

# Topologies of the Dead and the 2016 Peace Accord in Colombia: Mass Graves, Forensic Inhumations, and Illegal Burials

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## Abstract

This paper (number 3) in the research project “Burying the Dead” follows the introductory comments and typology of previous papers (Aguilar, 2024a; Aguilar, 2024b) with a background of a global study of burials and their sociological trends in a global perspective. Its objective is to complement an ethnographic comparative of the previous papers that explore burials in India and Chile. This paper’s findings are diachronic, covering fifty years of Colombia’s history but also synchronic, expanding on the ongoing findings of bodies and memory at La Escombrera in Medellín. The methodology is historical and comparative, including sociological trends of memorial disruption and forensic anthropology. The findings of the paper come from archival materials, allied with an ethnographic experience of Colombia as a diverse nation that experienced fifty years of generalised violence until 2016. This paper identifies some of the cemeteries in Bogotá, Medellín, and Cali but concentrates on the topology of the dead, the mapping of mass graves, forensic inhumations, and illegal burials that have taken place within Colombia in the past fifty years of internal violence. The location of those sites of the dead and enforced disappearances have been regulated by the 2016 Peace Accord signed between the state of Colombia and the Revolutionary Armed Forces of Colombia (FARC-EP) and the creation of state institutions such as the Jurisdicción Especial para la Paz (JEP). This paper outlines how the 2016 Peace Accord has worked institutionally by following the excavations in Medellín, Area 13, particularly in La Escombrera, where human remains corresponding to Operation Orión (2002) were found in 2024. This paper considers the Peace Accord a very positive one but contests the possibility that a time limit can be given to such a massive national operation of finding the dead, assessing responsibility, burial, and legal compensations. Indeed, the paper is only an introduction to further papers on the topology of the dead and enforced disappearances in different regions

of Colombia.

## Keywords

Colombia, Cemeteries, 2016 Colombia Peace Accord, FARC-EP, Jurisdicción Especial Para la Paz (JEP), Medellín, La Escombrera, Pablo Escobar, Operación Orión, Enforced Disappearances

## 1. Introduction: Internal Violence in Colombia

It could be argued that the dead in Colombia remind the living that not everything is as well as traditional indigenous knowledge would have indicated, and the memory of those graves is accommodated by different groups in Colombia (González Pinzón & Lillis, 2025). Colombia became identified with violence; however, Karl has consistently argued that “even in a country so associated with violence, the drive for peace is an equally fundamental component of contemporary history”. (Karl, 2017: p. 2).

Within a country with many mass graves, this paper outlines the topologies of the dead that lie within the boundaries of Colombia and outlines the active side of the 2016 Peace Accord that might bring truth, justice and reparation to those who put their trust in the signing of a Peace Accord. It follows the findings and reflections on the topologies of India and Chile, papers 1 & 2, within the research project “Burying the Dead” of the Centre for the Study of Religion and Politics—CSRP of the University of St. Andrews, Scotland (Aguilar, 2024a, 2024b).

This paper outlines 1) some of the historical developments of a 50-year armed conflict in Colombia, 2) the achievement of a Peace Accord in 2016, and 3) the efforts to locate, identify and provide justice for cases of enforced disappearance, grave crimes against humanity that were the norm of violent engagement by all groups involved in the Colombia conflict. The case of the 2002 Operación Orión and La Escombrera of Medellín is examined in detail as a case study.

## 2. The Immensity of the Colombian Conflict

The internal conflict was severe, long and fought by groups determined to challenge the state as well as narco-groups that fuelled alliances with guerrillas and combatants with consequences of criminality at all levels (Durán Martínez, 2024; Payne & Stallone, 2024). Colombia became a war zone, particularly in years in which kidnapping even in Bogotá remained a daily occurrence (Bergquist, Peñaranda & Sánchez, 2001). The memory of such conflict has been gathered at the Centro Nacional de Memoria Histórica (CNMH) through archives and bibliographical collections (Archivos de los Derechos Humanos). In December 2024, the Archivos de los Derechos Humanos was officially incorporated into the Registry of Memory of the World by UNESCO (CNMH, 2024).

While the FARC-EP appears as the largest group within the 2016 Peace Accord,

there were hundreds of small groups that appeared, disappeared and re-appeared with only one purpose: violence for the sake of control and the physical elimination of those who had connections with insurgents by those who were part of social cleansing processes. The complexity of these paramilitary groups reflects the complexity of Colombia and the sum of socio-political divisions throughout Colombia. For example, one of the groups described by the JEP was “Los doce apóstoles” (The 12 Apostles) operated in the northern part of the department of Antioquia and were armed paramilitary financed and supported by local businessmen, right wing supporters and a local priest (JEP, 2024b).

