# Armed conflict reparations to journalists in Colombia:

## Individual and collective tensions

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To my family who have always been my support, to Mater and St Ignacio de Loyola who have protected me.

To FLIP (Foundation for Freedom Press) who opened its doors and my mind.

To all the journalists and media workers who have struggled to inform Colombians the truth and for those who were killed trying to.

The use of language is all we have to pit against death and silence

-Joyce Carol Oates.

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# List of Acronyms

BACRIM       Criminal gangs

CERREM       Committee of Risk Assessment and Measures

CNMH       National Centre for Historical Memory

CTRAI       Technical Group of Analysis and Information Collection

DANE       National Administrative Department of Statistics

DAS       Administrative Department of Security

ICTJ       International Center for Transitional Justice

ELN       National Liberation Army

FARC       Colombian Revolutionary Armed Forces

FECOLPER    Colombian Journalist Federation

FLIP       Foundation for Freedom Press

GVP       Group of Preliminary Assessment

RSF       Reporters without borders

RUV       Single Victims Registry

UNP       National Protection Unit

# Abstract

In 2011 Colombia's government officially recognized journalist as a victim group. The purpose of this research is to analyse the tensions of the collective reparation process to journalist. Transitional Justice as a political project gave a better knowledge to claim accountability and reconciliation, although it is a challenge in both theory and practice. Concepts of recognition, civic trust and solidarity are useful, especially in the context of ongoing conflict. They indicate not just the limits of the legal approach but – more importantly – how is this approach embedded in the specific social context.

# Relevance to Development Studies

Transitional Justice and Development are interlinked as well as Reparation programs. According to the Orlovsky and Roht-Arriaza (2009) they are relevant to enhance cultural and sustainable change and strength the relationship between citizens and the State. Besides they could complement development efforts of social integration and respond intelligently to the realities and limitations of the state. (Orlovsky, K & Roht-Arriaza, N 2009:4)

## Keywords

Collective reparation, Colombia, Journalists, Victims Transitional Justice, Reparation Program

# 1. Introduction
# Invitation for redress

On September 20, 2012 was held in Bogotá the first approach from the Colombian government to meet with journalists, family members of victims, the Foundation for Freedom Press, The Colombian Federation of Journalists, among other journalists and media organizations to show the governments' compromise to redress journalist victims from the armed conflict.

That meeting was possible because one year before, Colombia's government announced the beginning of a new scenario of Transitional Justice. Its goal was to 'facilitate truth, justice, and integral reparations for victims, with a guarantee of no recurrence' (Colombia 2011). Among the universe of victims, the Law 1448 2011 called for the implementation of Collective Reparation Programs that recognized reparations for three main events: the harm caused by the violation of collective rights; the violation of individual rights of the members of collectivities and the collective impact of the violation of individual rights. It also address those who are considered subjects of collective redress such as social and political organizations, communities recognized by their political orientation, culture, territory or a common purpose  (Colombian 2011:152).

However, Colombia's Transitional Justice Law is acknowledged by its particularity of being applied on in an ongoing conflict whereas 'Transitional Justice has been associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes and used as a mechanism of accountability for human rights violations' (Teitel 2003:69). In this political change, the transition is defined as an interval between one political regime to another (O'Donnell and Schmitter; 1998). Yet, in reality the Colombian Transitional Justice discourse could be pictured as turmoil with different shades of how this Law has been implemented.

## 1.1 Research problem

Journalists, media workers, family members of journalists and media institutions were recognized as a group that historically, socially and politically have been victims. Law 1448 2011 established the scenario to collectively redress this group of victims.  The scope of the Collective Reparation Process seeks the restitution of journalists' Freedom of Expression in the country to guarantee the construction of democracy.

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Colombia has several vulnerable regions in which the armed conflict has not ended. One of them is the department of Arauca; on June 28 2002 one of the most visible journalists of the department, Efrain Varela, was kidnapped and killed by the paramilitary group 'Bloque Vencedores'. His death caused great rejection among the journalism guild. He was publishing and commenting on news about corruption issues during the morning news program on 'Meridiano 70' radio station. Eight months later in March 31st 2003, 16 journalist of that region appeared on two threat lists saying that they were going to be killed. As a result, after a meeting they decided to flee to Bogota to save their lives. Arauca's radio stations, TV news programs and their audience were left without the region's most important reporters to report the news. From that moment journalists who remained in town remained silent, changed their news reports and were afraid to publish any news about politics or the armed conflict. Today several journalists that lived that terrible episode were invited to deal with the past and receive a reparation for the harm suffered. Some of the journalists were sceptical of accepting the invitation after so many years of feeling negligence from the State and mistrust of what the "redress" might be.

This research is aimed at understanding the tensions of Arauca's journalists' redress under the opportunity opened by the Victims Law.

Therefore, my research question is: How do Arauca's journalists understand their collective and individual reparation process?

To respond to this research question, is important address the following sub questions: a) what is the significance of the victimhood of journalists; b) how do they define themselves as journalists: c) how do they define themselves as victims; d) how do conceptualizations of "individual" and "collective" affect the reparation process of journalists and finally, how can the aims of recognition, civic trust and solidarity help to comprehend the collective reparation process?

## 1.2 Methods and Methodology

Based on a theoretical review analysis in order to understand the tensions of the individual and collective redress of Arauca's journalists I will analyse the deliberations of the Collective Reparation Process for journalists in its two initial stages. It is important to recall that this process has not ended and it is in $3^{rd}$ of six stages, before it becomes a Reparation Program. Therefore the scope of this research is based on discussions of what had happened within the pro-

cess; in particular the experience of Arauca's journalists who actively participated in the process and the testimonies of some facilitators.

This research was done before the last workshop, to be held in 2016 that will report the harm diagnosis of journalists in Colombia. In addition, it was not possible to attend to workshops held by the Victims Unit around the country to identify the collective harm diagnosis because it was did not coincide with the period of this research project. Yet I began to become familiar with the victim's stories in 2013 when I participated as a researcher in the National Historical Memory report of violence against journalists and media workers in Colombia. I choose Arauca's journalists because of their proximity to the armed conflict and their capability to work under difficult situations of the conflict.

At that moment I did over 10 interviews in the region to rebuild the facts of violence against them. In this case I did four in-depth interviews with journalists who agreed and who trusted me to have a new interview in order to get more in-depth information about the violent facts, how participated in the collective reparation process and their perceptions of it. I chose to analyse three interviews that gave me a better comprehension of their participation during the deliberations of the Promotion Committee and the workshops during the first two stages of the process. The new interviews were done on-line by Skype and by phone calls. From the three interviewees, two belong to the Promotion Committee and one of them was chosen to represent her colleagues and victim's family members in the Promotion Committee deliberations. Afterwards, I compared their testimonies with what they had answered previously in other interviews done in 2013 to build up their stories.

The interviewees came from three different backgrounds. The first one is from a community radio station called Sararé Estéreo based in Saravena, Arauca. This community radio station has been active since 1998. Some of their reporters were injured after hostilities between the army and the guerrilla groups near the radio station. Also, they have been accused of being members of guerrilla groups among other violent harms. The second interviewee comes from a commercial radio station who through last year changed her job passing from La Voz del Cinaruco to Meridiano 70 in Arauca; two of the most important radio stations and old ones of the region. The third interviewee comes from a community radio station called Radio DIC, and mixes her journalism profession with governmental education activities.

I also did five semi-structured interviews by Skype with facilitators and observers of the collective reparation process. Two of them were officials and organizers from the Unit for Attention and Integral Reparation for Victims (Hereafter Victims' Unit) who have followed the process. Then, the last three were members of social organizations; one from the Federacion Colombiana

de Periodistas (Colombian Journalists Federation FECOLPER) and two from the Fundación para la Libertad de Prensa (Foundation for Freedom of the Press FLIP).

I carried out my analysis to identify two categories and subcategories:

1. Victimhood of journalists
   a. Individual harm
   b. Collective harm – individual impact
2. Understanding claims in the reparation process
   a. Individual claims
   b. Collective claims

This collective reparation process opened up an opportunity to deal with the past abuses. During the last 10 years of Transitional Justice in Colombia, only in 2011 was it stated that journalists are to be recognized as a national case requiring collective reparation. However, to do so, it is important to understand some facts about violence against journalists in Colombia and Arauca, based on some general practices of journalism that have characterized this profession in the country.

## 1.3 Structure of the paper

The paper is divided into five chapters; the first one presents the justification of this research; the second one presents the background of violence against journalists in Colombia and Arauca and some general facts about journalist practice in the country. The third chapter sets forth the theoretical framework from which this research has been done; the fourth one offers the comparative analysis of the interviewees' testimonies, what Law 1448 (2011) stated and secondary data. This is a lengthy chapter as a result of the analysis of three concepts: recognition, civic trust and solidarity based on the theoretical framework from which I did my analysis. Finally I offer some concluding remarks.

# 2. Background of violence against journalist in Colombia and Arauca

In the past 36 years, almost 150 journalists have been killed as a consequence of their profession in Colombia. From 1977 to 1985, 18 journalists, were killed and 61 between 1986 and 1995. However, on another scale, from 1997 to 2002, there were 48 deaths, for a total of 75 killings from 1991 and 2002 (FLIP 2014). According to the Committee to Protect Journalists, between 1997 and 2002, Colombia was among the top three in the world ranking of journalists killed. During 1998 Colombia was the first and in 2000 it shared the position with Sierra Leone and Russia. Then in 2001 and 2002 the country was second after Afghanistan and Russia, respectively.

