

Finding truth in Colombia: epistemological tensions^{*}

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Abstract

The purpose of this paper is to analyze the right of truth in order to elucidate the complexity and tensions involved in defining what 'truth' means in transitional contexts. Following this purpose, it explores the experience undergone by the women of San Carlos (Antioquia) in the Centro de Acercamiento para la Reparación y la Reconciliación.

Key words: Transitional justice, victims, demobilization, right for truth, Antioquia (Colombia)

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Resumen

Este artículo analiza el derecho a la verdad con el propósito de elucidar las complejidades y tensiones que implica establecer el significado de la verdad en contextos transicionales. Para ello, explora la experiencia adelantada por un grupo de mujeres en San Carlos (Antioquia) en el Centro de Acercamiento para la Reparación y la Reconciliación.

Palabras clave: Justicia transicional, víctimas, derecho a la verdad, Antioquia (Colombia), desmovilizados.

Introduction

After the Nuremberg trials that resulted from the Second World War, deaths that had been interpreted as collateral damage resulting from progress became specific concerns for contemporary societies. The horizon of a future full of promise gave way to a past marked by injustice. This temporal turn gave rise to a moral duty to remember the "flowers that were smashed on the road" which Hegel ascribed as inevitable to the functioning of the great 'states of the West'. This moral duty has been dogmatized in some consensuses in institutions that strive to define the way in which a political community may deal with a traumatic past.

Three fundamental rights have emerged with respect to victims of human rights abuses: (a) the establishment of truth about the events that occurred; (b) the application of justice to the offenders; (c) the providing of reparations for injuries from contraventions of human rights. Although there is no clear consensus about what it takes to fully meet these corresponding rights (De Gamboa, 2005, p. 22), there is agreement that to avoid sowing any future seeds of violence and to guarantee the sustainable rule of law is a prerequisite to making this trilogy of rights effective. Some international legal bodies have argued in favor of the validity of the concept of victims' rights confirming the international adoption of this principle.

This international trend is well-known in Colombia. The process of demobilizing paramilitaries groups (2002–2005) undertaken by the Uribe Velez government provided fertile ground for reflection concerning these questions. In contrast to earlier demobilization processes, the moral duty to remember has taken a privileged place. And in keeping with international trends, the right to truth has been considered the first pillar of the trilogy of rights referred to above. In other words, establishing the facts of the past is a prerequisite

for assigning criminal responsibility and for affecting the necessary repairs. In that regard, the State has developed national legislation and has assigned some cases to international legal bodies. Nevertheless, on the ground, these rights are unknown abstractions. The prospect of the State bringing offenders to justice or properly repairing the damages suffered by victims is perceived as unlikely. Under these conditions, some victims have assumed the finding of truth as their own responsibility.

My purpose in this paper is to elucidate the meaning of truth in such experiences and in this particular context. In that regard, I will introduce the experience undergone by the women of San Carlos in the Centro de Acercamiento para la Reparación y la Reconciliación (CARE). This group of victims focused on attempting to rebuild the facts about what occurred in the past and led to the disappearance of their loved ones. Encountering that violent past is usually described as the retrieval of images, all of them marked by horror, which were destroyed and turned into a puzzle. Finding the truth means rediscovering the pieces that make up the whole image of the puzzle. It means to disclose this image. The pieces could be given by anonymous persons, sent through dreams or divine revelations, or could even be negotiated directly with the perpetrators. In the task of matching these pieces, the role of rumors is fundamental since it defines more precisely each side of the equation and thus allows victims to match one piece with the other. The 'effectiveness' of all these mechanisms is reflected in the victims being able to know the place where a missing body is located, and even, in some cases, knowing the facts in which the violent act took place.

I chose this particular experience, because it shows the complexity and tension involved in defining what 'truth' means. Analyzing the epistemological contradictions around this concept is relevant to defining the most

appropriate moral treatment in responding to human suffering in the framework of a democratic transition from the war to the peace. Although these questions are not fully explored, they form the backdrop of this paper.

