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The Psychosocial Approach to Truth Commissions

Based on the working hypothesis that a fundamental factor to the recovery of victims of violence is that they be given the opportunity to tell their stories, to be heard and validated, the fundamental issues are how to perform a collective validation of the victims’ history and the determination of the effects of these processes on the individuals and communities affected by violence.

If we examine my country, Colombia, where after decades of systematic human rights violations and internal armed conflict, there are innumerable victims and survivors of massacres, selective murders by political persecution torture, forced disappearances, and displacement, the result is a series of important questions. What about the victims who remain nameless? What happens to those whose fear prevents them from talking about what has been done to them? What is the fate of their history? When one such victim was asked how he managed to remain in an area that is currently being fought over by guerrilla forces and paramilitary groups, his answer was, “[To survive] here, you have to be a nobody.” This is the current situation of hundreds of thousands of individuals and communities, who cannot even be recognized as such because their lives are still in danger.

This paper is a critical analysis of the experiences in the reconstruction of memory and truth, especially in Latin America, keeping in mind the truth commissions and alternatives for the reconstruction of victims’ collective memory. What have the results been? What difficulties faced and lessons learned might be useful for future attempts?

Experiences are analyzed with a view to principles for protecting and promoting human rights through the struggle against impunity and in defense of victims’ rights: a) the right to know; b) the right to justice; c) the right to reparation.

The Struggle for Memory. “The Right to Know”

The old woman began to talk about these terrible things.

Because it is wrong to silence your memory.

Once in a while, or even just once, it is better to tell about it, about a single night.

It is better to remember in order to forget what happened once in this town.

When memory loses its voice, the result is worse than death.

Camilo Jiménez, Tierralta, Colombia, 1999.

There is a heartfelt need to prepare history, to be able to state publicly what has happened in the past, to deconstruct the version of history maintained by the states, which is full of lies and half-truths. Nevertheless, there is also a need for victims to have a point of reference for understanding their history, so that they are not tied to the memories of the experiences they have gone through and felt so subjectively. As Ignatieff states in his book *The Warrior's Honor: Ethnic War and the Modern Conscience* (1999),

... historical awakening means the recovery of the distance separating past and present, perceiving the difference between myth and reality. The myth is a version of the past that is drawn out in the present, a narration created by desire, not by truth or by the facts themselves however we can establish them, but by our own desperate need for composure and consolation. Awakening consists of rejecting those desires and recovering the intelligence to distinguish between what is true and what we would like to be true... (Note: This is a free back translation from the Spanish translation—it does not represent the author's original words—see authorized Spanish translation below).

.despertar de la historia significa recobrar la distancia que separa al pasado del presente, distinguir la diferencia entre el mito y la realidad. El in/to es una version del pasado que prolonga en el presente, una narracion creada por el deseo, no por la realidad, no por los hechos tal como podemos establecerlos, sino por nuestra desesperada necesidad de tranquilidad y consuelo. Despertar consiste en renunciar a esos anhelos y recuperar la inteligencia de distinguir lo que es verdad de lo que nos gustaria que lo fuera...

Commissions have had the following goals: To become familiar with violent acts of the past, promote reconciliation and give recommendations for victims' hopes and the motivations of the States. For victims and human rights organizations, these commissions and the truth that they were supposed to announce should have been able to break through the lies of the past and contribute to ending the cycle of impunity, thereby making it possible to provide reparation to victims. Nevertheless, in the governments' view, these commissions have a reconciling role to play, and they are designed more to make the most of them as political moves than as a true means of making justice possible.

Due to the dynamics described above, the question is raised if truth is a sufficient goal for the purposes of these commissions, bearing in mind that there are restrictions, especially those dealing with justice. These commissions did not have legal authority, and in some cases, it was not even possible to make known the identities of those guilty of crimes against humanity.