In the regions, threats became an effective way of silencing journalists. They were physically represented by funerary crowns sent to journalists' houses, phone calls, pamphlets, electronic mails and even coffins. According to FLIP, since 2006 to 2014, threats corresponded to 50,8 % of 1236 violations to freedom of the press, resulting in 785 people threatened. That is, 45,45% of 1727 victims. This was followed by 227 blockages of journalistic work (18,74%); 169 cases of inhumane and degrading treatment (13,67%); 71 aggressions (5,74%); 31 exiles (2,51%) covering 30 people; 29 illegal detentions (2,35%); 15 attacks against buildings (1,21%); 13 stigmatizations (1,05%); 13 kidnappings (1,05%); 9 internal displacements involving 10 people (0.73%); 8 people injured covering news (0,65%) and 12 killings (0,97%) (As cited in CNMH 2015:169-170). The following table show the complete numbers:

**Table 1 Total numbers of types of violations and victims 2006-2014.**

|  | Number of cases | Percentage of cases | Number of victims | Percentage of victims |
|---|---|---|---|---|
| **TOTAL** | **1236** | **100** | **1727** | **100** |
| Threats | 629 | 50,89 | 785 | 45,45 |
| Blockages of journalistic work | 227 | 18,37 | 402 | 23,28 |
| Inhumane and degrading treatment | 169 | 13,67 | 274 | 15,87 |
| Aggressions | 71 | 5,74 | 106 | 6,14 |
| Exiles | 31 | 2,51 | 30 | 1,74 |
| Illegal detentions | 29 | 2,35 | 40 | 2,32 |
| Attacks against buildings | 15 | 1,21 | 13 | 0,75 |
| Stigmatizations | 13 | 1,05 | 13 | 0,75 |

| | | | | |
|---|---|---|---|---|
| Kidnappings | 13 | 1,05 | 23 | 1,33 |
| Killings | 12 | 0,97 | 12 | 0,69 |
| Internal displacements | 9 | 0,73 | 10 | 0,58 |
| Injured covering news | 8 | 0,65 | 9 | 0,52 |

Source: National Centre for Historical Memory (CNMH 2015:169-170).

Moreover, between 2009 and 2011 the obstruction of the work of journalists, human rights defenders, judges and senators became worse as a result of the illegal interceptions and espionage. It was confirmed that the Department of Administrative Security (DAS) which was replaced by the National Protection Unit spied on 16 journalists. This phenomenon did not allow journalists to publish news.

The protection of journalists became visible 1997 when the Fundación para la Libertad de Prensa [Foundation for Freedom of the Press FLIP] was created. Since then it has followed and publicized violence against press and protected journalists around the country. At the same time, the national government also created the Humans Rights department under the Ministry of Internal Affairs (Law 199 1995, Art. 6) and created the Protection for Human Rights unit. In 1999 government created an unique protection policy that followed into a system; what is known as the National System of Protection. In its beginnings, the legal framework mentioned the protection of journalists (Decree 2788 2003) but did not have clear statements (FLIP 2015b). Finally in 2011 under Law-Decree 4065 (2011) 19 population groups who needed special protection from the State were defined, including journalists.

This Law, created the Technical Group of Analysis and Information Collection (CTRAI) and the Group of Preliminary Assessment (GVP) that examines the risks of these 19 groups of population. Those groups give the information to the Committee of Risk Assessment and Measures (CERREM) which is the entity in charge of determining the risks of the 19 groups of population. This information is given to the National Protection Unit (UNP) that belongs to the Ministry of Internal Affairs. In that sense, the UNP is the national entity that provides protection schemes for journalists that are in risk as a consequence of their work. (FLIP 2015b)

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## 2. 1 General practice of journalism in Colombia

There are several factors that influence journalistic practices in Colombia. Armed groups and corrupt politicians are the most significant sources of violence against journalism, while labour conditions (which include selling advertisement) and the determines press freedom (Guerrero 2010). In general reporters have to produce huge amounts of news with a respect of labour time. It is also common for certain media enterprises to have political preferences or economic arrangements with their information sources. As a consequence, implicitly reporters cannot publish news to the detriment of these economic or political agreements (Guerrero 2010)

According to the National Centre of Historical Memory (CNMH), there were three important changes in media practice that influenced the media in the decades of internal conflict, Those are: The shift from family organizations to entrepreneurial organizations (the case of national newspapers El Tiempo and El Espectador), the change of the advertising market and the shaping of national and regional corporate media groups. Finally, local media have been an alternative to commercial media. They have produced alternative information following social causes. In general, the media produces relationships with audiences, ranging from affective connections to other interactions

that aim to announce hope and people's claims. In that sense, local media strengthen that kind of relationships. On the contrary, commercial media are determined by the market. These changes determine the way information is produced. (CNMH 2015:78-81).

## 2.2 Journalists at Arauca

During the first mandate of president Álvaro Uribe, the Zones of Consolidation and Rehabilitation, defined, as geographic zones affected by criminal groups. Those zones were chosen to guarantee institutional stability, establish institutional order, the integrity of the national territory and the protection of civilians. (Decree 2002 of 2002) by the application of exceptional measures that included massive illegal retentions. In one of those captures, Emiro Goyeneche, one of the most visible independent journalists who also practiced community activism, was accused of terrorism and spent three years in prison. In fact, in Colombia small radio stations have the advantage of reaching the most conflict-ridden areas of the country whereas national newspapers scarcely reported the ongoing conflict in the isolated regions. Because of being intermediaries of information and their proximity in war zones, they became vulnerable.

The department of Arauca covers 7 municipalities. Its total extension is 23.818km² and its population is around 254.000. The capital of the department is also called Arauca. It is a municipality of 5.841km² with a population–of 88.481 (DANE 2005). See Map1:

**Map 1 Map of Arauca**
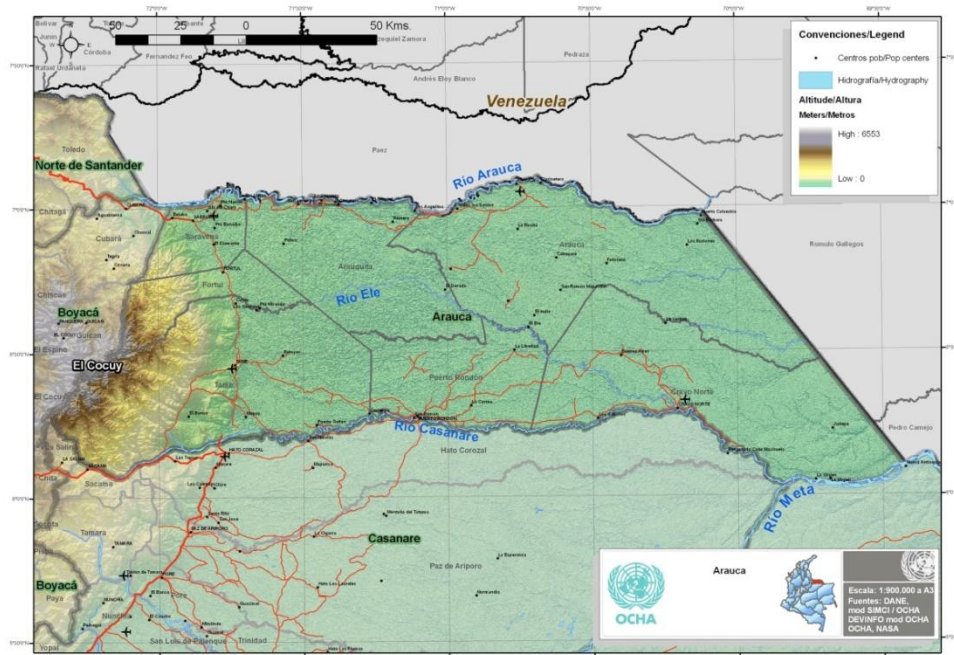


Source: OCHA. Humanitarian Squad. https://www.humanitarianresponse.info

The intensity of Colombia's conflict that took place in this Department in the late nineties and early 2000 with forced intimidation perpetrated by different armed actors operating in the area, and affected journalist work. Confrontations between ELN guerrilla against the 6 military companies whose aim is to protect international oil corporations and their infrastructures have affected civilians and directly affected journalist coverage.

According to Foundation for Freedom of the Press (FLIP 2015c), Arauca has been the Department where the ELN and FARC-EP guerrilla groups have made the greatest number of attacks against the press. Fear arising from that violence censured veterans journalists. The new generations of journalists who are not professionally trained, became accustomed to living with the rules imposed by wartime journalism and the limitations of independent journalism. Between 1991 and 2003, 6 journalists were killed – one every two years – in a region with only 70 journalists (FLIP 2015c).

The first attack that was registered occurred in 1984 when Radio Caribabare in the municipality of Saravena, was dynamited. After that, more than 20 attacks on radio stations have been registered, affecting more than 36 journalists. (FLIP 2015c)

Carmen Rosa Pabón has worked for more than 32 years as a journalist. She leads the breaking news magazine of the "Voz del Cinaruco" an Araucan radio station that was founded in 1965 and that now shares its space with Caracol Radio, one of the largest national radio networks. She cannot remember how many times she has received threats by mobile phone calls, pamphlets, messengers, attempted murder and several internal displacements. She has left the region several times and the format of her programme has changed completely. Yet, she continues working in Arauca.

According to Reporters without Borders (RSF 2002) the presence of paramilitary groups in the department has been known since September 2001 and has contributed to an increase in violence in the region. These groups are blamed for the 28 June murder of journalist Efraín Varela, which dealt a major setback to press freedom in the department, as he was the region's most respected journalist and the one with the most listeners.  In one of their missions they expressed their extreme concern about the vulnerability of journalists as it was evident that in Arauca they do not enjoy the basic security measures they need to cover the conflict. (RSF 2002)

Moreover, they address that most of the news in the region is produced in the municipality of Arauca. To date, there are 18 radio stations, 6 commercial, 4 State (2 from the  army and 2 from the Police); and 7 community radio stations. The most important ones are:

 La Voz del Cinaruco (affiliated with Caracol Radio, which is national), Meridiano 70 (independent) , La Voz del Río Arauca (affiliated to with RCN

Radio) and Radio DIC (a community radio station). There are two stations with local coverage - Sarare Estéreo and Tame Estéreo, based respectively in the municipalities of Saravena and Tame. Two privately-owned television networks, RCN Televisión and Caracol TV, have a correspondent in Arauca and there is a community television station, Canal 4. As for print media, there are just two monthlies, El Corredor and Nueva Frontera. (RSF 2002)

According the FLIP, around 10% of the local journalists have a special security scheme to protect them from danger with two body guards and an armoured vehicle. (FLIP, 2015c). To avoid problems, many journalists in Arauca just carry the official statements issued by the police and XVIII Army Brigade. As RSF stated in 2002, 'most of the journalists are afraid to go out of the towns and do not do investigative reporting. Many news media decided not to run any of the releases put out by civil society organizations for fear of reprisals from the authorities' (RSF 2002).

# 3. Transitional justice on an ongoing conflict

The purpose of this chapter is to provide an understanding of Transitional Justice and Reparations, addressing the theoretical debates, the concept, and propose it as a field to establish the starting point from which the Colombian Transitional Justice framework and the current reparation program are stated. Both are considered interrelated fields of study from the legal discipline. In the first section I address some of the main points of the grounded approach of Transitional Justice within an ongoing conflict and in the second, the starting point of Reparation as a political project beyond the field of justice, following the theory given by Pablo De Greiff.

