challenging the "bad apples" argument. Where there are patterns, there are contexts that facilitated these events, as seen in the case of the 'False Positives.'

On the other hand, the Special Jurisdiction for Peace (JEP), as a judicial system, focuses on seeking the truth of the facts based on the testimonies of the participants and the evidence they provide. Although I acknowledge that the functions and context of the Truth Commission, particularly the report written by Major Carlos Guillermo Ospina and his team, differ from the scenarios within the JEP. My objective in this document is to reveal how Competitive Victimhood is manifested in the testimonies of soldiers who have voluntarily appeared before the JEP with minimal support from the military institution as an example of individual narratives, and on the other hand, the report that contests the Truth Commission's findings as an example of a collective narrative embraced at the institutional level. This narrative reflects the military's contribution to the explanatory logic of the events and the causes of the conflict and its prolongation, revealing how CV plays a role within the army (as a collective) and among soldiers (as individuals) in both mechanisms of transitional justice.

Competitive victimhood and the tension between the collective and individual memories of past atrocities within the security sector

Socio-psychology scholars combine the general tendency of groups to compete and the tendency of groups to perceive themselves as the victimized group, providing the foundation for the intergroup



competitive victimhood phenomenon (Bar-Tal et al., 2009; Noor et al., 2015; 2012; Shnabel et al., 2013). According to Noor et al. (2012) there are individual and collective underlying mechanisms in a cognitive and motivational framework for cv.

The mechanisms that operate at the individual level impact the group members and motivate them to compete over their group's shared victimhood. Four cognitive processes underlie the motivation of group members to engage in cv at the individual level: Moral typecasting, social comparison, magnitude gap (estimated severity/immorality) and biased memory (Noor et al., 2012). Moral Typecasting represents the tendency of actors involved in conflict to position themselves as victims and frame the conflict in a rigid, dichotomous through the "us vs them" paradigm, where only the in-group is considered the true victim of the conflict. This establishes a mutually exclusive role when agents make a moral judgments about the conflict, categorizing groups with the capacity to do right or wrong and those considered passive targets of violence or wrong acts (Čehajić Clancy & Bilewicz, 2020; Gray & Wegner, 2009). The process of social comparison is driven, to some extent, by the group's desire to improve its positive evaluation within the group (Noor et al., 2012). In the context of violent conflict, this comparison follows the same logic, even in situations where the out-group has suffered more than the in-group.

Drawing from the context of interpersonal transgressions developed by (Baumeister, 1996), the magnitude gap describes the discrepancy between victims' and perpetrators' perceptions of the same conflict events concerning their illegitimacy, gravity, and level of harm. The latter encourages perspective-related biases that lead antagonists to develop a reflecting and systematically different narrative of the conflict (Bar-Tal, 2007; Bar-Tal & Halperin, 2011) (see "Collective-Level Mechanisms", below). Most memories are influenced by our motives and goals, and they do not necessarily represent what happened (Schacter, 2022). Consequently, individual memories of past transgressions often become biased interpretations in which one tends to underestimate their own guilt and overestimate and emphasize their own righteousness and innocence (Čehajić & Brown, 2008; Iqbal & Bilali, 2017; Leach et al., 2013; Villegas et al., 2018)

The collective level mechanisms reveal the motivations that certain societies or groups embrace to aim for an exclusive victim's role. In this study, I associate the Army with a community. At

the collective level, two main mechanisms come into play. Groups involved in violent conflicts tend to justify and minimize memories of violent acts committed by the in-group and overestimate violent acts committed by the out-group (Čehajić et al., 2009; Čehajić-Clancy et al., 2016). The chosen traumas or events become integral to the group's identity and serve as instruments for transmitting the in-group's self-image of the conflict across generations, perpetuating intergroup grievances (Volkan, 2001). Consequently, groups are less likely to show empathy or engage in prosocial behaviour towards their conflict opponents and their suffering, often referred to as egoism victimization (Noor et al., 2012). Biased memories of in-group traumatic events further legitimize violence against the out-groups.