Because the conflict between state and non-state actors was widespread to every Colombian region, the actual number of those who died, and the disappeared whose bodies have not been found remains elusive, changeable, and subject to new information and demands to JEP by victims of the violence. One of the most reliable data was produced by the Observatorio de Memoria y Conflicto del CNMH and given to the Centro Nacional de Memoria Histórica as part of the work arising out of the 2016 Peace Accord for Colombia. Such database documented acts of violence from 1958 to July 2018 and its summary included 262,197 dead, including 215,000 civilians and 46,813 combatants (CNMH, 2018). Ten modalities of violence were documented: kidnapping, enforced disappearance, sexual violence, massacres, child soldiers, and terrorist attacks (CNMH, 2018).

The modalities of violence and the spread of the violence, particularly against women who were not combatants for the most part makes authors suggest that there were 8-9 million victims of human rights abuses during the 50 years or so of systematic violence (Iáñez Domínguez & Pareja Amador, 2019). Indeed, different legal understandings preceded the 2016 Peace Accord, including Law 387 against forced displacement (Congreso de Colombia, 1997), Law of Justice and Peace that tried to help demobilisation by illegal armed groups (Law 975, 2005), and Law of Victims that put victims and their protection first (Law 1448, 2011).

The topology of mass graves and historical narratives does not match the reality of individual graves because the enforced disappearance became a tool of punishment and silence by all actors of a 50-year war between different state actors and non-state actors. However, killings by the different actors included individuals who were accompanying victims and who stood against the violence in Colombia, including, for example, Monsignor Isaiás Duarte Cancino, archbishop of Cali (1995-2002) who was assassinated by two sicarios on 16 March 2002 when he was leaving the Iglesia del Buen Pastor, Aguablanca, Cali. The CNMH had an event with those who had researched the life and accompanying of victims of violence by Archbishop Isaiás Duarte on 16 March 2022 together with the Catholic University of Cali commemorating the twenty's anniversary of Archbishop Duarte's assassination ([https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=544173783579263](https://www.facebook.com/watch/live/?ref=watch_permalink&v=544173783579263)). The topologies of the dead include most bodies that were never found, going back to the bodies of slaves, indigenous people and those who fought for the independence of Colombia and Venezuela.

The main historical cemeteries of Colombia are in the cities of Bogotá, Medellín and Cali. In Bogotá, there are four state cemeteries: Cementerio Distrital Central, Cementerio Distrital del Norte, Cementerio Distrital del Sur, and Parque Cementerio Distrital Serafin. They were legally constituted under Decree 313 of 2006 that regulated cemeteries in Bogota and all together they provide 39,002 vaults, ossuary and crematoria.

I note that the government of Bogota provides a prominent note regarding unidentified bodies, stating that Law 1408 of 2010 pays homage to the victims of enforced disappearance and dictates norms for the identification of bodies states in article 11 that all bodies and human remains unidentified will be registered in the SIRDEC and cemeteries will follow technical procedures established in the national plan for the search of unidentified bodies (Plan Nacional de Búsqueda). Thus, according to Resolución 5194 of 2010 (Ministerio de la Protección Social), article 18, the identification of unidentified bodies or unidentified and not claimed bodies will be carried out in public or mixed public-private cemeteries.

Cemeteries in Medellín include Catedral Basílica Metropolitana, Catedral Santa Fé de Antioquia, Cementerio Campos de Paz, Cementerio Israelita de Medellín, Cementerio Universal, Cementerio de San Pedro, Cementerio de Santa Fe de Antioquia, Cripta Parroquia Santo Domingo Savio, Cementerio Don Matías, Cementerio Católico de Medellín, Cripta Parroquial Nuestra Señora del Sufragio, Cripta Parroquial Nuestra Señora de la Asunción, Cripta Parroquial La Sagrada Familia, Cripta Parroquial Parroquia Nuestra Señora del Sagrado Corazón de Buenos Aires, and Cripta Parroquial Niño Jesús de Praga. The most visited tomb in Medellín is that of Pablo Emilio Escobar Gaviria (+09.12.1993), head of the Cartel de Medellín, who was one of the most wanted persons in Colombia during the 1980s. Escobar's tomb unlike other leaders of the Cartel is quite simple, at the Cementerio Jardines de Montesacro in Medellín where thousands of visitors visit every year, and where his mother Herminia Gaviria (+2016), his brother Luis Fernando Escobar (1977), his father Abel Escobar, and one of Pablo's uncle are also buried (El Heraldo, 2021).

Cemeteries in Cali, Valle del Cauca include Jardines del Recuerdo, Cementerio Central de Cali, Capillas de la Fe, Camposanto Metropolitano de la Arquidiócesis de Cali, Cementerio Hebreo de Cali, and Jardines de la Aurora.