Handling of the psychosocial component on truth commissions and in memory reconstruction processes

In general, the commissions did not systematically consider the mental health component in their work. In several cases, the issue was introduced in the middle of the process of gathering testimony. Another aspect to keep in mind is the dissemination of the commissions' work, which varied from commission to commission, but in all cases was not strong enough to gain publicity, which resulted in the fact that many of the victims did not find out about the work. Hearings were private, not so much due to the methodology adopted as to the continued existence of

underlying security problems, or—as was the case in Argentina—many refused to testify because they still feared reprisals.

Empathy is fundamental so that those who testify will feel confident enough to recount the details of their stories. In this regard, we feel that certain experiences were more successful than others. A standout was the REMHI Project (“Recovery of Historic Memory”), since those who collected testimony were people from the communities who had been trained for that purpose.

The results and their psychosocial impact

The results of the Truth Commissions and other official reports on serious human rights evaluations are analyzed in terms of the following aspects: Contributions to Truth, Justice, Reparation and Reconciliation, from a psychosocial point of view.

Truth

The overwhelming majority of the commissions’ reports showed a past laden with crimes, barbaric acts and impunity. These truths contributed to help society start to recognize its past. Nevertheless, there was only partial acceptance of these truths, to a certain extent, because the military officers responsible for the atrocities committed rejected the reports and accused them of being biased. Though the governments of Chile and Argentina recognized the reports and asked for forgiveness, the Central American governments silenced any response to these reports.

The whole truth was not told in all cases. In Chile, there was no investigation of individuals who had been tortured but had not died, leaving out a considerable number of victims who could not gain access to their rights to reparation. Another aspect was the fact that various commissions (i.e., Chile, Guatemala) were barred from “naming names” in the case of the victimizers.

Returning the report to society and the communities is a process which has not yet been done. In fact, the report appears to have become a purely academic document. Alternative actions seem to be more effective in this sense, such as the REMHI Project (“Recovery of Historic Memory”), in which there is a process of returning the information to the community and the victims.

Justice

The commissions have not met the expectations in terms of justice, which was practically subsumed by the reconciliation efforts. As Juan Méndez (1997) states, the law was traded away for information.

The reports were not even useful to initiate legal suits to prosecute those responsible. On the contrary, after these reports were issued, amnesty laws were decreed covering the guilty parties; those cases which the commissions did remand to the local courts were quickly thrown out. In summary, the results are negligible when compared to expectations. These facts threaten the recovery of the victims or their family members, especially considering that “the achievements are practically negated by the fact that all of those guilty of genocide are still free; by the fact that since no guilty parties have been sanctioned, the victim’s very existence seems to be erased from history” (Edelman and Kordon, 1995). This lack of justice has made relations between the States and the communities of victims ones of marked distrust.

Reparation

The reparation measures have been partially complied with by the States, more so in the Southern Cone than in Central America. In Chile, for example, the National Corporation for Reparation and Reconciliation (“*Corporacion Nacional para la Reparacion y Reconciliacion*”) was created. This is the organization responsible for following up on the cases taken care of by the commission as well as others.

One point that bears mention is the psychosocial component with respect to reparation measures. In the Chilean case, special mental health teams were formed to offer psychological care to “all those individuals who had been subjected to extreme physical and mental traumas as a result of the severe violation of their human rights” (Gómez as quoted in Berinstain, 2000b). In Argentina, those responsible for offering this type of care were from human rights groups, which provided follow-up and support to the victims of state-inflicted terrorism and also provided specialized training to physicians, psychiatrists and psychologists. In the cases of El Salvador and Guatemala, no similar measures have been taken to provide psychosocial care to victims.

Generally, reparation measures have been insufficient and have fallen short in their purpose of repairing the damage caused. The absence of follow up efforts prevented the communities affected by violence to strengthen their reconstruction goals. Victims continue to be on their own, as they were before, without any notable improvement in their well-being, with the exception of the accompaniment efforts of NGOs. This has meant that the commissions’ results continue to be seen as a failure, since the victims did not achieve reparation and their dignity and humanity continue to be attacked.