Scholars from multiple disciplines show how through group ideologies or "Conflictive Ethos" (CE), "societal beliefs" (Bar-Tal, 2007; Bar-Tal et al., 2009) or conflict narratives (Shesterinina, 2016; 2023), there is an interdependence between intergroup violence, collective social identity, group formation and legitimization of violence. When groups account for inter-group conflicts and transgressions, ideological and identity frameworks establish that in-group violent actions are the only justifiable ones. Thus, they foster a zero-sum perception of the conflict by emphasizing differences rather than similarities. This rigid, static and homogeneous view of the out-group, in which all its members are dehumanized and inherently violent, enables the in-group to focus on "our" suffering and the collective perception of "us" as the exclusive victim and "them" as the exclusive perpetrator (Čehajić-Clancy et al., 2016).

The cv psychological mechanisms presented above help in understanding the reasons why individuals and groups that participated in intergroup conflicts exercise cv. On the one hand, it reinforces cohesion, legitimization and justification of violence within the group. It also contributes to the denial of individual and collective responsibility, the cognitive dissonance of the wrongs committed by the in-group during the conflict, which also contributes to avoiding negative collective emotions and the need for compensation. On the other hand, individual and collective cv contribute to enlisting the moral and material support of parties not involved in the conflict. The collective narrative of the Colombian Army identifies itself as the guardian of the State protected by the legal framework. The description of their relationship with civilian



authorities discloses a moral superiority view of themselves, and a diffusion of responsibility for the wrong committed during the conflict. The following quote from the counter-report reflects it:

The objective of this document is to point out that the actions of the military power, good or bad, derive from the management that the political power makes of the military and the police, as well as to demonstrate that "loose wheels" do not exist. It also establishes that those directly responsible for the actions of the uniformed are the politicians and that they respond to a mechanism created by them. (Ospina, 2022, p. 128)

The narrative of subordination to civilian power is instrumentalized through responsibility reduction and moral disengagement of the wrong committed by the state forces during the conflict. The following statements in Major Ospina (2022, p. 15) counter-report demonstrate it: "What today has been described as 'excesses of the Public Force' obeys to a disfigurement of the constitutional functions that the political power carried out" (p. 15). "The military power was subordinated to the political power, even when the orders of the Executive were contrary to the interests of the nation" (p. 93). "The 'disasters' that occurred to the Public Force in the 1990s were related to the lack of means and a government policy to properly manage the armed conflict" (p. 14).

If "mistakes" were made, it was not because the public forces or their members acted in isolation. On the contrary, the errors were delegated to civilian authorities. On the contrary, they see themselves as respectful of the civilian authorities even if they distrust their capacity. Therefore, they are a victim of the ignorance of the civilians and the Army has only been misused and then paid the consequences with unfair accusations.

Like what Wills Obregon (2022) noticed, I identified two distinct lines within the security forces' positions regarding their memories of the internal conflict. One group tends to attach responsibilities to terrorists confronting legal forces, while the other maintains a narrative of rotten apples. The latter associates the 'rotten apples' with the misuse of civilian authority, leading to their public discreditation by being accused of being potential perpetrators of crimes, when in fact they were merely following civilian orders. However, both lines of narratives share a common imperative of protecting the legitimacy of the public force.

In her book, Wills Obregon (2022) showed how the official documents such as the 2016-2018 strategic plan for the defence and security sector included an objective: "Building Historical Memory of the Public Force under a vision of victory, transparency and legitimacy" (cited by Wills Obregon, 2022, pp. 162-163). The institution's vision about the role of memory after the peace agreement reflects its intention to portray the public force as a victim or hero, rather than a perpetrator, as this image contradicts the strategic plan. In the narrative of the public force, the next war they face is not only legal but also the war of memory. For the security forces, there are groups working to discredit the institution's legitimacy, leaving limited room for self-criticism or acknowledgement of past in-group wrongs.

Breen-Smyth (2018b) argues that "shared victim identity may entail a one-dimensional moral landscape, which precludes any acknowledgement of the group's ability to cause or be responsible for causing harm to others" (p. 221). Therefore, combatants trained to kill can shift into victim roles to the role of rescuer or heroes but never as perpetrators, maintaining the polarized roles that reinforce the fixed position of each other and themselves (Breen-Smyth, 2018b) showing arguments that encourage biased memories and tend to justify and/or minimize memories of violent acts committed by the in-group within their narratives.

However, during public hearings, individuals reveal the tension between individual accountability and collective complicity, as well as the institutional framework that facilitated the involvement of certain soldiers in extrajudicial executions. Those narratives show the internal dilemmas of soldiers to avoid recurring on cv. For instance, a first corporal at the Catatumbo hearing held on April 26, 2022, characterizes this practice as a policy operating within the institution. Nevertheless, they also indicate that not all members engaged in it, thus indicating a dichotomy between "good" and "bad" soldiers.