As already mentioned, Teitel (2003) addressed elements of understanding Transitional Justice as a group of exceptional measures that were adapted to the political change and that has been applied all over the world. However, it is oriented to a legal discourse that conceives justice as periods of political transition to give accountability and achieve reconciliation that varies with each case. One of the critiques questions how accountability is going to be achieved; when it has tended to look backward in responding to the last conflict, and not to be a guarantee of prospective security. Teilel recognizes that "any new attempt to generalize from exceptional post-conflict situations in order to guide politics as a matter to course becomes extremely problematic" (Teitel 2003:92). Therefore, Transitional Justice could have different consequences and claims that could end with inappropriate governmental actions with the label of "doing good".

From another perspective, looking at Transitional Justice from above it is possible to involve cultural and social processes. Social actors embedded in this process struggle to participate and resolve a conflict in a rigid, law-based governmental structure without considering pre-existing community-based structures that may already exist to resolve conflicts. However, building up a process from above and assuming that social actors are willing to participate can be debated.

In fact, in general Transitional Justice literature analyses transitions from one regime to another or from war to peace. There are other types such as post-interstate conflict-imposed justice and pre-transition 'transitional justice' mechanisms such as the Colombian case in which there is an ongoing conflict where one of the problems is not only the absence of transition but also that the transitional justice mechanism chosen seems aimed at impunity rather than accountability" (Bell 2009:23).

# 3.1 Transitional Justice in Colombia

It was at the beginning of 2002 that the discourse of Transitional Justice began to be used not only by the government but by social organizations. Colombia was still in conflict and a transition to peace was recognized to be partial and fragmentary (Uprimny and Saffon 2006). According to Uprimny and Saffon (2007)'There will be a genuine transition only if the deep-seated power structures produced by illegal ties and complicities are dissolved'. In fact, the initial effort to apply Transitional Justice was Law 387 of 1997 whose goal was to protect internally displaced people. Then came Law 975 of 2005 called the 'Law of Peace and Justice'. Its purpose was to demobilize armed groups and offered them a reduction in their prison terms and declaring their responsibility in victims' reparations (Summers 2014:232).

However, this law had the problem misrecognized victims. As described by Summers (2008) 'If victims wanted redress, they had to declare the crimes committed by their perpetrators; after that wait for a legal procedure to verify the crimes and finally receive some money, but not truth, justice and guarantees of non-recurrence' (Summers 2014: 233). According to Summers in 2008 almost 235,000 victims declared the crimes and only 24 received payments. This Law was problematic and weak and it was evident how criminal gangs of the demobilized groups continued committing crimes (Summers 2014: 233).

From this point, Uprinmy and Saffon (2007) commented on one main problem of this initial approach of Colombia's Transitional Justice: 'The government, the paramilitary leadership, and wide sectors of civil society have engaged in manipulative uses of Transitional Justice discourse. There has been a generous rhetoric of truth, justice, reparation, and reconciliation that in reality is ineffective and instrumental to in hiding impunity' (Uprinmy and Saffon 2007:2). This approach attempted to reach peace by limiting justice allowing diluted remedies to victims' rights violations. As theses authors claimed 'that was a motivation for some political actors to appropriate them manipulatively: they may invoke Transitional Justice discourse with the sole purpose of securing impunity (Uprinmy &Saffon 2007:1)'.

In 2010, the scenario changed. The new president Juan Manuel Santos' discourse was focused on peace. Transitional Justice was directed to victims. A new law stated the goal as 'facilitating truth, justice, and integral reparations for victims, with a guarantee of no repetition" (Colombia Law 1448, 2011). Without doubt, the Victims Law was an effort to individually and collectively recognize victims of gross violations to the international human rights standards.

However, this Law brings together in a single instrument, measures and guarantees for victims but does not encode all existing rules, and also is ambitious. One big difference from the Peace and Justice Law was the recognition

of the victimizing issues based on the facts and not on the agent, which in the past had excluded State perpetrators (Uprinmy & Sanchez 2011).

Moreover, like the previous Law, this new one follows an approach of Transitional Justice without actual transition to peace in the country; and this approach makes a huge difference regarding what Transitional Justice legal approach has produced. In fact, while the Victims Law is been implemented, many people are still exposed and unprotected. According to Wallace, in the ongoing conflict, there has been an increase of threats and killings of people who are returning to their lands, displaced community leaders and human rights defenders (Wallace 2011 as cited in Balanta 2014).

Nevertheless, in this current scenario, Colombia cannot wait to finish conflict to begin to redress victims. Yet, justice cannot be undermined with the excuse of aiming for peace. According to Balanta (2014), there are three main concerns of this Law. First, it claims the non-recurrence of violent acts by the implementation of reparation programs, but its effectiveness it is uncertain when in some regions there is an ongoing conflict. It also involves the guarantee of demobilization and dismantling of armed groups and criminal gangs of past paramilitary groups. Second, there are limited resources for number of victims and unforeseen number of reparations. To date there are more than 800 cases of reparations pending redress. Finally under the definition of "victims", the Law does not consider the victims of the criminal gangs of the past paramilitary groups (Balanta 2014:160). I add a fourth one, to "seeking truth" is still not defined.

It is important to discuss the fact Transitional Justice not only from the legal perspective; it is also an interdisciplinary field. From a critical perspective, there is a need to research Transitional Justice from a broader perspective involving cultural and social processes dedicated to understanding the complexity of social processes. As Bell states, interdisciplinary work may lead to productive collaboration that avoids some of the pitfalls of a purely rights-based framework typified by a legal approach. Although this approach struggles to "decolonize" the legal discourse and its dilemmas, it has one risk, the inverse effect of transition over justice, that is, to reach the political goals of transitions as a manner of accountability rather than the long-term goals of justice (Bell 2009:23).

Hence, in the following section will discuss how justice could be achieved by considering other purposes that are not limited by international law and in which the focus is on what victims directly need, and favours interdisciplinary work over the legal approach.

## 3.2  Transitional Justice as a political project: the reparation programs

Reparation and its mechanisms can be as debatable as the Transitional Justice. Reparations capture a broader political agenda than a juridical approach. That means, understanding that States' capacity to redress victims for massive and systematic violations cannot be solved by the typical legal system. According to Pablo De Greiff (2006), from a political perspective on reparations programs, it is possible to pursue sustainable ends of victims' redress rather than only using the legal formula (De Greiff 2006:454). The purpose here is to clarify the meaning and the minimum content of what a reparations mechanism should have. De Greiff (2006) firstly suggests that it is important to clarify the meaning of justice in reparations for a large number of Human Rights violations in order to understand the reparation problems and the implementation programs. From the juridical context, the term refers to the guiding principle of international law that consists of 'all the measures that may be employed to redress the different types of harms that victims may have suffered as a consequence of certain crimes' (De Greiff 2006:452).

Those measures may take the forms of: '*restitution*: measures that look to re-establish the victim's *status quo ante* that are the restorations of rights; restitutions of property or reinstatements of employment; *compensation* measures that seek to compensate for the harms suffered through the sum of harms that go beyond economic loss, such as physical, mental and moral injuries; *rehabilitation* which refers to measures that provide social, medical, and psychological care and legal services and *satisfaction and guarantees of non-recurrence* which involves a larger number of measures such as the cessation of violations, verification of facts, official apologies and judicial rulings that establish the dignity and reputation of the victims, etc. ' (De Greiff 2006:456).

Thus, De Greiff (2006) address that reparations could have other meanings in the design of programs that might not respond to the principles of international law, but rather to massive coverage of certain crimes, giving material and symbolic reparations. Therefore, reparations could be seen as a political project to open up a possibility of pursuing ends beyond the legal formula of individual cases conceived in the juridical approach, as a result of the lack of satisfying conditions of justice that cannot give the compensation in proportion to harm (De Greiff 2006:456). For that reason, following De Greiff 2006, there are three aims related to justice that are relevant for any reparation program and that help to structure them from a political perspective. These are recognition, civic trust and solidarity:

*Recognition* is a consequence and a condition of justice. As De Greiff states, 'when citizens are recognized as individuals and not only as members of a group, and as irreplaceable human beings, citizenship is a condition that rests

upon the equality of rights that determines that those whose rights have been violated deserve special treatment that must tend towards conditions of equality' (de Greiff 2006: 460, 461).

*Civic Trust* among citizens, as it 'involves an expectation of a shared normative commitment' that include the government and the legal system (De Greiff 2006: 462). And *Solidarity* is understood as 'having an interest in the interests of others', which is to put themselves in the position of others' (De Greiff 2006: 465). All in all, from a political perspective, these aims lead to a collective dynamic within the reparation programs that reaches out to victims as a particular group of citizens in society.

From this starting point, based on the political project of reparation programs, the individual and the collective reparation measures could be analysed as complementary programs that could follow the same aims beyond the legal formula but that naturally have tensions. Furthermore, it is important to address the fact that the Colombian case is implementing reparation programs amid an ongoing conflict.

## 3.3 Reparation process for journalists in Colombia

For the first time it was recognized that historically, socially and politically journalists have been victims and belong to the universe of victims that Colombia's' governments have recognized. In general, the collective reparation refers to (as stated Law 1448 2011) the violation collective of rights; the grave and flagrant violation of individual rights of the members of a collectivity or collective impact of the violation of individual rights. Thus, collective reparation refers to the set measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

To date, it is not possible to identify the number of victims because the registration is done by the victimizing events, and not by their condition as victims. That means, that it would be more difficult to identify the perpetrators. Based on the information given by the Victims Unit, when a victim gives his or her statement, the Single Registry of Victims – RUV (Spanish acronym) – does not categorize him or her by profession or status, but by victimizing events.

However, this is one of the challenges facing collective reparations. So far, there is an estimated of the number of people who will have an impact on the collective reparation process. In that sense, calculating only professional journalists from 1985 to 2014, there is an impact on 400,000 journalists, without counting the other subjects of reparation such as cameramen, broadcasters, newsboys, releases, media organizations, media and families of victims. According to FLIP figures, between 2006 and February 2015 1738 victims of the

victimizing actors – drug traffickers, insurgents, paramilitary groups, "Bacrim" (armed criminal gangs), and State armed forces – have been identified. Under the collective reparation process, the Unit for Victims has identified, described and systematized 1,366 people, of which only 134 are included at the RUV. This figure will always be an underestimate[1].