In all Colombian cemeteries, there are unidentified human remains located in cemeteries, and the reality is that Colombia has started work on finding bodies, identifying them and burying them, following the 2016 Peace Accord.

The Colombian press has published shocking details of unburied and unidentified human remains still in plastic bags. Harsh questions have been asked by the UN Committee on Enforced Disappearances (OHCHR), a body of independent experts which monitors the implementation of the Convention for the Protection of All Persons against Enforced Disappearance (<https://www.ohchr.org/en/treaty-bodies/ced>).

The aim and objectives of the visit were 1) to provide the Committee with

information on the situation of disappearances and enforced disappearances in the state party, and to suggest issues that should be addressed in the context of its visit to the country, and 2) to collect data from victims, civil society organisations, national human rights institutions, academia and other actors willing to meet with the Committee during its visit. Those who wanted to provide information, reports and testimonies were asked to do so before 30 September 2024.

It was clear during the visit of November 2024 by members of the OHCHR to Colombia that neither the state actors nor the non-state actors, including regional associations of relatives of the disappeared knew exactly how many there were. The visit took place from 25 November to 6 December 2024. Indeed, numbers have been tricky in the history of enforced disappearance in Latin America in general because of the numbers of enforced disappearances and the slow cooperation by perpetrators and relatives of the victims as well. For example, in the state of Chile, a country with a smaller population and fewer years of state violence (1973-1990), it took five decades to produce a clear accountable list of the disappeared recognised by the state. It finally collided through a new government program in 2024 with a number of 1469 disappeared and 52 sites of interest for further legal and forensic investigations (<https://www.plannacionaldebusqueda.cl/victimas/>). Colombia remains well behind because most of the enforced disappearances took place in rural settings with no legal demands about such disappearances over a long period of violence.

### 3. Conflict against the State

From the 1960s onwards, an armed conflict, the longest in the world, began when revolutionary movements and groups decided to use violence to correct the injustice of land ownership and the violence against peasants in Colombia. This coincided with Latin American social processes such as the Cuban Revolution (1959) and the rising left-wing and social movements that coincided with a period of the Cold War between the Soviet Union and the United States outlined by the Cuban missile crisis and the military alliance of Latin American armies with the United States.

The Colombian conflict's genesis can be traced back to 1964 with the formation of two guerrilla groups: the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejército de Liberación Nacional (ELN), groups that have dominated the internal conflict since (Brittain, 2010; Higgs, 2020; Leech, 2011). However, political violence in Colombia had taken place since the 19<sup>th</sup> century, particularly after the assassination of the Liberal Party presidential candidate, Jorge Gaitan, in 1948, starting a decade of 200,000 killings, mainly of peasant farmers, known as *la Violencia*. After that period, peasants started organizing themselves and advocating a reaction to social injustice and the great economic inequality within that South American nation. Thus, the elites requested the government to end the existence of these groups in the south of the country, groups that established what became known as "independent republics."

In 1964, the Colombian Army marched into the zone known as Marquetalia to find themselves fighting a guerrilla army rather than groups of peasants. In 1966, such guerrilla army became the FARC. At the same time, the ELN formed by university students who had returned from Cuba and who associated themselves with the Communist Party of Colombia was formed in 1964. The ELN boosted among their fighters the Catholic priest Camilo Torres, previously university chaplain who joined them and died in combat in San Vicente de Churcurí (15 February 1966). By the 1980s paramilitary organisations associated with landowners and drug cartels were formed with the support of the Colombian state, a variety of organisations with a membership of 8,000 paramilitary that united themselves in 1997 under the Self-Defence Forces of Colombia (AUC). Over the years, thousands of Colombians died, were kidnapped, and experienced insecurity, not only the rural peasant who saw advancing armies and guerrilla groups but also the urban poor who were offered opportunities by the narcotraffickers who offered them financial help and the dignity of guns, protection and corruption (Moser & McIlwaine, 2000). Thus, the peace accord supported by Pope Francis was welcomed by all parties and the FARC and the ELN became political parties in 2017.

The final agreement between those involved in the peace negotiations took place in 2015 with the help of Pope Francis who particularly encouraged members of the ELN to consider entering such a peace accord through letters and indirect exchanges. During his apostolic visit to Cuba (19-28 September 2015) and as an addendum to his formal homily during the Mass at the Plaza de la Revolución, Pope Francis addressed the Colombian government and the FARC and told them “we don’t have the right to allow another failure”.<sup>1</sup> In his formal homily Pope Francis reiterated his sense that service becomes the central motto for any relations within Cuba and indeed other states so that “the importance of a people, a nation, and the importance of individuals, which is always based on how they seek to serve their vulnerable brothers and sisters”.<sup>2</sup> In May and August 2015 Professor La Bella personally carried two letters from the FARC to Pope Francis, with the agreement of the Colombian government, requesting his involvement in the process, as they wanted peace (Aguilar, 2021). As a result, the Pope agreed to get publicly involved but at the end there was no need for Pope Francis’ direct involvement as the President of Colombia Juan Manuel Santos and the leader of the FARC, Timoleón Jiménez (aka Timochenko), agreed to sign a peace accord within a period of six months from the Pope’s call for peace.