I joined the army in 1995 to perform military service, and from there, I continued to pursue a career as a non-commissioned officer. Throughout all these years in my military life, from soldier to non-commissioned officer, many things were witnessed, not solely confined to this period. This was akin to a policy practiced within the ranks, not by all military personnel or the entire institution, as there are good people, but also, as we observed, bad actors. (Néstor Gutiérrez, JEP, 26 April, 2022, 2:06:58-2:07:40)



Later, the same non-commissioned officer highlights the inherent dilemma associated with belonging to a hierarchical institution, where its members simultaneously acknowledge the loss of agency due to pressure from superiors and/or institutional factors, while also assuming individual responsibilities and positioning themselves within the ranks of the “bad” who succumbed to such pressures. This tension between individual and collective responsibility has been exploited by the institution, which, as previously argued, has been hesitant to acknowledge its collective role. This, in turn, may explain its lack of support for members who have chosen to participate in the JEP.

Due to pressure exerted by high-ranking officials, I carried out, I murdered relatives of those present here, deceiving them with lies, with deceit, and then shooting them. We cruelly, cowardly killed them, planting a weapon on them, fabricating a combat scenario, labeling them as guerrillas, tarnishing the reputation of that family, destroying it, leaving children fatherless, leaving a mother childless (...). All because of pressure, for results, for false achievements, to keep a government satisfied. It is not fair, it is not just. Every day, I pray. All day long, I ask God for forgiveness for the harm we caused you, to this region. (Néstor Gutiérrez, JEP, 26 April, 2022, 2:24:00-2:24:35)

Among the appearants, some tend to place emphasis on the collective responsibility of their actions. For instance, a lieutenant in the case of Dabeiba points out how certain regions of the country were stigmatized, and civil society was viewed with suspicion. Hence, the incentives to verify the alleged links between the civilian population and illegal armed groups were scarce. Furthermore, this perception of civil society also helped justify overlooking potential protocols, as the success evaluation system relied on combat deaths.

Since I arrived in the municipality of Dabeiba, we stigmatized and labeled the civilian population as guerrillas. For the commanders, the order was to eliminate the guerrilla at any cost. We reached a point where in the rural areas, anyone dressed in black or black and white was considered a guerrilla and had to die because we didn't report captures; rather, the order was to extinguish them, eradicate them, kill them (...). At that moment, I should have stopped the troop and investigated, asked questions. But of course, since I was thinking about my honor, about what I had to gain by being an officer, to ascend, and to fulfill orders, we arrived

at the house and suddenly started firing, everyone shooting at the house. (Rodríguez Giraldo, JEP, 2023, 1:48:13-1:48:43)

The tension between individual and collective responsibility in the soldiers' narrative also reveals the impact of the institutional stance on these cases. Some feel the need to apologize to the institution, reinforcing the notion of “bad apples”.

As a father, as a husband, as a son, I also want to apologize to my institution, I want to apologize to my family, I want to apologize because many of you have said it, not all military personnel are bad, not all military personnel are criminals, there are some who truly serve the country. (Ribera Jácome, JEP, 2022, 3:39:00-3:39:26)

I am ashamed of the crimes committed by my Brigade, men who wore the military uniform with the mission of protecting the lives and honor of our fellow citizens, and ended up using the republic's weapons to violate life. My actions in command of that military unit were disgraceful, both personally and professionally, tarnishing the name of all those who, day by day, uphold the strict honor of the Colombian soldier's commitment. (Santiago Herrera, JEP, 26 April, 2022, 9:04:29-9:05:07)

Others invite soldiers to recognize their actions and move away from denialism.