As mention before, the Victims Law intended to create a Reparation Program is described in Decree 4800 2011 and includes the following six stages of the collective reparation program, as it is stated directly in the Law[2]:

'Article 227: Phase of identification of the subject of collective reparation (1). It identifies the subjects of collective reparations through two routes: 1. By offer: The Victims Unit identifies areas and / or groups of greater collective victimization through geo-referencing activities, by victimizing events, identification of communities, social groups or vulnerable and excluded populations. The subjects of collective reparations which accept the invitation to participate in the collective reparation program must follow the registration procedure. This was the way journalists were recognized as victims. 2. On demand: subjects of collective redress not included in the State's offer and considered to have the right to reparation should personally advance/initiate the process of registration with the Public Ministry' (Article 227, Law 1448 2011).

'Article 228: Phase of enrolment (2) During this phase, the Victims' Unit implements mechanisms to ensure the participation of the subjects of collective reparation. In the enrolment stage the Promotion Committee is created; charged with identifying the best way of implementing the reparations. The Promotion Committee will have to sing a "voluntary/willing statement" in which they assume the compromise to represent the subjects of reparations and define the measures to redress the victims' (Article 228, Law 1448 2011)

'Article 229: Phase of identification and diagnosis of collective harm (3) With the technical support of the Victims' Unit, all members subject to collective reparation are identified along with the number of events, harms, needs and expectations of collective reparations. This process shall report the-nature of collective harms, which will be the base for starting the design phase and formulating collective reparation measures'. (Article 229, Law 1448 2011)

'Article 230: Phase of design and formulation of the Plan for Collective Reparations. (4) Based on the diagnosis of the collective harm, the Victim's

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[1] The numbers were given during the interview with Betty Monzón. Interview with Betty Monzón (August 28 2015)
[2] The following articles of the Law 1448 2011 were summarized and translated by the author

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Unit must share the design of the Plan of Collective Reparations and it must be approved by the subjects of reparations´. (Article 230: Law 1448 2011)

'Article 231: Implementation phase. (5) The implementation of the Plan Collective Reparations must be timely implemented by those responsible, according to the times and levels established in the respective Plan. (Article 231 Law 1448 2011)

'Article 232: Evaluation and monitoring. (6) The Victim's Unit designs and implements a monitoring and evaluation system to measure and periodically assess the implementation and execution of the Integrated Plans for Collective Reparation'. (Article 232 Law 1448 2011)

## 3.4 The current stage of the process.

To date, the collective reparation process is ending its diagnosis stage (phase three). What it has officially reported so far is that they have conducted four regional meetings. Around 200 journalist victims participated in these meetings. The agreed-upon methodology included spaces for the presentation and explanation of the Law of Victims, accounts of facts and stories, and the reconstruction of historical memory to strengthen the collective identity and to collect ideas about measures that could repair collective damage.

As a result of these meetings, the Victims Unit has been roughly systematizing the general findings on harm to the subjects, as well as prospective reparation remedies. This exercise has identified a set of features that help to detect the facts of victimization and their consequences for journalism and for Colombian society in general.

The political analysis of the findings shows how the concentration of armed actors and the implementation of regional alliances have left journalists socially defenceless, with local media, including community radio stations and small newspapers, being the main target.

Regional actors such as drug traffickers, insurgents, paramilitary groups, "Bacrim" (armed criminal gangs), and State armed forces have determined how journalism must be practiced in the regions, causing serious harms to the social fabric and specifically to journalists and their families as a result of such victimizing events as: threats, kidnappings, killings, sexual violence, personal injury, coercion, displacement, intimidation, illegal interception, data theft, stigmatization and others – as well as the collective harm found and validated at the above described meetings: violation of individual rights to life, integrity and security with a collective impact; violation of collective rights to freedom of expression and journalistic independence, and harm to the collective identity; forced auto-censorship; impact on the principles of honesty, im-

partiality and journalistic social responsibility; changes in the thematic agenda and journalistic coverage; loss of professional vocation; psychosocial, material and economic effects; suspension of journalism; disappearance of media; harm to reputation and harm to the relationship with the State and with local authorities.

# 4. Journalist victims and aims related to justice: comparing Law, Experiences and Theory.

The journalists' collective reparation process has taken more time that was expected. Article 227 of the Law 1448 (2011) established that identification of the subject –stage number one- could be done within six months. However it took almost two years to pass to stage three: harm diagnosis. This could be seen as negative but it showed how difficult it was to construct the group identified as a subject of reparation. As mentioned, the purpose of stage one was to identify those who were considered victims through offer or demand. In this case, as described in chapter 2 it was by offer; Victim's Unit identified the groups of greater collective victimization and reported serious and gross violations of human rights. This stage showed the importance of looking into other intentions of justice within the reparation program.

Hence, the purpose of this chapter is to answer how the concepts of "individual" and "collectivity" were conceived to reach *recognition, civic trust* and *solidarity* as part of the achievement of justice during this initial stage of the collective reparation program. It will be done by comparing what Law 1448 (2011) established and what victims experienced and how these three aims have been theorized – based on what was stated by Pablo de Greiff's Transitional Justice political project. (De Greiff 2006: 454).

Firstly, it is relevant to define how "individual" and "collectivity" are understood in the context of the reparation program under the aims of recognition, civic trust and solidarity. For this purpose it is also important to answer how interviewees define themselves as journalists and victims; due to the importance of establishing the identification of the subject directly related to de Greiff's aims of Transitional Justice. I will begin with aim of recognition.

## 4.1 Recognition

Recognition can be seen from different perspectives. In the context of transitional justice, Frank Haldemann considers it as the moral project. From his approach, recognition is analysed from the symbolic dimension, and goes beyond 'distributive systems of goods in the society to investigate the full dimension of injustice and the sense of victimization it arouses' (Haldemann 2008: 679). That means importance to the symbolic sense of giving recognition to

the pain and humiliation experienced by victims of collective violence due to the fact that harm of political and social evils cannot be measured. Moreover, a moral argument may serve as a critical reflection on the law's use and normative construction of the reparation program (Haldemann 2008:681). From this point, victims' reactions to the reparation process are understandable and it brings the moral dilemma of what to give more importance: to the individual or to the collectivity. Let me start by focusing on the individual dimension of recognition.

Individual recognition is focused on the individual's sense of injustice and threatened self-respect, as well as what Haldemann describes as the negative morality aspects such as injuries, humiliation, cruelty, suffering and so forth. 'Social ideas exposed by negative experiences give a moral understanding of how people's sense of humiliation and need for recognition matter in times of political change. In that sense, by paying attention to these types of human threats, it is possible to gain a better understanding of positive values and dispositions such as virtue, dignity, respect, honour, loyalty or justice' (Haldemann 2008:683-685). Following this, by analysing individual harms it is possible to give a better understanding of what was misrecognized and then work on achieving positive values. This idea of negative morality is important to understand victims' responses to what they felt about their individual harm and their reaction to both individual and collective reparation process, but I will revisit this point further ahead.

Furthermore as De Greiff states, the purpose of recognition is to restore or establish the status of citizenship to *individuals*. De Greiff advocates that is necessary 'to recognize them not only as members of groups but also as irreplaceable and unsubstitutable human beings, then recognized as citizens; that constitutes –in a democracy- a condition that individuals grant to one another and each one of whom is conceived as having value on his or her own' (De Greiff 2006: 460). That means to recognize people with equal rights whose agency is affected by the environment and that is, 'to recognize that they are not only the subject of his or her own actions, but the object of the actions of others'. As a result, there is 'a form of injustice denying liberty to exercise her agency' (De Greiff 2006: 460). For that reason, the legal framework recognized people with equal rights; that is to protect individuals from exclusion from the category of legal persons.

However that protection from exclusion is also formulated for collectivities as they also have equal rights. In this sense, collective recognition can be defined as Haldemann states, as 'a set of features that may be associated with the goal of giving public recognition to the victims of collective violence and, thereby, to their moral worth and dignity as fellow citizens' (Haldemann 2008: 722). Yet, there is a difference with individual recognition in which ana-

lytical focus is placed on interaction between particular wrongdoers and their victims. Collective recognition involves a political community by addressing collective individual or groups victims' points of view within the society who were systematically excluded from the rights and benefit of the community (Haldemann 2008: 722-723).

That is why it is so relevant to have a legal framework to put 'individuals' and collectivities protection into practice. It is important when a State or government is offering recognition of individual victims for the wrongs they have suffered. For the collective; it is appropriate that an institution extends a measure of official recognition to the victims as a group. (Tavuchis, as cited in Haldemann 2008: 723). The Colombian Victims Law (Colombia 2011:3) follows these aims of recognition, stating that 'victims are those who individually or collectively have suffered harms from events since 1 January 1985, as a result of violations of international humanitarian law or serious and flagrant violations of the rules of international Human Rights that occurred during the internal armed conflict' (Colombia 2011: article 3).

Paula Gaviria, director of the Victim's Unit states in an article that one of the fundamental contributions of Law 1448 2011 is recognition of victimizing harms with collective impact that have affected farmers, ethnic communities, organizations, social movements and groups. (Gaviria (2015) as cited in Victim's Unit 2015:12) She states that reparations are considered by Law, to have 'a transformative approach intended for a kind of redress that would help to change practices and patterns of vulnerability, marginalization, subordination and discrimination for both individual and collective subjects' (Gaviria (2015) as cited in Victim's Unit 2015:12). This approach also includes the recognition of the particularities and reparation needs of the people exposed to higher risks of victimization because of their age, gender, sexual orientation, ethnicity or disability status (Victims' Unit 2015:12). However this statement is problematic because the victimizing facts had different impacts for individuals and collectivities; and some of the victims are still in danger. As a result, it is important to analyse what the individual and collective harms damages to Arauca's victims were in order to "ground" the concepts to what they had experienced.