#### 4. Towards a Peace Accord

The conversations to end the fight between the state of Colombia and the FARC-

<sup>1</sup>“No tenemos derecho a permitirnos otro fracaso”, dice papa Francisco sobre diálogos de paz entre el gobierno de Colombia y las FARC’, BBC Mundo 20 September 2015 at [https://www.bbc.com/mundo/noticias/2015/09/150920\\_papa\\_francisco\\_cuba\\_homilia\\_misa\\_habana\\_revolucion\\_ac](https://www.bbc.com/mundo/noticias/2015/09/150920_papa_francisco_cuba_homilia_misa_habana_revolucion_ac).

<sup>2</sup>Apostolic Journey of His Holiness to Cuba, to the United States of America and visit to the United Nations Headquarters (19-28 September 2015), “Holy Mass: Homily of His Holiness Pope Francis”, Plaza de la Revolución, Havana, Sunday 20 September 2015. Vatican City: Libreria Editrice Vaticana.

EP (and the ELN) started in 2012 culminating with the 2016 Peace Accord. However, the peace process started with the recognition that social organisations and victims had a central role to play in a 50-year conflict between the state of Colombia and paramilitary groups. In 2011, the government of Juan Manuel Santos approved Law 1448, a law that aimed at land restitution to victims of the conflict, land taken by guerrillas and paramilitary groups. This was the first time that an internal armed conflict was recognized in Colombia, with a start date of 1960. Further, the Jurisdicción Especial para la Paz (JEP) was created out of the Peace Agreement between the state of Colombia and the FARC-EP. Within the JEP there was an agreement by the Colombian state to reconstruct the memory of the victims of the conflict, to find those who suffered enforced disappearance, to give back their remains to their families, and to invite the FARC-EP to cooperate with the reconstruction of some of that history. The role of victims and their families was later enforced by the work of the Colombia Truth Commission. The conversations for peace were carried out at Oslo and La Havana and ended with a full peace agreement between the state of Colombia and the FARC-EP, document signed as *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera* in Bogota on 24th of November 2016 ([Acuerdo Final, 2016](#)).

([https://www.jep.gov.co/Marco%20Normativo/Normativa\\_v2/01%20ACUERDOS/N01.pdf](https://www.jep.gov.co/Marco%20Normativo/Normativa_v2/01%20ACUERDOS/N01.pdf))

The state narrative was official as Colombia was deemed to be able to live in peace by following the Peace Agreement. Slowly, actors of violence were expected to be incorporated into society and different guerrilla groups disbanded with the support and incorporation of the state. As in the case of South Africa, there was something controversial about the possibility of reintegration and legal pardon without justice to the victims. Further, as was the case of artists and culture creators, new terms and new epistemologies were to arise on peace in a society in which at least the conversation was about violence. Artists were not part of the state apparatus, but they were remakes of social realities in which most of their creations were to arise out of themes of violence.

A very poignant moment of this post-2016 Peace Agreement occurred when the artist Doris Salcedo was commissioned in 2018 by the Ministry of Culture “to create a monument to commemorate the Peace agreements utilizing the firearms left over from the demobilization” (Zepke & Alvarado Castillo, 2023: xxiii). Salcedo performed her usual genre of art and produced a monument that was criticized by part of the Colombian artwork because of her consistency in artistic plasticity. While this continuity is plausible, “the desire to be simultaneously a lucid critic of institutions and an official aesthetic performer of the Nation’s truth resulted in social and artistic impasses” (Zepke & Alvarado Castillo, 2023: xxiii).

## 5. The 2016 Peace Accord

The very comprehensive text of the 2016 Peace Accord is dated 24 November 2016

and recognizes the 2012 meetings that took place in La Habana between 23 February and 26th August 2012 (Acuerdo Final, Preamble). As a result, a common and general wish for peace was agreed upon, and the text and conditions that needed to be negotiated were negotiated over the next few years. However, a General Document was signed in the presence of Colombian witnesses and those representing the Kingdom of Norway and the Republic of Cuba, nations that since then have remained guarantors of the agreement. Two countries, namely Venezuela and Chile, have accompanied the peace proceedings and discussions. The General Agreement was put to the vote by Colombians who rejected it, thus, the changes needed were integrated in a constitutional manner (articles 22 & 95 of the Colombian Constitution) and were finally accepted by the parties involved as the Final Agreement (Acuerdo Final).

