

# EDITORIAL

## HUMAN RIGHTS, CONFLICT AND PEACE CONSTRUCTION

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The Colombian conflict from the last fifty years has been crossed by flagrant violations of the human rights. It has been a confrontation in which massacres, genocide, the forced disappearance, the “False Positives” scandal, the kidnapping, have showed the face itself from the barbarism of an armed conflict, that up until the signing of the Final Agreement with the FARC, made Colombia a country in which the violation to people’s rights and even to the International Humanitarian Right was constant.

It is evident that every social conflict situation leaves unavoidable prints in terms of the transgression of human dignity. Wars and social conflicts are no places for ethics. Even though we know that the International Humanitarian Law is there to make more benign the fight between social contradictory people and politicians. Though it sounds like a paradox, it can struggle to humanize war.

The previously mentioned cases, as sequels of war, have left an imprint of victims and violations of people’s fundamental rights. The human dignity was and has been – as long as the conflict persists – trampled every time some gets kidnaped; each time massacres are made

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by the people in arms, whether by guerrillas or paramilitary groups; every time a Colombian citizen is victim of forced disappearance. There are now thousands of victims from forced disappearance.

The forced disappearance has been the product of a politic intolerance that does not stand a contradictor individual with a different mindset or way of thinking. The not accepting the differences, the diversity of concepts, this has been the main column of this despicable crime. The historic memory centers have hundreds of pictures from people whom no one knows about anymore, people who due to their ideology or by being considered members of one or other armed group were deleted from the map and the only thing that remains from them are some clothes, and a picture, as a unique trace of their presence.

It is to suppose that with the transitional mechanisms of Justice that will be implemented out of the Jurisdicción Especial Para La Paz (JEP), the restitution of the memory from the victims of this horrendous crime begins to be something that can happen. We know that the JEP was consecrated in the Final Arrangement with the FARC as the privileged instrument to make justice. Non-retributed justice, but restorative justice that hopes to heal a bit the scars left by the prolonged Colombian conflict.

Truth, justice, repair and non-repetition are the items that will make possible a resolution to the prolonged Colombian war. They will strength the validation of this fundamental acquisition of the humanity: The full validity of the human rights. In the case of forced disappearance, the victim's relatives sometimes just hope for a corpse to be given back, some remains, some signals from that one beloved person who was just deleted from the map by the damages of war and by the barbarity it has generated. Maybe that will not bring that person back to life, but it does allow to mitigate the pain of those who were waiting for news from a brother, a husband, a son or a daughter who suffered from the strike of an irrational war.

The reparation will be such as symbolic as material, in these cases, what the relatives look for is to have at least a clue from the missing person. It is a fundamental right to know what is the whereabouts from a relative, friend or beloved. No war can justify to clear the signs from a close and beloved one.

The Final Arrangement signed in Colombia between the government and the FARC, will maybe not override the conflict, will be the start point, the turn for Colombian society to get closer to the consecution of a goal that will be ethic, political and juridical, that today is a democratic legacy: The validity and the respect of the basic human rights. La Carta Constitucional Colombiana recognize them, but its effective validity has been tricked by the permanent war status that the country lives. Today it seems that there is a light at the end of the tunnel but everything will depend on how the transitional justice mechanisms will be implemented, from this special justice for peace that allows another violation from the fundamental rights to not happen again. Massacres to not happen again, nor forced disappearance of people, nor kidnappings claiming a war stage and social and politic confrontation.

What has gotten the name of post-conflict in Colombia has to be the beginning of a huge collective reparation and overcoming from a barbarian condition that was present for a long time in the country's condition. On how we made it to advance in this peace stage, peace will be the result for the generations that will come also from the validity of the human rights. For a real reparation to happen to all those victims of war, there is another essential instance, is the Comision de la Verdad, in charge to ensure the reconstruction of the historical truth of the conflict, in charge to document each and every case of violation of the fundamental rights from citizens.

It is the access to the truth, that comes out of the confessions from the offenders, it is expected to compensate the victims or their relatives in cases where massacres, forced disappearance of people, kidnapping and other kind of crimes are involved. It is said that the first sacrifice wars

take is the truth, that is why what is called post-conflict has to lead to the full clearing of the war crimes. Just like that, a real validity of justice can be topic of conversation, and any sign of impunity will be taken away.

However, it is not going to be about punishments according to the retributive justice model, a compensation will be given to the victims when realizing the circumstances of method, time and place from the crimes against the human rights. It is evident that this access to justice will be prolonged in time. But as a society, it matters the non-declining on the demand for truth and compensation by the determiners of war crimes; just like that we can get to the condition of a society that is on his way to pacification and non-violent resolutions from its contradictions and confrontations.

The commitment with the full concretion of the human rights is as much as from the State of right as well as the civil society; but overall, the reparation act that the perpetrators of violent actions owe to the collectivity in the context of the social and political context that the country lives. The good that the Colombian society has to care as its own achievement and also as the base for a pacific coexistence is a durable and stable peace.