## 4.2 Individual harms and individual recognition

I have mention that by analysing individual harms it is possible to give a better understanding of what was misrecognized; and therefore understand why individual reparation aim might be stronger than the will of collective reparation. As I have said, journalists' collective reparation process has taken more time than was expected. The first and second stages that were expected to be estab-

lished within six months -the identification of the subject and phase of enrol-ment- took almost two years. However this problem within process occurred mainly during the sessions of the Promotion Committee. It could be seen as negative but it showed how difficult was to create the group for identification as a subject of reparation. According to the facilitators of the process, they have only characterized 1.366 victims from the process, of which only 134 are included in the Single Victims Registry (RUV). These raises several questions about the cases that are included in this research: 1.What is Arauca's journalist identity; 2.What are the victimizing facts; 3. How different are the profiles of the victims; 4.What were the facts around which they were grouped? These questions have a scope to be answered by the testimonies given by the inter-viewees. I will address a general definition of journalism to understand their situation in a context like Arauca. From this point I will analyse what I per-ceived within the Promotion Committee based on the interviews and the re-port given by FECOLPER. (Colombian Journalist Federation).

Journalists have social responsibility to inform citizens. Deuze (2005) states that journalists have an ideal of being responsible to tell the truth and produce a public service. It is a strong element of journalist ideology that de-fine styles of reporting as they might feel 'a sense of working as some kind of representative watchdog of the status quo in the name of people' (Deuze 2005:454). But beyond this public service they are social actors embedded in their context. During the interviews there were no exact answers that gave a definition of journalism. However through their practices it is possible to infer some characteristics of what is understood as journalism amid an armed con-flict; it was possible to identify background differences that determine the journalistic practices.

It should be noted that in Colombia journalism has not been a profes-sion practiced only by professionals. Arauca's journalists have different back-grounds. Some have and some have learnt their profession by working directly in newspapers and radio stations. Still armed conflict has produced collective harms without discriminating whether a journalists obtained a degree or not, but as a consequence of their journalistic practice or their relationship with them. According to Betty Monzón, the collective reparation program recogniz-es as the subject of reparation 'those who belong to news production process. is: journalists, broadcasters, journalists' family members, press newsboys, edi-tors, and press photographers.'[3]

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[3] Interview with Betty Monzón (August 28 2015). Official of the Victim's Unit.

When Rob Gomez[4] was interviewed, he mentioned his work in conflict covering. He used to distinguish between commercial radio stations and community ratio stations, where he addressed the meaning of working on a community radio stations:

'In here, we began the community radio station from the heart of the organizations because there was no chance to express what was happening. Regional news media did not pay attention to what was happening because we always have been stigmatized (by military forces and politicians) as a consequence of thinking that everything that it is done by the left has a relationship with the insurgency and with terrorism. The only purpose is to really give voice to the community, to be heard, to make visible all the problems, make it known, create awareness, social fabric, collective thinking about life, about Human Rights Defence of the territory against multinationals. I have not denied my condition of alternative thinking, my community participation. To foster the community ~~as~~ in a leading role to show everything that is happening in the country. And that leads me to be judged and (for them) say that I am a leftist' (Interviewee Rob 2013).

As Castells explains (as cited in Van Dijk 2010), journalists play a role in their communities that might be powerful; it is a role of communication networks with an emphasis on political power influencing audiences. Rob's activism is mixed with journalism. In a context where the armed conflict is current and there is not enough media coverage due to local circumstances such as access to the territory, protection and knowledge of risks, engaging in activism in topics related to Human Rights or working in favour of the community tend to be stigmatized by military forces and politicians. Rob explained how several times he was the only one covering hostilities by reporting news or taking pictures, and national news reporters or magazines asked for his work

Thus, Castells states that power is not an attribute of individuals and groups but a relationship. This means that in a context of armed conflict journalists are vulnerable to being stigmatized as members of an armed group.

On August 21 2003, after 7 years of work at the radio station Rob was detained by the army with other 28 people and accused of the crime of rebellion. His penalty was 72 months in prison and an additional penalty of ineligibility from the exercise of rights and public functions. He was sent to Cómbita prison, the maximum security prison in the country where the country's most

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[4] Names of the interviewees were changed to protect their identity. See list of interviewees on the appendix.

dangerous prisoners are held. During his 33 months in prison, his brother a member of the Labour Union was killed. For Rob this was the most painful harm -as he described it- even though by that time the massive displacement had already occurred. After three years in prison, he still continues his work at the same radio station.

Nancy's[5] testimony shows how she was harassed for several months to be a guerrilla spy:

'When we worked at Radio DIC it was the time when the guerrilla infiltrated its people into the institutions, even the State. One day I received some flowers. We had a community program in which we stated "we give voice to those who have no voice". One day the man who had brought the flowers arrived at my home and told me that he had a mission, and he put his gun on the dinner table and told me that he belonged to the FARC and that he needed me to work for them. They offered me a house, a car and a scholarship, everything I wanted, with the condition of my becoming an informant. I always refused, and for that I was blackmailed. Afterwards, a colleague accused me of being a guerrilla informant and for that I appeared on that paramilitary list. I was working with my colleague at Radio DIC when we were threatened, I was determined to find out why, and why they wanted me dead. I was 24 years old, I was beginning my career as a journalists and did not understand why I was on that list' (Interviewee Nancy 2013)

One common characteristic is that interviewees work in radio stations. Radio news is known for its proximity with audiences, information has a broader scope in areas where newspaper, television or new technologies lack quick access. In fact, according to the National Centre of Historical Memory, while local, regional and national newspapers have represented war through the distant reporting of news, radio has directly approached the events. However, small radio stations and regional community radio station from conflict areas are more vulnerable and at higher risk as a consequence of being in the middle of the conflict (CNMH 2015:76)

Armed conflict changed news agendas and journalism practices for these interviewees. News related to politics or public order is scarcely reported. Self-censorship became a current practice as protection measure. Although

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[5] Names of the interviewees were changed to protect their identity. See list of interviewees on the appendix.

Rob keeps covering news of public order and human rights as an activist and journalist, his risk is permanent.

> 'If I don't want to be at risk, I have to dedicate myself to talk about other issues, to pretend to be clueless; that means to not go into depth about the social problems that our region is facing. In my case, it is a determination to continue to tell such things'. He adds 'my current situation is worse than before because I do complain permanently, and now we are in elections [October 2015]. I have recently been threatened. The danger is permanent' (Rob 2015).

Recently he had interviewed one of the people who was a victim of the mass captures during the Uribe's government and the ex-President an opportunity to publish a twit accusing the radio station of terrorism.

Furthermore, as Clara[6] describes:

> 'Sometimes we speak of self-censorship as a problem, but another thing is to feel it, to recognize it and (know) that you have to stop doing your job in order to remain alive. Self-censorship hurts, it hurts a lot because we were trained to tell the truth and then there comes a time that I reflect: If I tell the truth I will lose my life and I have a responsibility to my family. It's an ethical dilemma. (Interviewee Clara 2013).

These were some of the individual testimonies given by the victims who define their identity as journalists. As a reparation measure the Victim's Law establishes satisfaction actions with purpose of promoting the search for truth, compilation and publication of historical memory and the implementation of intangible redress measures such as exemption from military service. In this context, The National Centre of Historical Memory has the task of performing symbolic reparation to preserve historic memory for the non-repetition of victimizing events, public acceptance of the facts, the request for public apology and restoring the dignity of victims. (Colombia 2011: article 141)

These symbolic acts respond to what Haldemann (2008) calls the symbolic dimension of recognition within Transitional Justice. This Centre works

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[6] Names of the interviewees were changed to protect their identity. See list of interviewees on the appendix.

hand-in- hand with the collective reparation process for journalists. It has collected the testimonies of journalists to report violence against journalists, to understand collective harm and help the struggle against impunity. It can be seen that the State is willing to seek different dimensions of reparations. However, for victims, the reality is that they mistrust the process. The Victims' Law created a bureaucratic structure to attend to 7.712.014 victims throughout the country of which the number of 'subjects of attendance and reparations' is 5.973.748[7]. This bureaucratic structure creates potential for new ways of treating human beings as numbers.

Margalit describes, one way of expressing this modern, 'bureaucratic' type of humiliation is 'through the idea of turning human beings into faceless, anonymous numbers. This occurs when the only identity traits recognized by the society's institutions for an individual or a group are the numerical tags' (Margalit as cited in Haldemann 2008:689). This has already occurred. Nancy's testimonies reflects how she feels about her current individual reparation process:

> 'Last year [2014], the last days of December, once again I was contacted by one of my colleagues that convinced to do the individual reparation, although I did not want to. Then FECOLPER contacted us and gave us psychological support and told me that it was the opportunity to have the right to individual reparation. So basically for me, the process has been really new the whole issue of individual and collective reparation. In fact, I have not received the judicial settlement that recognizes me as a victim.

> She adds:'They told me now I must have a new analysis of my case, to see what my current situation is, and how are they going to repair me individually for the crimes of forced displacement and threat. In 2003, I was offered the chance to be a refugee in another country after the forced displacement; I was desperate and I decided to return to Arauca after 9 months in Bogota. I had a protection scheme for two years and when I found another job not related to journalism, the State took out my protection scheme. Since then, when I decided to join the reparation programs, I have only received $128000 pesos (US 43) (Interviewee Nancy 2015)

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[7] Numbers of victims are published on the Unit for Attention and Integral Reparation for Victims: Accessed on October 21 2015 http://www.unidadvictimas.gov.co/index.php/en/

In 2012 when the reparation program started not all the victims involved in the initial stages of the process were registered. Even though the individual reparation program is not perfect, it is a symbol of recognition that is supposed to complement the collective reparation process. In the next section, I will analyse Arauca's collective harms within the aim of collective recognition.

## 4.3 Collective harms and collective recognition.

We have seen different testimonies vis-à-vis the individual reparation process. In respect to collective recognition, the challenge is even more complex when all the members have different interests. According to Haldemann's definitions, collective recognition is understood as a set of features associated with the goal of giving public recognition and dignity as citizens to the victims of collective violence (Haldemann 2008: 722). But to reach these goals, he insisted that the way 'people's self-identify and self-respect necessarily depends on the sustaining attitudes of others and their interactions'. Therefore, 'practices and institutions that show attitudes of denial threaten the sense of self-worth' (Haldemann 2008: 690). So in order to understand how Haldemann's definition of collective recognition was stated under the collective reparation program, it is important to know what collective harm means in this context of violence against journalists.