This Final Document was signed by the Government of Colombia and the FARC-EP following the provision of special conventions under the International Geneva Convention Article 3. The agreements within the Final Document provided areas of cooperation that might help create lasting peace for Colombia and for all Colombians, including those in exile, as worked out by all Colombians. Thus, the main aim of the Final Document was to set the general objective of everlasting peace by breaking the historical cycle of periods of violence within Colombia (Acuerdo Final, “Introduction”):

Agreement 1: Towards an Integral Agrarian Reform (Acuerdo Final § 1 “Hacia un nuevo campo colombiano: Reforma Rural Integral”).

Agreement 2: Political Participation: Democratic Openings in order to build peace (Acuerdo Final § 2 “Participación política: Apertura democrática para construir la paz”).

Agreement 3: End of the Conflict (Acuerdo Final § 3.1 “Acuerdo sobre Cese al Fuego y de Hostilidades Bilateral y Definitivo y Dejación de las Armas entre el Gobierno Nacional y las FARC-EP”).

Agreement 4: Solution to the problem of illegal drugs (Acuerdo Final § 4 “Solución al problema de las drogas ilícitas”).

Agreement 5: Agreement concerning the conflict’s victims (Acuerdo Final § 5 ‘Acuerdo sobre las víctimas del conflicto: “Sistema Integral de Verdad, Justicia, Reparación y no Repetición”, incluyendo la Jurisdicción Especial para la Paz; y Compromiso sobre los Derechos Humanos.)

Regarding “Victims” in the Final Agreement I note that there had already been a previous agreement of principles regarding victims (“Declaración de principios”) that had been agreed by the signing parties on 7 June 2014.

The principles of agreement for the fifth part of the Final Document were:

*Reconocimiento de las víctimas*: all victims must be acknowledged not only as victims but mainly as citizens with rights.

Within the centrality of the victims of the conflict, there was the general understanding that peace would only come by stating the truth of the history of victims, most of them dead or disappeared by 2016. Thus, the 2016 Peace Accord led to

methodologies of oral narratives' reconstruction and forensic work to find victims mentioned within the oral narratives. Forensic narratives became the way to truth, justice, and peace in Colombia.

## 6. The Commission for Truth in Colombia

The formation of the Comisión de la Verdad de Colombia (CVCO) was a national instance that responded to the need for truth after consultation with victims and the public that evolved out of the agreements of the 2016 Peace Accord. The rationale of the Commission for Truth was outlined within the following legal and socio-public parameters:

The search for a stable and lasting peace as the horizon of the negotiations implied the construction of mechanisms and entities that responded to specific needs for truth and justice. This gave rise to the Commission for the Clarification of Truth, Coexistence and Non-Repetition, a transitional institution focused on the victims and responsible for building a comprehensive and insightful account of the causes and effects of the internal armed conflict; to promote the extrajudicial recognition of responsibilities of the stakeholders who in one way or another participated in the conflict and to invite the State and society to reflect on the severity of the events, in order to identify what needs to be transformed so that it never happens again, and thus move towards coexistence and non-repetition.

The Final Document produced by the Comisión de la Verdad was launched at 11 am on 28th June 2022 at the Jorge Eliécer Gaitán Theatre in Bogotá. The Commission's full work included ten volumes and more than two annexes. During its four years of work, the Colombian Truth Commission listened to the testimonies of 30,000 people, either individually or in groups, and worked in 23 countries apart from Colombia supported by 3400 people who were the recipients of the Final Report. Despite that mammoth work, the President of the Commission confessed that the political right tried to change the findings, human rights organisations expected a stronger report, and the victims complained that not all of them had been included (Castrillón Pulido, 2022). The Commission was coordinated by Francisco de Roux (born 5 July 1943), a Jesuit and former provincial of the Jesuits in Colombia. Fr de Roux studied Philosophy at the Universidad Javeriana, and a master's in economics at the Universidad de los Andes, before studying theology at the Universidad Javeriana, and being ordained as a priest in 1975. After a couple of years at the CINEP, he read for a PhD in economics in Paris (La Sorbonne) and carried further academic training at the London School of Economics of the University of London.

Fr de Roux founded the program for peace and development in the Magdalena Medio, the first laboratory for peace in Colombia, and he also was the director of the Centro de Investigación y Educación Popular (CINEP, 1987-1993). He fostered social responsibility among business owners and promoted community

owned businesses. De Roux sat as mediator with several groups during the conflict and introduced the idea that in the practice of a Truth Commission, victims were to be at the centre of all conversations and post-conversation policies.

As victims became prominent within the methodology of the Colombia Truth Commission, they guided the interest of institutions such as the Jurisdicción Especial para la Paz (JEP) in locating burial places, securing them, gathering testimonies as to start the digging for human remains and the connections between findings, memory, justice and retribution by the state of Colombia.