I also request my fellow subordinates and superiors to end this denialism, to remove the mask and to accept what we did, not to prolong the pain of the victims. It is time to transition towards truth, justice, and reparation. Personally, as I have been stating, I commit to, through my actions, seek to restore the good name of this municipality, its inhabitants, to regain the good name of their families, to motivate other responsible parties to approach the truth. (Jaime Coral, JEP, June 27, 2023, 5:42:00-5:42:49)

And others, like a commander in the Catatumbo hearing, acknowledge the role they played as a cog within the institution that, as a collective, contributed to the logics and conditions that made extrajudicial executions possible. His statement also shows

The policy of increasing the statistics of the military unit under my command through combat casualties at all costs was inadvertently formed, as I mentioned, based on the pressures and motivations I exerted and provided to my subordinates. (Santiago Herrera, JEP, 26 April, 2022, 8:49:28-8:51:10)



Later in his declaration, he points out that his pressure strategies did not occur in a vacuum; on the contrary, they corresponded to and were aligned with the expectations that he, as a commander, was expected to fulfill according to his superiors. Hence, in one part of his statement, he said: “Pressure that was not only exerted by me but was the response that stemmed from the pressures received from the higher command” (Santiago Herrera, JEP, 26 April, 2022, 8:55:21-8:55:29).

In an unprecedented event in July 2023, the Minister of Defense and the Commander-in-Chief of the Armed Forces publicly apologized for Case 03. However, their statements, like those of the witnesses, left the tension between individual and collective and/or institutional responsibility unresolved. Without diminishing the progress in acknowledging the facts, as expressed by the Army Commander, General Luis Mauricio Ospina Gutiérrez. He reaffirms the concept of “bad apples” and emphasizes individual responsibility. In this way, he ensures to make it clear that the events were not a systematic practice but rather isolated incidents that tarnish the institution’s legitimacy.

I can assure with steadfastness that today, by being here present, looking you in the eyes, the institutional commitment to truth and justice is reaffirmed. Hence, our profound sadness at the conditions, at the behaviors carried out by some members of the national army who, at some point along the way, deviated from their duty to the homeland, engaging in reproachable acts that still cause so much pain today. In these actions, tarnishing the legitimacy of an institution that, for more than 133 years, has sacrificed the lives of its men and women in pursuit of maintaining the oath we make to society and the national symbols unblemished. A painful lesson that the new generations of soldiers must not repeat, because for the institution, the essential and principal value will always be the protection and respect for life. As members of the national army, we are legally and morally obligated to recognize and accept that the deaths of the mentioned young residents of the municipality of Soacha, Cundinamarca, occurred between the years 2004 and 2008. These questionable actions demand justice. However, in the gravity of what transpired, we had the opportunity to learn, grow, and strengthen ourselves as an institution to prevent such behaviors, reaffirming that we will continue to work as an institution to guarantee constitutional and legal principles, upholding respect for human rights and international

humanitarian law. The entire country has witnessed the painful search for truth and justice that you, as families, have undertaken over the past several years. (Luis Ospina, Colombia+20, October 3, 2023, 2:25:10-2:27:18)

On the other hand, the Minister of Defense, Iván Velásquez Gómez, took a more institutional stance by acknowledging that there was a policy of incentives that generated such behaviors.

Through the constant demand for data on casualties or deaths in combat, the promotion of competition based on the control and statistical monitoring of results, and threats of dismissal, transfers, and negative annotations in the personnel file. This incentive policy materialized such pressure through the granting of awards or rewards, as indicated by the Recognition Chamber of the JEP. (Iván Velásquez, Colombia+20, October 3, 2023, 2:03:47-2:04:18)

Transitional justice for healing the relationship between the security sector and the society: Conclusions and policy recommendations

The new government’s security policy and its Total Peace initiative center on human rights and human security, prioritizing the protection of human life and the environment while attempting to build a new relationship between citizens and institutions. In November 2022, President Petro enacted Law 2272, defining the Total Peace policy, which emphasizes initiating dialogues and negotiations with organized armed groups² outside the law engaged in political dialogues, where peace agreements are negotiated, and conversations with organized armed groups or organized structures of high-impact crime, with the aim of achieving their submission to justice and dismantling. This underscores the government’s commitment to diverse dialogues aimed at enhancing peace and transforming territories.

However, implementing this policy has proven to be very challenging in practice. The ambitious goal of the Total Peace policy to reduce or eliminate violence has not adequately addressed the urgent

² An organized armed group outside the law shall be understood as one that, under the direction of a responsible command, exerts such control over a part of the territory that it enables them to carry out sustained and coordinated military operations.



security needs in various regions, which have experienced increases in extortion, murders, kidnappings, recruitment, and forced displacement. According to Indepaz, in 2023, there were 94 massacres, and 189 leaders and 42 peace signatories were killed; in 2022, there were 94 massacres, and 188 leaders and 44 peace signatories were killed. So far in 2024, there have been 14 massacres, and 36 leaders and 9 peace signatories have been killed (Castillo, 2024). Furthermore, there is a lack of clarity regarding the security policy to be implemented, particularly in crucial aspects such as ceasefires with the groups the government is attempting to negotiate with.