As I mentioned before, by analysing collective harms it is possible to give a better understanding of what was misrecognized. Even though at this point of the research the national collective harms diagnosis was not known, it was possible to analyse the interviewee's perception of the reparation program. CNMH suggests that harm is related to the collective communication harm. As Castells states, in a society, media is the main source of communications; it has the potential to reach to all society through public opinion. In the process of broadcasting and reception of news there is a relationship between media and people, in which citizens' perception depends on agenda setting, priming and framing (Castells in CNMH 2015:188)

Consequently, there are different elements to consider regarding the process of harm to communication a) community communicative networks; b) number of media and their power, tradition, credibility and the trust they inspire– and therefore their legitimacy – and; c) journalists' social meaning and professionalism, their proximity to the people that receive the information, and the scope of the information in the communities, the region and the nation. (CNMH 2015:189). Those are the main characteristics to be taken into account in studying collective harm against media and journalists. Furthermore, in terms of rights, the purpose of the Law is to tackle situations of gross and systematic human rights violations and, for this context, freedom of expression.

That means that it is not only addressing the direct victims but the audience, which is part of the communication process. Addressing what the Victims' Law states, Foundation for Freedom Press (FLIP) asserts that collective violence generates a collective impact as a consequence of an individual harm. But, violence not only creates an injury to the freedom of expression and information of each journalist. It also does the same harm to each citizen; it also affects the freedom of expression as a social good that guarantees the relationship between journalists and audiences. This last notion of freedom of expression generates a collective impact and enables the building of a collective identity that is a result of the damage (FLIP 2015a). The challenge is how this Law is going to redress all these injuries.

Even though the purpose of this research is not to diagnose the collective harm of journalism in Arauca based on the testimonies, it was able to detect some common characteristics of events that produced a collective impact. In Chapter Two I narrated several collective cases of violence against journalists that generated remembrance such as the murder of Efraín Varela in 2002 who was the director of Radio Station Meridiano 70. He was a respected journalist who influenced several generations in Arauca. He worked with Nancy and Clara at different times:

> 'For us his death was really hard. He had just arrived from Spain. He was doing a specialization course at the University of Navarra on Conflict Resolution. Varela was a good journalist and also he was a lawyer and that was a big advantage. In that time the arrival of paramilitary groups (Bloque Vencedores) in Arauca began, in those black vans with tinted windows that ran through all the region killing people. It was scary, you see. He was tortured, they cut off his tongue and paramilitaries prohibited people to go to his funeral. He also trained Clara, he was her mentor' (Interviewee Nancy 2013).

Nine months after Efraín Varelas's death, Luis Eduardo Alfonso was killed. He was working at the same radio station as Varela. He was killed nearby the radio station as he was going to work. Three months after Luis Alfonso's death the massive displacement occurred. In 2003, 16 journalists were threatened when their names appeared on two lists; one from the paramilitary groups and the other from the guerrilla. From this point on, the interviewees experienced individual harms which had collective impact on the community which they left, as well as on the community radio.

> 'When we fled I think one of the most horrible trips I've had in my entire life was when we arrived to Bogota. It was such an impact because all communications and media reporters were waiting for us. We began

to hear the word 'displaced', 'here are the displaced journalist from Arauca'. That thing left a mark on me. I understand people when they are called 'displaced', you cannot imagine how difficult is to be treated that way. Yet the government supported us a lot, as well as FLIP and USAID. At least they paid me the treatment of post-traumatic stress. For 15 days I burst into tears; I did not understand anything and I did not want to know anything or I didn't want anyone to talk to me' (Interviewee Nancy 2013).

'I stayed in Bogotá three months. That is useless, it's an isolation, it is dying, it is feeling dead there. I'd rather been killed here, this is home, and I would die happy here. But to get out of my territory, of my natural environment is unacceptable. You enter to a small bedroom looking at the ceiling, and you cannot find an employment opportunity. If it is difficult for many journalists who have social benefits, now imagine a reporter from province" (Interviewee Rob 2013).

'After the displacement, I fled to Bogotá and then I was sent for 6 months to another, similar city where my family had also fled (Interviewee Clara 2013).

It is not possible to measure how radio programmes changed and how the local audiences experienced the absence of the journalists and the changes in news reporting. However, the armed conflict did change the news agenda and journalism practices for these interviewees as *journalists,* thus as members of a professional group. News related to politics or public order became scarcely reported. Self-censorship became a current practice as protection measure. Although Rob remains telling that kind of news as an activist/journalist, his risk still exists. Reflecting what happened to them by picking over old wounds produced by the armed conflict is still painful. Their behaviour has changed.

'Harm was not only against journalists, but to all the community that was kept without information. Community suffered also from terror. Armed conflict is still ongoing in the region, and we are in danger. For example, if the peace process with FARC is successful, we still continue in conflict because we have to deal with the ELN' (Interviewee Clara 2013).

With these testimonies I want to show some of the individual and collective harms that affected the journalistic practices. The challenge of the reparation program in terms of collective recognition is to take into account these

voices as citizens. In these two first stages of the process it is not certain that these testimonies were included in the initial collective reparation deliberations. It is stage three, known as the 'harm diagnosis', that will analyse the collective harms. At stages one and two, one of the problems perceived was that victims have not been 100% involved in all the process.

The Promotion Committee has 25 members. They are the ones who have been deliberating and representing the subject of reparation. Arauca's victims delegated their voices and vote to one of their colleagues –whom they trusted- and who is a member of the Promotion Committee. One of the consequences of this responsibility is that they missed all the discussions and some workshops that the Committee received. Perhaps this was not done intentionally but done as practical measures. All the meetings were held in Bogotá, around 632 km from Arauca by car, and quite expensive to travel by airplane; these and other factors made the proceedings difficult to attend.

De Greiff (2006) suggests that reparations could play a supporting role because they constitute a form of recognition, as they could be interpreted as efforts to institutionalize the recognition of individuals as citizens, with equal rights. What I proposed was an explanation of how journalists' identity as victims is related to reinforcing these other aims related to justice. But, recognition as an aim related to justice does not show all the political project of recognition as Pablo De Greiff proposed. In the next sections I will analyse the aim of civic trust and solidarity.

## 4.4  Civic Trust

Civic trust is related to the normative commitment from the government and legal system (De Greiff 2006: 462). Nonetheless, this definition needs deeper and better comprehension. De Greiff refers to trust as an alternative to awareness of the threat of sanctions and trustworthiness in social interactions. Levy & Stoker (2000) agree and argue that, trust "involves an individual making herself vulnerable to another individual, group, or institution that has the capacity to do her harm or to betray her" (Levi & Stoker as cited in Horne 2011:1). Indeed there are two types of relations. Firstly, trust is seen in a relation between individuals developing a sense of commitment to shared norms and values (De Greiff 2006)  in which individuals evaluate the interests and capabilities of others in determining whether to engage in a social, political or economic exchange (Levi & Stoker as cited in Horne 2011:1). The second type related to the use of 'civic', is develop by trusting the legal system among citizens who are part of a community as fellow members; and in the case of the reparation programs –seen as a political project- as common fellows of a political community (De Greiff 2006: 462).

On both levels there is a risk that individual's expectations are too high to be met by other individuals, social institutions, public institution or a national government. In that sense, these two levels are useful for analysing the relationship between trust and justice. To recall what De Greiff states, just as in the case of recognition as analysed in the last section, civic trust is a condition and a consequence of justice. (De Greiff 2006: 462). Yet, reaching civic trust among the participants at these levels of the collective reparation process seemed problematic. How is the aim of civic trust seen individually and collectively in the pursuit justice? Hereafter, the analysis will be done in accordance with what the Victims Law established, the theory exposed and what victims responded to its process.

## 4.5 'Civic trust' among participants of the Promotion Committee

Paula Gaviria, director of the Victim's Unit recognizes that these processes need a political dialogue between institutions and the subjects of reparation to recover the levels of trust during the deliberations about the events, impacts and damages. (Victim's Unit 2015:12). However, this recovery of trust takes time. Not only through the interviews was a sense of mistrust of the collective reparation process perceived, but also in the report given by FECOLPER that described what happened during the deliberations of the Promotion Committee in the first two stages of the process.

I perceived several problems that enhanced mistrust. To begin with, since it was established it suffered obstacles to achieving cohesion among its members. At first there were 35 members from different backgrounds. That is, 20 direct victims that suffered direct injuries such as threats, displacement, torture, sexual violence and so forth; 3 family members of direct victims and representatives from 12 organizations that observed and participated in the process. To date 25 of remain on the committee, 6 victims retired for personal reasons, another 4 people from organizations did not fit with the purposes of the reparation process (FECOLPER, n.d.).

In some sessions the report found that the agenda was not fulfilled because of repetitive discussions and no time management; furthermore, it was not clear who was responsible for taking the meetings' minutes, although the Victims' Unit facilitators did take some minutes. Therefore, during some months they were unable to make clear agreements or monitor tasks.

In addition, the Technical Secretariat did not have sufficient management tools to work with and accomplish what the Promotion Committee entrusted it. Also, some members of the Committee lacked a clear understanding of their roles and it was not possible to follow up on their commitments. One member of the FLIP explained the Victim's Unit expectations 'At first, they were expecting independence from the Promotion Committee. By the end of last year [2014], the Victims' Unit proposed a methodology and took the leadership of the process'[8].

As a consequence of unclear roles within Promotion Committee to identify the subject of reparation, other issues were revealed. The representation of some organizations on the Committee was questioned, and some members expressed dissatisfaction about their role-within the process. One of the interviewees addressed the issue:

> 'In my opinion, at the beginning FECOLPER assumed a political role in which they saw the opportunity to gain more members to the union association; to have more support inside the Promotion Committee. However all the misunderstandings are over' (FLIP Interviewee 2015).

In its defence (Colombian Federation of Journalists) FECOLPER representative stated:

> 'It is true that our presence during the Promotion Committee at first was rejected because it was not considered as a victim. However we believe that we are victims as in the past, the last director was threatened and those tensions were over. Our role is recognized by the Victims Unit because we have done things that the State didn't; and we believe that we have empowered journalists to recognize their rights'. They add: 'There were some accusations related to the role of other organizations. Because it was believed that reparation was only for direct journalists victims and the law has not stablished that' (FECOLPER interviewee 2015)

Indeed, the report recognized this tension and explained that while several organizations were involved with their own perception of the process, it took time to reach a coherent agreement among the members of the Committee in which they seek to have a broader comprehension of collective interests to pursue the collective redress for victims. Nonetheless, their cohesion was not that strong, they claimed the lack participation of journalists that fre-

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[8] Interview with Jonathan Bock (August 24 2015). FLIP Protection advisor.

quently did not attend the meetings, missing their contribution to discussions and missing a feedback to the work carried out by the Committee.