The Special Jurisdiction for Peace (in Spanish: Jurisdicción Especial para la Paz, JEP), also known as Special Justice for Peace, is the Colombian transitional justice mechanism through which FARC members, members of the state security forces and third parties who have participated in the Colombian armed conflict could be investigated and put on trial.

## 7. Burial Places and Places of Interest

The Jurisdicción Especial para la Paz (JEP) has legally protected places of interest such as locations and cemeteries when there has been information about the existence of human remains of disappeared people from the years of the armed conflict (until 2016). Such legal intervention has made possible actions to find the bodies and to carry out forensic procedures to identify those bodies and return them to their families.

Places of interest with legal protection by JEP have been located in the following municipalities: Antioquia, Arauca, Atlántico, Bolívar, Caldas, Caquetá, Casanare, César, Cundinamarca, Guaviare, Huila, La Guajira, Nariño, Norte de Santander, Quindio, Risaralda, Santander, Sucre and Valle del Cauca. These were sites mentioned to JEP in oral narratives by local communities that were victims of the FARC-EP, the paramilitaries or state agents such as the military and the police.

The JEP has acted in practical ways to fulfil its mandate of finding and identifying human remains. The following are some examples:

**San Onofre (Sucre), 25 July 2024:** After legal measures to protect the cemeteries of Rincón del Mar and San Onofre as well as the fincas La Alemania and El Palmar in Sucre, two young people from Sucre who have been disappeared for twenty years were returned to their families. The remains of Javier Enrique Mercado Berrío were given to his family after 22 years. He was 23 years old and was intercepted by an illegal armed group as he was travelling from San Onofre to Berrugas. The other body was given to his family in Santiago de Tolú after he had been taken by an illegal armed group from his home on 17 September 1999. The family's identity remains confidential. In this department, 11 bodies so far have been returned to their families. In Sucre and Bolívar, 1500 families are still looking for their loved ones who disappeared during the conflict (JEP, 2024a).

**Case 09:** This massive and generic investigative case was opened in the context of cases that were systemic in action and victims were spread over different territories. Thus, JEP agreed that a particular case was that of "Crimes against ethnic

peoples and territories.” Thus, JEP agreed to investigate, judge and sanction crimes committed by the FARC-EP, members of the state police, other state actors or civilians against victims who declare being part of a specific ethnic group, against subjects as groups in law, and against Ethnic Territories not being investigated within other macro cases investigated by JEP. These cases of violence have been increased by racism and discrimination, putting them at risk of physical extermination, cultural and spiritual violence, situation recognised two decades ago by the Constitutional Court (JEP, 2024c).

The preliminary investigation after victims’ testimonies in Case 09 suggest provisionally 1 million 350,181 victims with ethnic roots whose main experience of violence was forced displacement, killings, and enforced disappearance. Case 09 suggests that between 1964 and 2016, there were 14,621 victims of sexual violence with ethnic belonging documented whose narratives are being investigated within this Case 09 or Case 11, the case pertaining to sexual violence (JEP, 2024c, 2024d).

## 8. Transitional Justice

JEP will function for fifteen years in the first place, with the possibility of extending its mandate for another 5 years. Thus, a total of twenty years. It is a transitory mechanism formed to hear about serious violations of human rights and violations of international humanitarian law that took place during the Colombian conflict and were perpetrated by state agents or FARC.

## 9. Searching for Bodies in Mass Graves: La Escombrera

One of the latest cases of SEJ success has been at La Escombrera. Over the years victims stated clearly that 200 - 300 people had been killed and buried at La Escombrera, Comuna 13 of Medellín, on the West side of the second-largest city of Colombia during October 2002. In December 2024, the Unidad de Búsqueda de Personas Desaparecidas (UBPD) announced that after 20 years of search, the human remains of three people had been found at La Escombrera. This marked the beginning of forensic work by JEP, which is still underway. Indeed, relatives of those who disappeared had indicated with certainty that ca. 200 - 300 people had been killed and dumped in this place where industrial rubbish was dumped from the city of Medellín. Twenty years ago, and as part of the violence in Colombia, state security forces and paramilitary killed hundreds of people accusing them of subversives in the city of Medellín.

## 10. Operación Orión 2002

In October 2002, the Colombian Army decided to eradicate these “subversive” groups in a concerted effort known as “Operación Orión”. However, the army operation was infiltrated by paramilitary commandos that according to the report of the Comisión de la Verdad (CVCO, 2022a, 2022b, 2022c) carried out extrajudicial executions and enforced disappearances.

The official summary by the Colombian Truth Commission states the following:

La Operación Orión, que comenzó en la Comuna 13 de Medellín entre el 16 y 17 de octubre de 2002—y continuó en los meses siguientes—, se acordó entre el Gobierno Nacional y la Alcaldía de Medellín.

