

Why the Colombian truth commission must have the authority to make findings of collective responsibility in its final report: **ENTREGADO A P**

1. A commission that lacked this authority would not be a truth commission. It is part of the minimal definition of a truth commission.
2. Every truth commission's final report includes such findings. There are no exceptions.
3. Without this authority, the entire transitional justice package would, as a practical matter, be more likely to come under attack as having failed to meet the minimal criteria of a truth commission. This would jeopardise the legal security of all the individuals who would otherwise be safer from judicial meddling vis-à-vis their reduced criminal punishments.
4. A commission can only make recommendations of prevention-oriented reforms at the institutional and organisation levels if it has first established the nature and scope of institutional and organisational responsibilities. If it does not do the latter, it cannot do the former; and if it cannot do the former, a second gap in meeting the minimal definition of a truth commission would arise.
5. If the truth commission does not make findings of collective responsibility in its final report, a dangerous impunity gap will result. The Government's "integrated" approach to transitional justice is premised on the need for individual *and* collective responsibility. If the truth commission does not perform the latter role, the justice mechanism could not be able to fill the gap as its focus is, of necessity, on individual responsibility.
6. A truth commission is expected to contribute not only to knowledge of past violence, but also to acknowledgement. Denying the commission the authority to identify collective responsibilities would eviscerate the latter function. Michael Ignatieff famously described the basic role of a truth commission as "helping to narrow the range of permissible lies." Colombia's truth commission must perform this elemental function.
7. When truth commissions have been established in the aftermath of military dictatorships and authoritarian regimes (i.e., in cases that are *not* analogous to Colombia), they have attributed comparatively greater collective responsibility to state agents. Yet, how could it be otherwise? Like a mirror, the conclusions simply match the overwhelmingly vertical violence of those contexts. By contrast, it is far-fetched to assume a high attribution of state responsibility in the context of an independent truth commission established in a liberal democracy in the aftermath of a decades-long civil war in which the sources of violence were much more diffuse. Recent cases like the truth commissions of Sierra Leone and the Solomon Islands already demonstrate this.