As a result of these tensions, including the slow progress of the process without concrete results, at some moments there was a weary feeling that resulted in the withdrawal of some members Promotion Committee. As FLIP stated:

> 'We changed our position towards the ongoing process. Now our role has shifted, we do not belong to the Promotion Committee. Our role is to facilitate the process with our analysis of violence against press, to recall the historical cases.' (FLIP interviewee 2015)

Other tensions involving the relationship with the Victims Unit facilitators appeared. There was no budget for travel allowances for the bodyguards who protected journalists under the protection scheme. For that reason some journalists could not participate in some sessions of the Promotion Committee, leading to the lack of trust between the Victims Unit and the Committee.

What I have illustrated above is a political struggle to consolidate the group. I considered it to be political because other interests such as enforcing the journalists' union that is not related to the reparation program were exposed. This situation apparently is negative but it could be seen as an opportunity to empower journalists and victims to claim their rights as a group and maintain their public recognition and dignity as citizens. In that sense, the role of the other organizations must contribute to enhancing accountability not only from the State to redress victims, but from the other members of the Promotion Committee; otherwise it could enhance mistrust. In fact, as Horne states: 'if measures that are overtly manipulated by political actors for personal advantage, could undermine citizen trust in political parties, public institutions, and government' (Horne 2011: 3).

According to Horne (2011) another characteristic that undermines trust is delaying the process. 'Lengthening the time period for the reparation programs beyond the initial transition period could result in citizen fatigue with the measures and undermine their legitimacy and trust-building properties'(Horne 2011:4). During all the deliberations of the Promotion Committee, the Victims Unit had to plan the meetings, including bureaucratic paper work, budget and other allowances to guarantee the agenda, in addition to dealing with the pressure of other ongoing reparation processes and providing results to their supervisors to the point that some of the Victims Unit functionaries asked for a change of duty.

These are some of the issues that challenged the process, especially when victims were invited to participate, in accordance with the stipulations of Article 227 of the Law 1448 (2011); and when different backgrounds are involved in the formation of the Promotion Committee. Therefore, the responsibility not only relies on political interests or lack of methodology. As Claus Offe (1992) argues, mistrust could provoke acts of revenge or sabotage by the individuals impacted by the measures (As cited in Horne 2011:4). In addition, it is even more difficult in an ongoing conflict in vulnerable regions where journalists do not have proper communication with the Promotion Committee. Therefore to build up trust in this process and surpass these issues, the Victims Unit decided to lead the next stage of this reparation program by implementing a methodology for the diagnosis of the collective harm.

Hence, to reach the aim of civic trust as a collectivity to purse justice remains a challenge. At this stage of the process and given the uncertain future of the ongoing conflict, it is not possible to give an answer. However civic trust involves a better comprehension by analysing other scenarios such as the following:

## 4.6 'Civic trust' between the Promotion Committee and the regions

The Promotion Committee defined the links between the members with the journalists they were representing, although they lacked clarity as to their roles and tasks, including which information was supposed to come from or returns to the regions. As a result, they recognized that there was no direct interaction between the affected journalists in the regions with the Promotion Committee.

> 'The tensions perceived from the regions are related to the lack of information transmitted outside the committee because regional journalists have felt excluded from the process' (FECOLPER Interviewee 2015)

As a consequence, miscommunication between Promotion Committee and the journalists in the region could undermine trust. However, this did not happen in all the cases. During the interviews with the journalists from Arauca, as mentioned, they voluntarily ceded their representation to their colleagues ~~who~~ they considered trustworthy. However, some of their concerns are related to individual interests that do not benefit the collectivity:

'To be honest, I do not trust this process, because I believe it has been a patchwork quilt that the National Government has knitted to express the will, through the victims law, to redress all our harm. I don't see collectivity, I believe the best way the State can make journalists to fight each other is through the collective reparation process because then the personal interests become evident. People see this program as a way to deal with their own economic situation, to see how they can get better opportunities in the future, but really they are not thinking about collectivity. Nowadays, journalists don't run to publish the news firstly, they look after reports to sell the advertisement slot, now imagine a collective reparation program. This is the main problem' (Interviewee journalist from Arauca 2015).

Hence trust not only depends on communication between the Promotion Committee and the journalists in the region, it depends on the actions done by other actors or journalists involved in the process. In fact, interpersonal trust can be directly and indirectly impacted by the reparation process. Whereas the interviewed Araucan journalists considered colleagues trustworthy, they mistrust the personal interests of the collective reparation, as well as some institutions. Following Horne (2011) without interpersonal trust, citizens will not engage in voluntary organizations together (Horne 2011:8). Therefore, their engagement in the reparation program to extend trust is vital for the process, as is the role assumed by FECOLPER and FLIP whose active participation in the meetings and their commitment to journalists could maintain the levels of trust in the process and contribute to the aim of justice.

Nonetheless, trust also depends on the local institutions and the will to be part of the reparation process. In the next section I will analyse the relationship between trust and institutions.

## 4.7 'Civic trust' in institutions

Building journalists' trust of institutions is the most important challenge in this process. The Victims Unit showed its will to guarantee the enrolment of regional institutions to present results in response to individual harms kept unattended for years. In fact, two of the most important issues addressed by victims were impunity and the ongoing risk to practicing journalism.

In general according to FLIP, from the 144 journalists killed since 1977 in Colombia, the State no longer is able to investigate why 69 of them were killed, unless the killing is declared a crime against humanity. Moreover this Foundation has identified a lack of control of the information on the current

status of judicial processes. Also, in some cases there is no clue as to which judicial archive holds the information. Furthermore, the State Prosecutor's Office participated little during the sessions to assess the risks and recommend action to protect journalists. In addition, this Office was restructured internally in 2013, so all the FLIP's effort to track the current stage of some processes and build trust with this entity was undermined (FLIP 2015c).

In addition, the National Protection Unit has 114 journalists under a protection scheme, of which 50 manifested having problems with their protection, and the Prosecutor's Office has no record of those cases (FLIP 2015c). Furthermore, journalists still practice self-censorship, not only in reporting on certain topics such as corruption, public order or hostilities to keep their jobs but also in fear of revealing their threats to the Victims Unit or other governmental institutions.

As I described during the individual recognition analysis, Araucan journalist's testimonies address their ongoing risks. If they want to keep covering the same news, they need protection from the State and advocacy from the organizations. But what if the members of the State, military forces or politics are the perpetrators? To recall, Nancy's testimony revealed her mistrust to politicians:

> 'Armed groups are not threatening journalists [In Arauca]. They are no longer the actors of the ongoing conflict but political parties; they are threatening and restricting journalists by not giving advertisement' (Interviewee Nancy 2015).

Furthermore, she states:

> 'I mistrust public forces, all the time they want to judge. I am working in a conflict zone, so we are easily stigmatized. So if you go to an area where for 40 years there was a presence of guerrilla groups, you are accused of being a member of them. In addition, in 2003 when I went to seek help from the police, the person who threatened me knew that I was going to ask for police protection. So I do not trust them' (Interviewee Nancy 2015).

In fact, current journalists' labour conditions make trust building even more difficult. Journalists spend more than 8 hours a day working for an advertisement spot that influences news content. As Clara (2015) manifested:

> 'Journalists' labour situation was discussed as critical. They are not hired on a payroll basis. They are paid without social benefits (social insurance, pensions and termination payments) (Interviewee Clara 2015).

Indeed, building trust towards the institutions in an ongoing conflict and under vulnerable labour conditions is a challenge in this collective reparation process. However, it is an issue that goes beyond the process. As Horne (2011) says, 'trust in institutions is a multi-variable composite, capturing a holistic assessment by citizens of the credibility, fairness, transparency, compliance and in some cases, effectiveness, of the government across social, political and economic issue areas' (Horne 2011:6).

All in all, the aim of building civic trust to pursue justice is an indirect process that has to be worked at all three levels exposed above: within the Committee, between the Committee and journalists and towards the state institutions. Reparation as a political project involves a will on the part of all political actors to change their behaviour. That is, to break cycles of distrust. 'Distrust can diffuse in a way that trust cannot because it is generalized rather than particularized in nature' (As cited in Horne 2011:4). In that sense it is important to concentrate the State's efforts at seriousness in the process. As De Greiff suggests, in the absence of reparations, victims will always have reasons to suspect as much, even if the other transitional mechanisms are applied with some degree of sincerity'. (De Greiff 2006: 463). That means, in the current Colombian context of peace negotiations with FARC and the possible institutional changes towards peace, the possibility of keeping this aim of justice might be kept open.

In addition to the relevance of trust for the reparation process it is important to generate solidarity among the citizens. In the next and last section, I will discuss how solidarity goes along with recognition and civic trust.

## 4.8  Solidarity

Solidarity is seen by De Greiff (2006), in the reparation program, as a form of promoting justice as well as recognition and civic trust. 'It is a manifestation of good will or social empathy to put themselves in the place of others (De Greiff 2006:464). Furthermore, as Honneth (1997) claims, 'solidarity is a form of recognition that provides the basis for a cultural climate in which every member of the society can build a sense of self-esteem by contributing to some shared concern, interest, or value' (As cited in Haldemann 2008:685).

Solidarity can be seen as developed at several levels, like civic trust, and depends on the trust. In this context, however, my analysis shows that solidarity was not as evident as the other aims of justice. When present, solidarity seems to come from the institutions be they the state or other  rather than as an individual or collective act. Furthermore, solidarity as a concept remains tightly interlinked with trust and recognition.

For example of the most visible acts of public recognition of harm to journalists was done by the symbolic recognition in an event entitled 'Journalism: Harm, Memory and Reparation' led by President Juan Manuel Santos on the Colombian National Journalists Day on February 8, 2013 (El Espectador 2013). This was the initial act of the Collective Reparation Process. It was covered by national news and all kinds of journalist and media workers were invited. Symbolic acts can raise social solidarity by revealing the collective and individual harms among citizens. What is more, solidarity is a form of recognition that is committed to protecting individuals against threats of disrespect. In this spirit of solidarity, the "Statement of will" established on June 12, 2013 was signed officially creating the Promotion Committee.