Reconciliation

Keeping in mind what has already been mentioned, we see that reconciliation is something that has not yet been achieved. Societies continue to be fragmented, and the fact that the individuals responsible for the crimes in question remain free and have not even asked for forgiveness is a factor that has contributed to the impossibility of their being a true reconciliation. The truth, to a certain extent, has been an isolated element that has diluted the strength of the lies and that those responsible cannot continue to deny certain facts. Nevertheless, this truth has not forced the victimizers to recognize the atrocity of their crimes, which is why we feel that reconciliation must be the result of the complementary action of an effective development of all of the components that we have been analyzing herein.

The current situation of societies like Chile, for example, and all of the conflictive feelings that have once again come to the forefront with the Pinochet case, are a clear sign that the wounds are still open and have not yet healed. However, though many of the Truth Commissions have not yet fulfilled this goal, victims have undeniably taken the partial results and continued in their struggle for justice, as evidenced by the mobilizations and achievements of the Mothers of the Plaza de Mayo in Argentina. Other examples of this phenomenon are the reopening of cases against victimizers in Chile, the creation of new scenarios for the struggle against impunity in that country, such as the Dialogue Committee (“*Mesa de Diálogo*”), and the more recent actions by torture victims and Chilean human rights groups to promote the creation of a truth commission there to investigate cases of torture victims.

Memory and Truth as Processes for Transforming Social Reality.

To understand how important the truth is it is sufficient to point out the experience of the REMHI Project (“Recovery of Historic Memory”), “communities were interested not only in how to rebuild their history, to vindicate their family members or denounce the atrocities to which they had been subjected, but also in how memory could help them rebuild their social and community relationships.” (Berinstain 2000a)

The historic reconstruction process is much more than a simple exercise of remembering. Instead, it is a process that should help transform social reality fractured by violence, so that truth can become what Todorov (2000) has called *exemplary memory*, one which does not limit itself to rescuing historical facts in their literal form, but which helps transform current reality. In this sense, truth is important to victims to the extent that it provides an external point of reference for explaining life experiences. In this way, victims’ experiences are no longer tied to self-reflection, but can be inserted into a chronological cause-based scenario. Nevertheless, this process must be an ongoing endeavor over time without being conditioned by the need for changes on the political scene.

In the case of Colombia, for example, psychosocial intervention is performed by *Corporacion Avre*’s team on different sectors. These efforts go much further than mental health work and are geared towards strengthening victims and communities as individuals with rights, thereby enabling them to vindicate their own history and claim what is their due.

Preliminary Conclusions

Since there is still so much left to be said in this debate, the conclusions given here should be viewed as provisional ones; new contributions and readings are welcomed.

1. Reconstruction of memory and truth must be a process that receives constant input from and gives feedback to communities and society.
2. Memory reconstruction processes should be an on-going effort that does not depend on the results of any negotiations. Instead, it should result from the efforts of victims and organizations to keep their memory alive and should be a tool for transforming social reality. These Commissions and other official efforts for Truth, then, can be seen as stages in processes that are often much longer, depending on the scope and results that have been set. It is the responsibility of the victims and human rights defenders to continue with these efforts, not satisfying themselves with simply achieving the Truth, but striving for Justice and Reparation as well.
3. Truth should be an instrument of justice; these two (2) elements cannot be separated.
4. The Commissions’ work should not stop after the publication of a report, but should be an on-going effort and should be considered a process, as has been mentioned already herein.
5. Truth Commissions should be a component of a global proposal; they should not be undertaken as isolated actions.
6. Reconciliation should be based on the possibility of truth and justice, and should be a process of social reconstruction of society; it cannot be the result of a decree or political move.

7. It is important to perform follow-up and accompaniment activities to benefit victims, both before and after they testify, especially to ensure that the commissions' results contribute to the reconstruction of the affected communities.
8. The psychosocial and mental health component is fundamental to victims' organization processes, be it in the scenarios and alternatives proposed in the prior pages or in the institutional and legal areas for establishing the facts and responsibilities. For this reason it is indispensable to structure this component as the fundamental axis for future efforts and actions.

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