In the first section, I will present some case law on the content and scope of the right to 'truth' as laid out by the Inter-American Court of Human Rights (IACHR). This brief analysis will be useful to indicate the tension around the concept of 'truth' suggested by the IACHR and the epistemological assumptions and patterns of the present-day judicial systems. This tension will be explained, at the conceptual level, through two models of truth that I have called 'factual correspondence' and 'narrative coherence'. Finally, this tension will be described, on the ground, in the case of CARE.

1. Right to Truth: IACHR

The Inter-American Court of Human Rights defines the 'right to truth' in its double nature: "the right to the truth has a collective nature, which includes the right of society to have access to essential information for the development of democratic systems, and a particular nature, as the right of the victims' next-of-kin to **know** what happened to their loved ones" [bold is mine] (Inter-American Court of Human Rights, 2002, para. 197). Especially in the rights of victims or their next-of-kin, this right ". . . is subsumed to obtain clarification of the **facts** relating to the violations and the corresponding responsibilities from the competent State organs". [bold is mine] (Inter-American Court of Human Rights, 2002, para. 201).

In cases of forced disappearance, the Inter-American Court has "...established the obligation of the State to investigate the **facts** where there is uncertainty about the fate of the person who has disappeared, and the need to provide a simple and prompt recourse in the case, with

due guarantees" [bold is mine] (Inter-American Court of Human Rights, 2002, para. 197). In that regard, it is important to notice that the

Court has clearly indicated that the obligation to investigate must be fulfilled in a serious manner and not as a mere formality preordained to be ineffective. An investigation must have an objective and be assumed by the State as its own legal duty, not as a step taken by private interests that depends upon the initiative of the victim or his family, or upon their offer of proof, without an **effective search for the truth** by the Government (Inter-American Court of Human Rights, 1999, para. 173).

Some literature, that reconstructs the case law of the IACHR, points out that the right to 'truth' is to be satisfied through both non-judicial and judicial mechanisms which, far from being contradictory, should be supplemental and must try to agree in establishing the truth (Rincón, 2010). It is crucial within any process of 'truth' recovery in transitional contexts that victims of political violence are provided with the opportunity to articulate their narratives of suffering within the context of a public dialogical process (Simpson, 2007, p. 326). However, some transitional justice experts, remind us of the extreme care with which the 'truth' of the victims must be protected in so far as it is understood "not only as stories or narratives, but as the very facts that made them victims" (Rincon, 2010). In this sense, it is important to remember that in Europe, the adoption of the Principles against Impunity was preceded by a debate about the existence of extermination camps and the reality of the Holocaust. Against those who seek to deny them, from a revisionist perspective of history voices were raised by persons such as the German philosopher Jürgen Habermas, who made the truth of the vulnerability of victims explicit (Rincon, 2010). This truth

...not only faces silence - produced by fear for what has been experienced and

fear of not being believed to - or the frailty of human memory, or the death of the surviving victims – moral witnesses of the facts - but it can also be denied, not only by the perpetrators but also by those who have the power to revise history (Rincon, 2010, p. 49).

Analyzing the reach and content of that right to 'truth' in agreed to international standards suggests some epistemological issues. Conceptually, the satisfaction of this right implies reaching a plausible, credible and verifiable 'truth', which allows clarifying past 'facts' and knowing what exactly happened. Namely, 'violent facts' are states of affairs in an ontological category that must be accurately discovered and classified by the mind of whoever is searching for the true. This idea of 'fact' is closer to epistemological aspects of legal fact finding in early modern England. At that time, the Law adopted an epistemology that put great faith both in witness observers and in jurors as "judges of fact" (Saphiro, 2000, p. 9). Both were considered able to produce just and true knowledge of "matters of fact". Thus, facts of human action could be established with a high degree of certitude, and the outcome of the process could provide a sound judgment about facts, that is, events and deeds, though those events involved actions that could not be observed or replicated by those doing the fact finding (Saphiro, 2000, p. 12-30).

As was alluded to earlier, these epistemological aspects implicit in the international definition of the right to 'truth' try to protect the truth of the victims from the extreme vulnerability to which it is exposed either by the denial by the perpetrators or by forgetfulness. This epistemological framework contrasts nevertheless with contemporary international trends of criminal law which seem to favor the adversarial system.

