War and Peace by Other Means: Narratives of Victimhood and the Politics of Transitional Justice

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Abstract

Providing redress to victims of wartime violence has become a cornerstone principle of contemporary transitional justice (TJ). Yet, formal TJ processes and mechanisms are not merely tools for addressing past injustices in societies moving from war to peace. They also construct deeply political narratives of 'legitimate' victimhood. The architects of these mechanisms make deliberate choices about whose voices to elevate or marginalise, choices that reflect and (re)produce power. Although existing literature recognises victimhood as a site of political contestation, scholars have largely overlooked the socio-political implications of institutionalising particular victim identities in TJ. Consequently, the scholarship has not gauged how these narratives may constitute post-settlement orders and the 'peace' being built in transitional societies.

In response, this research asks: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?* To explore this question, I develop an analytical framework grounded in critical theory. The framework surveys how the (re)production of victim narratives can shape modalities of truth and knowledge production, configure power relations, and structure peacebuilding processes. Using discourse analysis, I apply my framework to examine how TJ mechanisms in Sri Lanka and Colombia produce and legitimise victim identities, casting new light on the power dynamics embedded in these practices.

I conclude that TJ is a technology of governmentality, where experiences of violence are classified, amplified, and erased. In Sri Lanka, successive mechanisms institutionalised authoritarian closure to justify state abuses and entrench a majoritarian status quo. In Colombia, victim inclusion and pluralism progressively expanded, but narratives remained disciplined by bureaucratic gatekeeping that served a statebuilding agenda. My findings point to the role and politics of TJ in organising post-settlement orders and the nature of the peace being built during transitions from conflict.

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List of Acronyms

ACR	Colombian Reintegration Agency /Agencia Colombiana para la Reintegración
AUC	United Self-Defence Forces of Colombia / Autodefensas Unidas de Colombia
BACRIM	Criminal Gangs / Bandas Criminales
CEV	Commission for the Clarification of Truth, Coexistence and Non-Repetition / Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición
CNMH	National Centre for Historical Memory / Centro Nacional de Memoria Histórica
CNRR	National Reparations and Reconciliation Commission / Comisión Nacional de Reparación y Reconciliación
CP	Comparative Politics
ELN	National Liberation Army / Ejército de Liberación Nacional
EPL	Popular Liberation Army / Ejército Popular de Liberación
EU	European Union
FARC	Revolutionary Armed Forces of Colombia / Fuerzas Armadas Revolucionarias de Colombia
GMH	Historical Memory Group / Grupo de Memoria Histórica
GoSL	Government of Sri Lanka
GWOT	Global War on Terror
HRW	Human Rights Watch
IACHR	Inter-American Commission of Human Rights
ICC	International Criminal Court
ICG	International Crisis Group
IDP	Internally Displaced Person
IHL	International Humanitarian Law

IIGEP	International Independent Group of Eminent Persons
IR	International Relations
JEP	Special Jurisdiction for Peace / Jurisdicción Especial para la Paz
JPL	Justice and Peace Law
JVP	Janatha Vimukthi Peramuna
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
MOVICE	National Movement of Victims of State Crimes / Movimiento Nacional de Víctimas de Crímenes de Estado
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OfR	Office for Reparations
OHCHR	Office of the High Commissioner for Human Rights
OMP	Office on Missing Persons
ONUR	Office for National Unity and Reconciliation
PoE	Panel of Experts
PRT	Workers' Revolutionary Party / Partido Revolucionario de Trabajadores
PTA	Prevention of Terrorism Act
SIVJRNR	Comprehensive System of Truth, Justice, Reparation, and Non-Repetition / Sistema Integral de Verdad, Justicia, Reparación y no Repetición
SLFP	Sri Lanka Freedom Party
TJ	Transitional Justice
UBPD	Missing Persons Search Unit / Unidad de Búsqueda de Personas Desaparecidas
UCDP	Uppsala Conflict Data Program

UK	United Kingdom
UN	United Nations
UNP	United National Party
US	United States

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Introduction

"They didn't listen, they refused to listen when we shouted (…). And then they closed the door. How many thousands of people were left out of the process?" (McEvoy and McConnachie, 2013: 497). These words, spoken by a victim activist in South Africa, reflect a profoundly felt dissatisfaction with the proceedings of the country's Truth and Reconciliation Commission. They do not, however, stand in isolation. Rather, they resonate with the experiences of countless others who have felt excluded from the very mechanisms of transitional justice (TJ) established around the world to provide redress to victims during or in the aftermath of mass atrocity and violence.