Es la mayor acción militar realizada en área urbana en Colombia dentro de la historia del conflicto armado. Orión fue emblemática por las modalidades de violencia que desplegó (capturas arbitrarias, detenciones selectivas y posteriormente desapariciones), por las serias denuncias sobre la actuación irregular de agentes del Estado (además de fuerza pública, DAS y Fiscalía) y por la participación de grupos paramilitares.

Según Mario Montoya, comandante de la Cuarta Brigada, quién lideró la operación junto con Leonardo Gallego, comandante de la Policía Metropolitana de Medellín, esta fue dirigida contra la guerrilla, las autodefensas ilegales y la delincuencia común» que dominaban barrios enteros de la Comuna.

Hacia el año 2000, en barrios de la Comuna 13 se había consolidado la presencia de milicias de los Comandos Armados del Pueblo (CAP), del ELN y las FARC, que ejercían autoridad y control territorial (CVCO 2022b).

The Report by the Colombian Truth Commission was clear in stating that Operación Orión was the largest military operation in an urban area in the history of the Colombian armed conflict. The modes of violence were varied and included arbitrary arrests, selective detentions and enforced disappearances. There were grave accusations about the irregular actions by state agents and the participation of paramilitary groups. As a result, there was a further normalisation of violence in urban areas and an increase in violence altogether. Relatives of the victims remained in shock and those who advocated a search at La Escombrera, especially women, were not believed by the state.

## 11. Recovering Bodies at La Escombrera 2024

La Escombrera has been considered by those claiming that there were bodies illegally buried there, the largest open-air grave in the world (Giraldo, 2016). While excavations were carried out in the past, in 2024, there were 146 days of work in which 36,450 cubic metres of soil were examined. La Escombrera extends for 18,000 square metres where every day discarded concrete is deposited by lorries coming from the city of Medellín. In 2014, twelve years after the Operación Orión, Juan Carlos Villa Saldarriaga (aka Móvil 8), a former paramilitary commander confirmed that Operación Orión had taken place, and he outlined the places where bodies had been dumped or buried. As a result, between July and December 2015 digging took place at state 1 of the dumping ground “Agregados de San José” in the Comuna 13 of Medellín. During the digging, the women’s group “Mujeres caminando por la verdad” accompanied the digging as a women’s group related to the victims of the massacres at Comuna 13. They received professional psycho-social support, especially developed for the occasion (Marín Caro & Zapata Alvarez, 2017).

The group “Mujeres caminando por la verdad” started meeting as a group of victims of the social and armed conflict that affected Comuna 13 in Medellín. They started gathering in 2014 to defend their human rights against the crimes of lesser humanity and the violence they experienced over the years. They worked together with the Corporación Jurídica Libertad, the Missionaries of Madre Laura, and the Movimiento de Víctimas de Crímenes del Estado, implementing processes of political formation, bringing dignity to the community vis-à-vis their problems, and receiving psycho social treatment for women with mental health and psycho social problems (<https://mujereslaverdad.blogspot.com/>).

During the digging, there was an act of memory for those who had been killed and were suspected to be buried at La Escombrera with a homily by the Jesuit Javier Giraldo (Giraldo, 2016). Indeed, killings and possible burials at La Escombrera have been interpreted theoretically as the disappearance of a human identity that is understood usually through the body to a relation by the enforced disappearance with nature. María Ordóñez has described it as “a complex ecology of humans and non-humans, undone, and waste. A landscape in which hidden, buried and poured bodies circulate in rivers, dumps, escombreras or rubble zones, surplus areas, and particularly in cemeteries, shaping hybrid forms of life and meaning in death” (Ordóñez, 2020).

Indeed, the Comuna 13 of Medellín was notorious for a violent conflict between groups, kidnappings, deaths and violent state intervention. Contested and contemporary works have appeared, including the journalistic interviewing of Ricardo Aricapa’s *Comuna 13: crónica de una Guerra urbana* (Aricapa Ardila, 2005) and Yoni Rendón’s *El drama del conflicto armado* (Rendón, 2007), in which a policeman who worked at Comuna 13 narrated some testimonies of the urban war, including details of the Operación Orión of October 2002 ([http://scielo.org.co/scielo.php?script=sci\\_arttext&pid=S1657-80312021000200575](http://scielo.org.co/scielo.php?script=sci_arttext&pid=S1657-80312021000200575)).