In this system, the court does not provide a critical site for inquiry about 'facts'. 'Truth' is a

procedural concept – an idea that comports well with an entrenched Anglo-American skepticism about man's ability to discover the "substantive truth" (Weigend, 2003, p. 168). The fairness in procedures becomes the main foundation of the verdict's legitimacy, and any result that has been found in conformity with procedural rules becomes acceptable. Under this approach it is not anomalous to employ exclusion of evidence as a tool of enforcing adherence to procedural rules (Weigend, p. 168). One clear indication of this trend is the quick expansion of various forms of negotiated criminal justice such as plea bargaining, where the Court accepts the parties' arrangements as to outcome of the process, procedure contrary to the idea that the Court's prime mission is to independently establish the factual foundation of the verdict (Weigend, p. 171).

2. Two Models of Truth: Factual Correspondence and Narrative Coherence

Behind two approaches to the courts and the outcome of the judicial process elucidated earlier, there are two different models of truth, which I call, 'factual correspondence' and 'narrative coherence'. Both suggest important implications about means 'to know the facts' and so, 'to establish the truth'.

The 'factual correspondence' model assumes that 'states of affairs' exist independently of the mind and that it is the correspondence between what the mind judges and believes and reality as perceived and understood which makes possible that judgments and beliefs may be called true (MacIntyre, 1988, p. 356). From this perspective, the mind is informed by both images which are, or are not, adequate representations of particular objects or sorts of objects and by concepts which are, or are not, adequate representations of the forms in terms

of which objects are grasped and classified (MacIntyre, p. 357).

This model defines the principal function of language as representational (Patterson, 2003, p. 54). Likewise, as Wittgenstein asserted, "This proposition represents such and such situation. It portrays it logically. Only in this way can the proposition be true or false – it can only agree or disagree with reality by being a picture of a situation" (Wittgenstein, 1979, cited by Patterson, p. 55). Since normative and aesthetic statements such as 'killing is wrong' and 'this painting is beautiful' cannot depict facts, these non-factual discourses are considered 'expressive' in nature. Statements such as this express feelings, recommendations or preferences of the speaker (Patterson, p. 56).

On the other hand, the 'narrative coherence' model, assumes that states of affairs do not exist independently of mind. There are no features of the world that make propositions true or false. Rather, truth and falsity are a function of agreement among participants in a given practice (Patterson, 2003, p. 57). The truth value proposition can be true only by virtue of something about which we could know and which we should count as evidence for its truth, that it is a dispute concerning the kind of meaning which these statements have (Dummett, 1978, cited by Patterson, p. 55).

The 'narrative coherence' model rejects the dichotomy between language as representational and language as expression and, thus, asserts that language is always an expression of the speaker (Patterson, 2003, p. 56). As regards 'knowledge', it is a man-made fabric and a function of one's ability to move within inter-subjective practices (Patterson, p. 53). From this perspective, for a philosopher of science, the only measure of the truth of a scientific proposition is the fact of group assent: a scientific proposition is 'true' if everyone

agrees it is true. Likewise, in ethics, morality is the product of a tacit or hypothetical bargain reached by citizens of a polity. The bargain generates principles of justice that, among other things, provide a basis for the evaluation and criticism of conduct (Patterson, p. 57).

This latter model has deeply influenced legal as well as popular culture. Recent developments in legal scholarship, such as critical race studies, feminist studies, and lawyering theory, can be seen as offshoots of a cultural climate. Increasingly, scholars are realizing the diverse ways in which narratives construct what we regard as 'truth' and 'reality' and especially how legal storytelling can be (and is being) used to make sense of individuals and events in a given set of circumstances (Sherwin, 2009, p. 119).

The re-emergence of storytelling in the field of legal scholarship rejects the sense of inevitability depicted in detective stories, where the audience and prosecutor are typically cast in the roles of objective observers. They must accept things as they are, the dispassionate and fixed reality (Sherwin, 2009, p. 95). Cast into a world of objective truth, the prosecutor assumes a passive role: "The truth shall emerge. It is but awaiting detection... Faced with what has been shown to be the case, one accepts" (Sherwin, 2009, p. 95).