One concerning issue is the public perception that state security forces have been unable to guarantee their safety. This continued failure has further deepened the already pre-existing mistrust between citizens and state forces in regions traditionally skeptical of their role (Matanock & García-Sánchez, 2018). In fact, social organizations have been suggesting that, despite the presence of armed forces in some areas such as South Bolívar, there has been a resurgence of paramilitarism in this region, allegedly with the complicity of state forces (Mutante, 2024; Chacón, 2023). Similarly, as has occurred in the past, negotiations and ceasefires have strengthened the territorial control of armed groups. Consequently, the transformation of the relationship between citizens and institutions, particularly regarding the perceived effectiveness of public security forces in providing protection, has been undermined.

Therefore, it is imperative to connect security reforms in the territories with accountability processes, including those within the framework of transitional justice. If citizens perceive that members of the armed forces are complicit with or strategically ignoring illegal armed groups, trust in state security forces will erode, reducing the incentives for citizens to support them as providers of security. Conversely, if illegal armed groups perceive that security forces are not transparent in their protective duties and either collaborate with illegal groups or deliberately neglect the protection of certain populations deemed less deserving, they may seize this bias as an opportunity to position themselves as more effective protectors. According to a report by the Conflict Responses Foundation (CORE), dissident groups present themselves to the community as protectors against other armed groups, including the public security forces (Johnson et al., 2024, p. 53). Therefore, in practice, it would be worthwhile to make a more strategic use

of the opportunity window that transitional justice is offering the country to reconfigure and repair the relationship between citizens and institutions, particularly between the armed forces and populations that continue to be violated in their right to life protection. With this in mind, I propose the following recommendations:

Making the narrative of collective responsibility explicit and more vocal at the institutional level.

These efforts should not be solely concentrated on civilian leadership within the Ministry of Defense. Active uniformed leaders should spearhead initiatives that allow for inward and outward reflection within their Training Schools and Training Centers. It is imperative to acknowledge the existence of explicit and implicit institutional logics that facilitated the events. Therefore, reducing the complexity of what occurred to individual responsibilities is not sufficient to make an effectively pedagogical use for prevention of non-repetition possible. Hence, the second recommendation is:

Developing a public communication strategy regarding the changes and implications brought about by both the Special Jurisdiction for Peace (JEP) and the Truth Commission within the curricula or academic training contents of the state security forces:³

For instance, as symbolic acts of reparation, security institutions could incorporate events, gatherings, and/or seminars with experts, victims, and even individuals appearing before the JEP as part of efforts to comprehend what transpired and prevent recurrence of human rights violations in hands of the security sector. Recognizing in these individuals an opportunity for the transformation of security institutions, rather than stigmatizing them, could pave the way for repair and non-repetition, as announced by the individual Santiago Herrera Fajardo in their participation:

I am clear that the possibility of working towards reparation and non-repetition, so that this never happens again, and as I mentioned in the private meeting with victims, I want to express my desire to be able to consistently develop thematic contents based on the lessons learned from these horrendous practices that affected the belief system of

3 In September 2022, a ruling by the Council of State ordered the Ministry of Defense to create a strategy to educate and raise awareness of the Report and its recommendations within the Armed Forces, which was established in January 2023. However, progress in implementation is not publicly available (see Prieto & Arias, 2023).

members of the National Army. (Santiago Herrera, JEP, April 26, 2022, 9:05:08-9:05:36)

It is true that we are not dealing with a state policy, as mentioned at the time by the president of the Truth Commission. The ethical rupture caused by a framework of incentives that distorted military ethical conduct cannot be addressed through laws or regulations alone (Prieto & Arias, 2023). Rebuilding ethical practices requires a transformation of personal and institutional mindset. Therefore, acknowledging the voices of those who participated directly and indirectly in human rights violations, as well as recognizing individuals within the institution who resisted and denounced such actions—like the still unclear case of Raúl Antonio Carvajal Londoño—can contribute to an ethical reflection within the forces that goes beyond the accountability of individual responsibilities.