In Northern Ireland, one victim expressed frustration at how certain experiences of conflict were prioritised over others: "We are the forgotten victims", she said; "unless you are one of the larger atrocities, you don't matter" (Lawther, 2021: 896). In Rwanda, a Hutu merchant reflected on the biases of *Gacaca* courts: "At gacaca, Tutsi women can talk about rape but not Hutu women" (Clark, 2010: 123). And in Cambodia, a survivor questioned the narrow framing of victimhood around just two high-profile individuals: "Are the only victims Chum Mey and Bou Meng? There are many victims nationwide" (Narim, 2015).

These diverse voices expose a core tension at the heart of contemporary peacebuilding. They reveal that TJ processes and mechanisms do more than address legacies of past violence – they

actively construct narratives of 'legitimate'[1] victimhood, determining whose stories are told, whose suffering is recognised, and whose justice is pursued. By design, inclusion of victims in TJ is inherently limited "to the minority of victims whose cases will be brought before some formal mechanism" (Robins, 2017: 45). As a result, those who conceive and implement TJ systems become key arbiters of memory and accountability, deciding whose experiences are amplified and whose are erased from 'official' accounts of the violent past and the peaceful future. Recognising that "*power* and *choice* are in fact being exercised in the construction of victim voices by such institutions" is central to understanding the politics of victimhood in TJ (McEvoy and McConnachie, 2013: 497). The power structures that produce – and are produced by – these choices merit deeper and more sustained scholarly attention.

This dissertation explores how TJ mechanisms construct narratives of legitimate victimhood, and the socio-political implications of these narratives in societies moving from war to peace. It widens and problematises our understanding of victimhood beyond reductive binaries of victim and perpetrator, innocent and guilty, good and evil, to analyse how victim identities are (re)produced in and through formal TJ mechanisms. Crucially, I consider the implications of these narratives in relation to post-settlement power distributions and peacebuilding processes. I do this by devising an analytical framework, grounded in critical theory, and using discourse analysis to illustrate its application against the set of TJ mechanisms established in Sri Lanka and Colombia since the end of the Cold War. I survey how narratives of victimhood

[1] In this dissertation, I use 'legitimacy' in a discursive sense, following a post-structuralist understanding of power-knowledge, to denote the institutional recognition that authorises some victims and claims as valid at the expense of others. Throughout, I use 'legitimate' and 'authentic' interchangeably.

institutionalised in TJ can shape modalities of knowledge and truth production, configure power relations, and structure the 'peace' being built during transitions from armed conflict.

Specifically, I attempt to provide answers to a two-fold, exploratory research question: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?*

In addressing these questions, I advance three key propositions. First, that TJ constitutes a technology of governmentality.[2] Through mandates, eligibility criteria, registries, and practices of victim representation, TJ mechanisms engineer the parameters of legitimate suffering, regulating which experiences of violence are rendered legible and which are erased from official accounts of conflict. Second, that narratives of victimhood in TJ produce and give meaning to the knowledge, truths, and memories through which transitional societies understand their past and imagine their futures. And third, because these narratives render wartime violence knowable and governable, they (re)distribute legitimacy, voice, and authority. They are therefore constitutive of post-settlement power relations and peacebuilding processes and outcomes.