Conversely, legal narratives induce a particular belief or expectation concerning the explanatory value (truthfulness) or verisimilitude (life-likeness) of the legal and factual realities (Sherwin, 2009, p. 94). From this approach, some thinkers assert that the only world that we have is the world that we have made linguistically: "[T]he world does not provide us with any criterion of choice between alternative metaphors... we can only compare languages or metaphors with one another, not with something beyond language called 'fact'" (Rorty, 1989, cited by Sherwin, p. 99).

3. CARE: Contextual Meanings of 'Truth'¹

In this section I use the two models explained earlier to elucidate what 'truth' means in transitional contexts where threats against the living remain. In order to do that, I will discuss the experiences of CARE.

The possibility that past events rest on the unarmed puzzle, allows victims to protect the truth of the facts against those versions that are told by the perpetrators, who seek to deny what happened. In this sense, CARE's experiences embody a definition of truth closer to 'factual correspondence'. However, these victims don't have a passive role as objective observers, and the reality or the facts are not depicted as dispassionate or fixed. The mechanisms used, to find this 'factual truth', are the creation of stories that do not follow a logical-scientific stream.

a. An Explanatory Reading of the Past: Anti-Subversive War?

Despite San Carlos being of vital importance for the country due to its hydroelectric richness, the terror was installed as a habitual pattern because of the State's and its institutions inefficacy. During 1998, the population of the town of San Carlos was approximately 25,000, of which 10,000 inhabitants were displaced or disappeared under the strategic control of both paramilitary groups and subversive armed groups which occupied the zone between 1999 and 2003. However, these harsh conditions changed substantially in 2005 with the demobilization of the Heroes de Granada paramilitary block (BHG).

Out of 2,033 demobilized paramilitaries, only 30 were tried for any crime, and the Block's commanding officer lives today in the urban

area and is an employee of the municipal administration. According to a woman in San Carlos, "...the younger ones were sent to the houses, others didn't turned themselves in, and the ones who did declared just nonsense, and because they declared before the Court, they were redeemed of every guilt" (Sancarlitán woman, November 2007).

To respond to the uncertainty created by the demobilization of the BHG, the municipal councilor Pastora Mira called for an Open Town Council², which resulted in the approval of the Centro de Acercamiento para la Reparación y la Reconciliación (CARE) as the town's public policy. Even though the creation of CARE responds to an initiative of the civil society, for some members, the validity also stems from the approbation that was negotiated with every 'actor' involved. According to what a town councilman from San Carlos said, "...even though there were not any demobilized fighters on the Council, there were still intellectual members of the paramilitary groups. That is why, when the negotiations took place, they also approved it" (Municipal Councilman from San Carlos, November 2007).

In this 'particular' transitional context, today there is not a clear objection to comments of those who read and explain the violent past of San Carlos as an "anti subversive war". These stories, that simplify and avoid the complexity of past facts, go around this town without much difficulty. On many occasions during our talks, the demobilized fighter being interviewed suggested a reading of the past in which they explained violent acts in the light of a pertinent justification derived from the anti-subversive war that they had courageously fought. "When we were going to demobilize many people came to us and asked us not to do it, that what would

¹ This section is based on talks and discussions with ten demobilized fighters of the Héroes de Granada Block and 30 women victims of the armed conflict, both part of the Approach to Reconciliation and Reparation Center [Centro de Acercamiento para la Reparación y la Reconciliación – CARE] in San Carlos, Antioquia.

² The Open Town Council is public meeting among the district, town or local administrative meetings, where the locals can participate directly with the purpose of discussing issues of common interest for the community. (Article 9, Law 134 of 1994).

happen to them if we were not there to protect them” (Demobilized of the Heroes de Granda Block, part of the CARE, November 2007). Even some civilians in that municipality asserted that the atrocities inflicted by paramilitaries were necessary actions in order to defeat the guerrillas and to preserve ‘order’ and ‘security’ in the municipality. “Before making a monument for the victims in the park, we should make one to Jhonny³, this guy is really a hero for this town” (Attendant to the Painted Memory Workshop, November 2007).