The foregoing assumes that security institutions initiate support and embrace those actively contributing to the Special Jurisdiction for Peace (JEP). Thus far, participants from security institutions have reported feeling neglected and targeted institutionally. Some have faced threats from other active and retired members of the state forces (Navarro, 2023) due to their statements, in addition to institutional collective stigmatization⁴. Hence, institutional support can also contribute to institutional legitimacy. Here a proactive role from the Minister of Defense is needed. This is contrary to denialism, the perpetuation of the narrative of a few bad apples, or silence. The institutional acknowledgment and the active support of the institution towards those contributing to the truth demonstrate that as a collective, there is an interest in recognizing the mechanisms that allowed these events to occur within the institution. This recognition is essential for actively generating strategies to prevent their recurrence.

According to the 2023 Americas Barometer (Plata Caviedes et al., 2023), five years after the JEP began operating, two out of three citizens are dissatisfied with the tribunal's achievements. Colombians are much more skeptical today than they were seven years ago about the possibility of reconciliation

⁴ Based on official data, ninety-six Public Force members who appeared before the JEP contributed to the truth clarification process outlined by the Commission and received certification. Furthermore, the Commission awarded twenty-two certificates for the involvement of Public Force members in recognition exercises before the JEP (CEV, 2022).

between victims and perpetrators. Citizens tend to prefer punitive justice over restorative justice, regardless of whether the actor involved belongs to the armed forces or the guerrillas. Given the public skepticism regarding the contributions of transitional justice and the centrality of transitional justice in the Peace Agreement, a significant part of the success in implementing this agreement will depend on the achievements of the JEP.

As recommended by the report, increasing societal acceptance of the JEP requires communicating not only how it functions but also its potential impact. This could be very beneficial for the armed forces if they seek to repair relationships with certain communities, regions, and society in general. As introduced at the beginning of this policy brief, evidence indicates that prosecuting flagrant human rights violations serves as a strategic policy measure to deter future assaults on civilian populations. Additionally, it signifies that abuses of power within state security apparatuses will face punitive measures, making societies less susceptible to widespread criminal violence. Preventing cycles of violence, whether by state security forces or other actors, will depend on the transformative role of transitional justice mechanisms in reshaping the relationship between the armed forces and civil society.

Thus, it is recommended to integrate security sector reforms with transitional justice processes in a binding manner. Transitional justice mechanisms theoretically provide a critical link between a history of violence and a future of peace. The manner in which a society confronts its violent past can reveal much about its potential for transformation and the prevailing power structures (Kurtenbach, 2019, p. 60). Transitional justice mechanisms should be tasked with sanctioning the unlawful use of violence and overseeing state institutions, including those within the security sector. By promoting the accountability of the police and military to the rule of law, these mechanisms are expected to help reduce violence perpetrated by state institutions.

However, an institutional competitive victimhood can perpetuate violence through the justification of violence by the in-group, feelings of revenge, and a polarize perspective on the armed conflict reduced to us (the good ones) vs them (the bad ones). Therefore, avoiding the positioning of public security forces solely as heroes or victims of the armed conflict can facilitate not only reconciliation between institutions and the communities of victims directly affected by the state but also



transform the enemy-centric understanding of security within the security sector.

For this reason, the final recommendation suggests: **Develop security strategies in the territories most affected by the continuation of violence that prioritize civilian protection from a human security perspective.** This approach requires utilizing lessons learned from the Truth Commission and the narratives of those who appeared before the JEP, shifting the focus of security success indicators from operational outcomes, arrests, or eradication of illicit crops. Instead, the emphasis should be on civilian protection through the coordinated presence of multiple institutions in these areas. Such a strategy could positively affect the daily lives of communities, diminishing the influence of illegal actors who exploit security gaps and service provision to consolidate their territorial control. The Colombian armed forces' logistical capabilities and territorial knowledge could be leveraged by civilian institutions to establish a more continuous and ideally permanent presence in regions where sporadic military presence has been the norm.

The preceding recommendations aim to pragmatically link the transformations of the security sector with transitional justice in post-agreement societies. It is recognized that these sectoral transformations do not occur in isolation and thus have the potential to perpetuate structures and logics that facilitated violence. Therefore, coordinating the transformations of both institutions has the potential to help identify relevant patterns of change and path-dependence. This is crucial, as both institutions coexisted with the war and are pivotal in providing security, ensuring civilian protection, and reducing violence post-conflict, serving as crucial markers in the transition away from violent conflict.

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