## 12. The 2016 Peace Accord Today

The experience of other Truth Commissions throughout Latin America suggests that any efforts, perfect or imperfect, bring fruits of justice and peace to nations that have suffered enormously through state and non-state violence. Indeed, the mere acts of focusing on victims and letting actors speak about their role as perpetrators and victims bring a much necessary social catharsis of new things to come, and a process of learning from experiences of dialogue and peace. In that sense, any peace process cannot be quantified by the intended existence of a “Total Peace”, as outlined by Colombian President Petro. Instead, those actions for peace and dialogue by states and citizens towards dialogue, cooperation, and conversations towards peace finally bring what Fr De Roux has called an imperfect peace.

Therefore, topologies of the dead, graves and processes of finding bodies play a significant role in building justice, peace and dialogue. The establishment of historical facts has always been crucial to continue articulating processes of finding bodies, particularly mass graves, the identification of the bodies, state burials if

possible, and material compensation from the state if crimes were part of a state policy. The case of Iraq, and the 2014 genocide of Yazidi in Sinjar 2014 is an example of how the process was taken very seriously with the direction of the United Nations. However, once progress for peace and the rights of a minority group such as Yazidi had been made, and in September 2024, the state of Iraq decided to stop such good practice because social and ethnic truths of ethnic extermination and crimes between the state and minority groups were being documented (Aguilar, 2025).

In the case of La Escombrera in Medellin there was a policy, federal, statal and within Medellin, to stop violence, drug circulation and crime with state violence using illegal groups and criminal gangs. Thus, the state of Colombia remains responsible for those crimes, enforced disappearances and retribution for the families of those who were purposely buried without the consent and knowledge of their families.

Social processes related to the topologies of the dead take time, sometimes generations and further generations. Indeed, the case of Commonwealth Cemeteries comes to mind whereby armed forces personnel who died in combat during World War I are still being found, identified and buried more than one hundred years later (Aguilar, 2024a). These processes require time, effort and conversations about peace because graves and the topology of the dead are testimonies that citizens lived through war and conflict. In the case of Colombia, two generations have not learned how to talk about peace, dialogue and hope.

### 13. Conclusions

Craig Lang (2024) has argued that an online survey had shown that support for the Peace Accord has diminished and that most Colombians do not show the same support they had shown before. Indeed, Lang argues that public support for the 2016 agreement is waning. Based upon a survey carried out in 2023, 57.4% of Colombian respondents either did not support the aforementioned or were indifferent to it. Furthermore, roughly 13% noted that while they were once proponents of the agreement, they now are not. Moreover, approximately 58% believed that transitional justice, which is a centrepiece of the accord, is dividing the country, and the Truth Commission that recently concluded its work was perceived to be a failure by more than half of the Colombians polled.

Those polled were over 600 people, chosen rather than volunteers, and as Lang's notes, there is also a tremendous bias because those who were approached had internet and most probably were educated. In fact, Lang does not explain how people were chosen. He criticises the "total peace" concept by President Petro that comes from the Peace Accord in which the FARC was after 2012, pursued forcefully to sign the Peace Accord, even by Pope Francis. We are told that "transitional justice" is the problem. However, types of justice are state choices. Thus, "transitional justice" was used in the South African Truth and Reconciliation Commission, and it was very successful. The commission was chaired by the Nobel Prize Winner Archbishop Desmond Tutu (1984). While one understands the need to

monitor the Colombian Peace Accord and its process, short papers such as Lang's short paper can be very damaging to the process which is just underway, and that is working as far as the limitations of resources and the reality of a resurgence by the FARC and the ELN in Colombia.

This paper has argued that victims were at the centre of the Colombian Peace process and therefore no victim would have wanted the conflict to continue. The peace process has gone slowly because of the size of Colombia, and the utopian "total peace" needs to be an objective, even though there will be many obstacles. There will also be setbacks by all those who were involved in a long conflict of 50 years, including Narcos and drug dealers. However, the centre of victims' reparation, justice and peace will come when the truth of history is known as historical memory, and those memories are respected within a diversity of memories of the past. The finding of graveyards and unidentified bodies will no doubt contribute to the building of historical memories for Colombia.

I would argue that the ongoing listening to the victims and the digging and identification of human remains will make a peace process possible over many years, many difficulties and many attempts to end the digging and the identification of victims of the conflict from all groups in all regions of Colombia. Indeed, in a country where Narcos and literature point to violence (Solano Cohen, 2020), the only movement forward is the digging of the dead and the conversations about peace, a language that follows justice, peace and the dead. Thus, the current debates by ex-president Uribe and President Petro about who was responsible for crimes in Medellin bring new avenues of research realities: the digging of mass graves and the identification of bodies closes the process of social uncertainty and grief, but open legal processes associated with crimes against humanity. Any of those involved might end up at the International Criminal Court. Thus, the consequences of peace processes could bring questions and answers over one or two generations. Would the functioning of the JEP be extended in the future? These are research questions for future research, and for future sites to be investigated. However, forensic work remains central for the construction of oral memories and a national memory of Colombia that might lead to a durable peace.

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## Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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