This reading became more evident during one of the workshops held in the area, where victims and demobilized fighters mapped out the violent past of San Carlos. On the one hand, the victims displayed their painful facts as isolated and private stories in which violence appeared as a body with own impulses that had exceeded the humanly explicable and avoidable. On the other hand, the demobilized fighters, in their stories, managed to insert each violent act into the national history, and in so doing, verified the “magnanimity of their acting”. In their stories it was not strange that they identified themselves as ‘heroes’ as they considered their own acting patriotic - the sacrifice and the offering they had made in favor of the town’s safety. In the words of one fighter,

...It is not pleasant at all to leave the family, parents, being in the mountains at 1, 2, 3 in the morning, walking all night with rain over your head, hungry, and waiting to receive a shot in the back. One thing is saying to go to the mountain, and the other is being there living it ... we were people who had in mind that the guerrillas were destroying the country, and that in one way or the other, they had to be counteracted... that was how the results started to be seen (Demobilized of the Heroes de Granda Block, part of the CARE, April 2008).

³ Former militia fighter of the BHG in San Carlos, who was in the same place. While he said these words, he took Jhonny’s hand and raised it vigorously making the honor sign.

After astonished silence from the audience, the argumentative capability of the demobilized fighters was held up against the narrative of the victims. The oratory of the first clearly evidenced the hard anti subversive fight that ‘the whole’ town of San Carlos had had to struggle with.

Even though big massacres no longer take place in town, isolated violent acts keep alive the memory of the terror and extend the paramilitary domination into present time. Indeed, some victims consider that the threats against their lives have not stopped: “One still can’t say too much, because it looks that they are not all demobilized, and looks that here there have been disappearances all the time after that, and they can make you a missing person in any moment” (Sancarlitán woman, October 2007).

b. Finding Missing People

The legitimacy of the CARE has been especially visible thanks to the number of missing persons that have been found and identified in town. The tortuous process that Pastora Mira has gone through to find the body of her daughter has taught her that any detail, even if it’s really insignificant, can have a great value for “the puzzle that has to be solved to locate missing persons” (Pastora Mira, October 2007). Rumors have created information networks that slowly help to document every case.

The purpose that supports and encourages victims in this difficult reconstruction is the possibility of discretely restoring the dignity of the deceased: the pieces found will allow the corpses to stop being just thrown things and become buried bodies. In the same way, since the degree of social rejection of violence and even of cruelty seems to depend on the image of innocence or culpability of the victim (Comisión Nacional de Reparación y Reconciliación -CNRR-, 2008, p. 88), it is of vital importance to erase any suspicion that remains over the missing

person. Thus, the women of CARE want to show that the disappearance and/or cause of death of their relatives had no relationship with what their daily life was and, for this reason, establish that his or her death was something unfair.

The process began in June 2007 when some of the members of the CARE suggested a march to advance the search for 95 people that the Center reported as missing. They handed out 200 copies of the town map and all its surrounding villages, and they asked for any information about common graves or other missing persons that were not identified. To remove fear of implication in the events, it was suggested that the papers could be left anonymously in the Mayor's Office, the Municipal Ombudsman Office, or under the doors of CARE leaders' houses. According to one of the women:

...We gave away maps, and you didn't have to tell your name, you just had to show a point in the village and that's it, and you just go and throw the paper under the door. Who is going to know who brought it? Knowing that here in town they throw under the door the electricity, telephone, cable and water bills, then, what paper was thrown? By whom? You never know (Sancarlitán woman, April 2008).

Despite the valuable source of information collected in the maps, this hasn't been enough itself to fully achieve the objective. There are other broader ways that appeal to cultural repertoires such as dreams.

...I don't know where he was or with whom he was ... but I dreamed about him. The last time I saw him, he was dressed in white, on a table, they were mourning him on a table and I threw myself to him, and then I said 'my child is dead.' I didn't realize until the dream that I saw him and that God allowed me to see him on that table.

I went to look because I had a dream, where she told me where she was so I

could go to get her. I was not definitely sure where I was going to look, but I was closer because at least I knew it was close to a volcano ... then I came to tell Luis to go to search ... when they went they had already found her. They were going to rip off a supposedly root of a tree and it was one of her bones (Sancarlitán woman, May 2008).