If solidarity is considered to be a form recognition, it brings again the moral dimension as Haldemann stated that may serve as a critical reflection on the law's use and normative construction of the reparation program (Haldemann 2008:681). During the discussions done in the two first stages of the process, there was willingness to hear all the interventions of the participants. Although individual interests were always addressed in the discussions, participants were given the chance to recognize their different backgrounds, which could have had as an effect the enhancement of solidarity, i.e. trying to step into each other's shoes. But my previous discussion shows that with a lot of mistrust, solidarity may have been undermined.

Furthermore, as it was shown, during the deliberations, problems of methodology were exposed and the members of the Promotion Committee did not have a clear role during the discussions. Consequently it produced miscommunications with some of the regions and some journalists claimed to be excluded from the process. Claiming presence could be seen as a contribution to share an interest in the process and as a symbolic act of social solidarity. Be-

sides, the presence of other organizations as facilitators and observers of the process, as well as the presence of the Victims Unit, had a potential of creating the basis for a cultural climate in which every member of the Promotion Committee could have the opportunity to build a sense of self-esteem and self-interest in the process. But the process the Committee involved with was more complex, as my earlier discussion shows

I believe solidarity still has a chance to spread among different actors and segments of the society once the collective reparation process has developed. If each member of the Promotion Committee could have the opportunity to build a sense of solidarity with other members and interest in the process, it could also be spread over the regions and among the victims.

During one of my interviews in Arauca I asked if they have kept any kind of solidarity or strong ties of cooperation within their colleagues after their collective harms in 2003. One interviewee manifested:

> 'I believe this [the harm] has keep us together. For example, there was a journalist corporation in Arauca that was almost closed, now is renewed. There are now two corporations in the region. Before FECOLPER used to merely look at us, now is closer to us'. Also, there has been special care from FLIP; they have been always supportive' (Interviewee Rob 2013).

Working together and having institutional support builds solidarity. The institutional support was included in the Law during the second stage of the process. Article 228, the Phase of Enrolment, invited the organizations who had a direct contact with victims to be part of the process. Their participation was crucial to build trust among journalists. In that sense, social solidarity was spread by the organizations.

As De Greiff (2006) states, collective reparations can be seen as an expression of interest, and, at the same time, as generators of solidarity. To keep this aim of justice ongoing through all the process, it also has to be expressed by symbolic acts within the Promotion Committee, by ascertaining that all the journalist and media workers are considered subjects of reparations.

The purpose of this chapter was to analyse how the aims of recognition, civic trust and solidarity were shown in the first two stages of the collective reparation process for journalists. It was explained how, by analysing individual harms, it was possible understand the meaning of individual recognition, and by understanding collective harms it was possible to understand collective recognition. Moreover, it showed the challenge of building civic trust of the Promotion Committee and among the victims in the regions. Finally I analysed

how the aim of solidarity is a consequence of recognition and a symbolic act that has to be sustained through all the stages of the reparation process. . I now turn to the general conclusions of this research, addressing theoretical and political challenges that its results bring up.

# 5. Conclusions

I started this research by addressing Teitel's elements to understand Transitional Justice as a sum of adapted legal measures to a political change in a context of a political transition. However this research examined the context of transitional justice in an ongoing conflict. In that sense, from the start this research wanted to contribute to the theoretical debate of the implications of analysing a Transitional Justice approach in an ongoing conflict whereas one of the challenges of the traditional legal approach is to show accountability and achieve reconciliation. I believe in the Colombian case, this is even more difficult.

The purpose of this research was to analyse the tensions of the collective reparation process to journalists in Arauca. To answer how Arauca's journalists understood their collective and individual reparation process, I used the theory of Transitional Justice as a political project, given by Pablo De Greiff that showed other aims related to justice: recognition, civic trust and solidarity. In addressing those three elements of justice, my research brought about a number of insights.

Journalist victimhood was recognised by the victimizing facts that affected their profession in the ongoing Colombian conflict. It was shown how, for victims, the aim of individual recognition is stronger than the will of collective reparation. After so many years of misrecognition, journalists have to deal with the cohesion of a group of victims that are claiming collective reparation rights, which proved to be a challenge during the first two phases of the Transitional justice process; is a challenge.

Journalist's social responsibility to inform citizens under an armed conflict as experienced by Arauca's interviewees was stigmatized by perpetrators such as military forces, guerrilla members and politicians; especially as a result of their proximity with their audiences, their relationship with their sources of information and the powerful role they have played in their communities. Besides, violence against journalist has been a phenomenon reproduced among all over the country, but with a special emphasis in remote areas where radio stations have a broader scope than other sources of information; and for that reason they are more vulnerable within the armed conflict.

Hence, to recognize the victimizing facts that affected journalists individually and collectively it was possible to understand the tensions of journalist's collective reparation process. From that perspective, the individual recognition vis-à-vis individual harms, as well as collective recognition vis-à-vis collective harms were analysed.

Individual recognition was shown under the individual harms narrated by the Arauca's interviewees. Their testimonies evidenced the moral dilemma

of prioritizing their individual recognition over the will of collective recognition. Moreover, it was shown this had a priority in the challenge of building up the subject of reparation during the first two stages of the collective reparation process. In that sense, during all the process it is possible that victims will always refer to their individual harms.

As for the collective recognition vis-á-vis with collective harm it was seen that the identification of common injuries helped to understand the collective misrecognition. Yet, to analyse the collective harm requires an examination of different factors that go beyond this research. Firstly because the diagnosis of the collective harm –stage three of the process- will be reported in 2016. Secondly, because collective harm is also related to communication harm and that implies the analysis of the elements that harm produced to the individuals involved in the process of broadcasting and reception of news; and third because violence not only produces collective harm to journalists and their right of freedom of expression but it affects as well the freedom of expression as a social good that guarantees the relationship between journalists and audiences. This last relationship between journalists and audiences produced a collective impact that is what generates a common identity as journalist.

Furthermore, civic trust is the most critical challenge of the ongoing collective reparation process. Civic trust was understood in this research as the normative commitment from the government and the legal system and; the capacity of individuals to be vulnerable to another individual, group or institution that has could harm or to betray her (De Greiff 2006, Levy & Stoker 2000). From these definitions the concept was analysed in three scenarios: trust within the Promotion Committee, trust between the Promotion Committee and the regions and trust to institutions.

From the first scenario, in the Promotion Committee trust is an unfinished task. From the start, as a consequence of an unclear methodology, the members did not have a clear role to build up the subject of reparation. For some members, individual claims were their priority in their deliberation agenda. Moreover, some members expressed dissatisfaction about the role that one organization undertook as enforcing the journalist union, seen as situation not related to the reparation process. As a result of this issue, the slow progress of the process ended in the withdrawal of some members of the Promotion Committee. Yet this situation was an opportunity to empower journalists and victims to claim their rights as a group. Leading roles in this kind of deliberations could enhance accountability within the members of the group as well as to the government and at the end to enhance trust.

The second scenario showed problems of communication within the Promotion Committee and the regions they represented. Firstly unclear roles produced unclear information -or non- to the journalists they were represent-

ing on their regions. As a consequence some of the victims felt they were excluded from the process and that undermined trust.

The third scenario was the most difficult from all. Civic trust is a challenge to build when the State has shown insufficient results in the fight against impunity and the violent conflict is ongoing. Without the trust – in each other, the process and the institutions -  the participation in the process is affected. But so is the possibility for solidarity among the journalists, as well as within the wider society. At the moment, both trust and solidarity are fragile and much more work is needed to secure them.

Journalists have social responsibility – and professional obligation - to inform citizens about the issues related to politics and conflict. But, as citizens who claim rights, they also have the right to protection, and the State must guarantee their protection for the sake of democracy. In the context of ongoing conflict and undue political and economic interests groups, this still seems difficult to achieve.

One of the limitations of this research was that the collective reparation process has not ended; there is no date known yet when the collective reparation program would start. Furthermore, the political context in the country remains complex, conflicting and dynamic, as political interests are still involved. For that reason, it is important to keep following the process and build up a subject of reparation – both individual and collective - strong enough to claim civil rights.  Moreover it is also important to follow the implementation of the Freedom of Expression public policy that would contribute to the collective reparation process to journalists in Colombia.

Finally, the theoretical relevance of this research is that Transitional Justice as a political project, rather than only a legal project, gives a better comprehension to claim accountability and reconciliation, although this has been a challenge in both theory and practice. While I have analysed in detail the limitations of this practice – as experienced by journalists – it is important to reflect on how those limitations can inform theory. Concepts of reparation, civic trust and solidarity are useful, especially in the context of ongoing conflict. They indicate not just the limits of the legal approach but – more importantly – how this approach is embedded in the specific social context. In the context of long-lasting impunity, relying on legal concepts does not make much sense. So, even if and when civic trust and solidarity are few and imperfect, they bring up the relevance of social fabric for individual and collective understanding of violence and the harm. In other words, theorizing of Transitional Justice makes sense only in as much as it addresses the lived experiences of people who lived through the war. Journalists are such a specific group of people whose practicing of their profession is in itself embedded in the Colombian society's violent dynamics. Justice for journalists thus will also imply justice for media practice, and thus also a hopeful sign for peace in Colombia.

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# Appendix 1

**Lists of interviews conducted for the research**

| Interviewee | Position | Date of interview | Place of interview |
|---|---|---|---|
| Camilo Vallejo | Foundation for Freedom Press FLIP Legal Advisor | August 18 2015 | Bogotá (Skype) |
| Adriana Hurtado | FECOLPER Journalist Colombian Federation President | August 20 2015 | Skype Interview |
| Andrés Rojas* | Radio Kapital Independent journalist | August 26 2015 | Skype Interview |
| Betty Monzón | Victim's Unit advisor. National Collective Reparation | August 28 2015 | Phone interview |
| Clara Pabón* | Meridiano 70 radio station. Journalitst | March 27 2013 | Arauca, Colombia |
| | | August 19 2015 | Arauca, skype interview |
| Daniel Chaparro | Victim's Unit advisor. | August 25 2015 | Skype Interview |
| Jonathan Bock | Foundation for Freedom Press FLIP Protection Advisor | August 24 2015 | Skype Interview |
| Nancy Guerrero* | Radio Kapital Journalist and Publir server | March 28 2013 | Arauca, Colombia |
| | | August 20 2015 | Skype Interview |
| Rob Gómez* | Saravena Éstéreo Director | March 29 2013 | Saravena, Arauca Colombia |
| | Journalist and activist | August 26 2013 | Skype Interview |