Dreams and moments of divine illumination, far from blurring the limits between reality and fiction, represent the experience of a trustworthy source of information. The messages received from supernatural sources are invested with such a certainty that nothing represents an unmovable obstacle to continuing on the path they indicate. Tracking the clues in each given piece, demands courage of the victims, because they must walk through long and inhabited paths, possibly guerilla refuges, opening holes for long periods of time, confronting the horror of opening graves and finding bones or clothing that seem painfully familiar. During all this demanding process, the only encouragement for these women is the certainty that comes from supernatural information. To this is added bravery to support the conscience that this path may lead to their goal. Their tenacity is sustained by the thought the search for their loved ones can come to a happy ending.

I had to open two of the graves where they buried a non-identified body and they took all of them, and I, with that great pain, asked the Holy Spirit and my God to give me the courage so I was not going to get sick there, and thank God the lord helped me. They opened the earth and with that sorrow I went outside to cry and they asked me to calm down, that later we would know so we could bury him; thank God I didn't get sick there, because the lady that I saw here said that she will get sick there, because one to be able to see for so many hours has to have a very big heart (Sancarlitán woman, October 2007).

In addition to the supernatural sources, important information has come from some paramilitary leaders through 'free-hearing' sessions, and from medium and lower commanders through informal conversations or anonymous maps. In the same way, in this 'particular' transitional context, it is possible for the victims to get to the perpetrators and negotiate with them certain clues.

That man was not demobilized, but I will talk with the District Attorney's Office to see what they will do, because he is not willing to help. My son went really often and said to him, 'Tell me where my little sister is' and the last time that he confronted him, he said 'you must know and understand that if the District's Attorney's office comes and we don't find my little sister, we are going to denounce you with them' and the guy said 'Brother! What?' It seems he was drinking some beers. In those days I was where I am and he passed by the street, looked to the balcony, and when he saw me he put his head down. He can't look at me. He can't look directly because he is embarrassed; he is ashamed because he knows we know he took her out from there. He didn't kill her but he took her, so he was an accomplice there (Sancarlitán woman, November 2007).

I was told that they killed her eight days after, she was full of worms. We all know because the man is now demobilized and he said to one of them 'your daughter is in this part, this guy passed her there.' He told me 'don't ever say my name' and I said 'I'm grateful for finding her, I won't say anything', because he told me with lots of fear that he was demobilized (Sancarlitán woman, October 2007).

In this long and tortuous process, the rumors that came from information scattered around through maps, dreams, revelations and testimonies from perpetrators fit into an organized schema. The rumors appear like voices that can't be attributed to anyone, and

that no one claims as their own. However, it makes possible actions that have never been imagined before. Referring to the capacity that rumor has to move masses, Veena Das defines the peer broadcasting force of words as the ability of doing something when this is announced (Das, 2006, p. 117). The rumor as an agent to trigger and mobilize has been essential in the labors that correspond to the victims in their investigative processes. About this, *Semana Magazine* described the case of Rosalba Franco, a grandmother of 13 grandchildren of school age, who lived by the side of a road in La Holanda village, in San Carlos.

In 2002, the paramilitary took out [of the house] Gloria, her daughter, and murdered her. [. . .] Rosalba spend weeks without believing in the death one of her younger daughters. She felt as if she was alive. 'She could be lost-but- said-to-be- working- in- another- town, in a friend's house, anything [. . .] but I wouldn't think of her as dead.' The hopes of seeing here lasted until one guy gave her a pair of white, old sneakers in the patio of her house. Those were the tennis shoes her daughter was using the day she was missing, and the confirmation that she had been murdered. Where was she buried? That was the question that took her sleep away, until the past November when, based on rumors and comments in the streets, she started looking for Gloria's body in roads and hidden paths. The search turned into a forensic investigation for amateurs, starting Wednesday on a ladder-bus that took her from her village to the urban area of San Carlos. That day, some minutes before arriving to the town's plaza, Rosalba heard some whispering about her daughter in the bus. Two men, she recalls, said that she would be underground in the 'twin towers': a place that turned infamous in that difficult time of the conflict, because women were hidden and killed there. The grandmother's hair stood on end, and some days later, with the strength that only women with missing child can have, she was determined to walk alone with a shovel in hand

to get rid of the rumors. She didn't find anything though. Weeks later, she insisted a couple of times more in other places that she randomly picked throughout the villages in San Carlos. The seer was also useless. Finally one day, in the middle of a strong hunch, she decided to go back to 'the twin towers'. She says that it was her daughter, the one who talked to her in a dream. This time she asked a son-in-law to go with her. They shoveled very close to where she did for the first time and felt the soil was soft. 'My daughter is here,' she said, and her son-in-law dug harder, until the shovel hit a long bone. There they stopped. That bone was enough for Rosalba to rest. They used the same soil to cover it up, put a cross made out of branches, prayed Our Father three times, and planted a small object to mark down the place, and ran back to give the news to the family and to the Municipal Ombudsman. He is the one in charge to contact the District Attorney's Office for the disinterment. The search had come to an end (Semana Magazine, May 5, 2008, w. p.).

In a personal dialogue with Rosalba, she gave some additional details about the dream that allowed her to find her daughter:

After praying to the Lord so much, I had a dream around midnight with her, as if she said to me what I asked her. I said, 'I only want you to talk to me, give me some directions so I can take you out'. I asked the Lord; I lighted candles just for Him to enlighten me so I could know where she was so I could take her out. One day, after I was disappointed of not knowing anything, one day in the morning, around dawn, I didn't wake up but I had a dream with her in it. Then it was as if I was enlightened and I knew where she was. I went with a son-in-law, we dug and there she was. I kept her until the District Attorney's Office came to take her out (Sancarlitán woman, May 2008).

Once the victim locates the body, he or she should leave it alone, and not move it because

the technical part of the disinterment has to be carried out by the State, in the form of the Head of the District Attorney's Office. Once the disinterment of the relative is completed, there is a wait of between one and one and a half years before receiving DNA confirmation from the designated authorities. Out of the 185 remains of bones recovered in Antioquia during 2008, 50 bodies were identified conclusively and buried by their families. The deliveries of these human remains take place in symbolic ceremonies presided over by government officials.

4. Conclusion

International legal bodies understand the right to 'truth' not only as stories or narratives, but as the very fact that made them victims, and recognize the necessity of avoiding distortions of history through revisionism or denial. In the same vein, to the women of CARE, the harshness of the facts seems the only opportunity to refute the paramilitary narrative of power. Victims do not aspire for what happened in the past to be clarified through stories or narratives, because these could be easily manipulated by those who still hold power. The idea of the puzzle represents, for the victims, the possibility of accessing the events as "what really happened in the past", the hope of safeguarding the dignity of their loved ones by using the strength of objective facts that are waiting to be discovered.

In contrast, Richard Rorty, as regards hardness of fact, asserts that there is no way of transferring the nonlinguistic brutality to facts, to the truth of sentences

...the way in which a blank takes on the form of the die which stamps it has no analogy to the relation between the truth of a sentence and the event which the sentence is about. When the die hits the blank, something causal happens, but as many facts are brought into the world as

there are languages for describing that casual transaction (Rorty, 1991, p. 81).

For him, the hardness of facts, in all cases, is simply the hardness of the previous agreements within a community about the consequences of a certain event (Rorty, 1991, p. 80).

Even though Rorty's position seems to be the predominant position, it is contrary to a sense of justice oriented towards the past which has been considered necessary to deal with the horror. These demands for 'known facts' address the need for a moral treatment that responds to human suffering. Subjective certainties or linguistic agreements seem insufficient to deal these demands. On the other hand, taking into account the case of CARE challenges the 'rational' paradigm for finding the 'truth'. CARE's mechanisms for finding and classifying 'facts' challenges the epistemological basis of legal fact finding found in legal practice in early modern England.

These contradictions are derived from different approaches to the concept of 'truth' (philosophical, anthropological and judicial issues), which, far from being contradictory, should be supplemental in the interest of finding what is the most appropriate moral treatment to respond to human suffering in the framework of the democratic transition from war to peace.

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