The case analysis of Sri Lanka and Colombia demonstrates how these theoretical claims materialise empirically. In Sri Lanka, the proliferation of TJ mechanisms over three decades enabled the gradual authoritarian closure of the country's discursive space. Different TJ

[2] Foucault (1991) coined the term 'governmentality' to describe the interplay of practices, techniques, institutions, and forms of power that shape and guide the conduct of individuals and populations, and that reify an ideal of social order (see also Rampton and Nadarajah, 2016: 447; Dean, 1999; Walters, 2012).

principles and mechanisms were deployed by successive governments to advance the incumbent's political agendas. The cumulative implication was that state abuses were consistently legitimised and sanitised, and Sinhala-Buddhist majoritarian hegemony consolidated. In Colombia, TJ yielded what I term 'carefully threaded pluralism', where procedural recognition progressively expanded and truth diversified, but in a way that served a statebuilding function and preserved the state's role as gatekeeper of legitimate victimhood. Side by side, both country cases reveal two distinct modalities of epistemic governance, illustrating how the same tools for addressing violent legacies can be mobilised to construct and discipline victimhood in the service of distinct political agendas and visions of social order.

* * *

The questions and issues at the heart of this research have not been adequately explored in the interdisciplinary literature on victimhood, TJ, memory, or peacebuilding. Over the past two decades, scholars of International Relations (IR), comparative politics (CP), criminology, sociology, anthropology, development studies, psychology, and peace and conflict studies have increasingly turned their attention to the agency of victims and their role in post-conflict[3] peacebuilding, moving beyond the legalistic perspective that for decades dominated the academic study of victimhood and TJ (McEvoy, 2007: 412; Zunino, 2019: 42; Vinjamuri and Snyder, 2015). This has been, no doubt, a positive development in these fields, as scholars of

[3] I share Caplan's (2019: 12) view that the term 'post-conflict' is a misnomer, since no society can be without conflict. As such, I tend to avoid the term and instead favour terminology that emphasises the processual nature of transitions from war to peace. For conceptual discussions of the term 'post-conflict', see Kennedy (2006), Gagnon and Brown (2014), and Suhrke and Berdal (2012). For a review of the concept's treatment in the social sciences, see Brewer and Hayes (2011).

the legal tradition have tended to passively accept the definitions of victimhood found in the judicial frameworks of TJ (Faulk and Brunnegger, 2016: 3). Consequently, legal researchers have frequently overlooked the positionality of victims in political space and the politics underpinning the construction of victim identities.

More recent work has displayed awareness of these shortcomings and embraced qualitative, interdisciplinary approaches to study victims and victimhood "from below" (McEvoy and McGregor, 2008). This shift has generated important insights into the ways in which conflict-affected individuals understand, perform, contest, and negotiate a victim identity in complex transitional and post-settlement environments (see, for example, Rudling, 2019; Barton-Hronešová, 2020; Krystalli, 2019, 2021; Rettberg, 2015; Baines, 2015). It has also brought attention to the production of hierarchies of victimhood in these spaces and to the selective validation of certain conflict experiences as 'authentic' (Druliolle and Brett, 2018; Hearty, 2018; Vandermaas-Peeler et al., 2022). This analytical move has recast victimhood as a socially and politically constructed category, rather than a neutral designation.

Although the field now includes myriad contributions that explore victim agency and positionality in war-torn settings, much of the literature on victimhood and TJ remains split between two perspectives: one that anchors victimhood to codified legal categories, and another that focuses on the agency exercised by groups and individuals to navigate a victim status. Both, however, often take for granted the degree to which the construction of certain subjects as victims of violence is conditioned by narratives that emerge from the bureaucratic proceedings, prosecutions, reparations, or truth commissions that make up the toolkit of contemporary TJ.

The legal literature tends to gloss over how TJ constructs and codifies certain forms of victimhood as legitimate, whilst victim-centred approaches downplay the role of formal institutions in enabling or restricting the agency of victims.

Some scholars have shown that formal TJ processes act as gatekeepers of 'official' narratives and memories, selecting which victim voices are listened to, replicated, and actioned (see, for example, McEvoy and McConnachie, 2013; Lawther, 2020, 2022; Madlingozi, 2010; Krystalli, 2019, 2021). In doing so, they touch on the power structures that govern the visibility or invisibility of certain victim narratives in TJ. But despite these important contributions, the scholarship's 'power literacy' remains limited. It lacks rigorous exploration of the socio-political implications of these narratives, particularly in relation to post-settlement power dynamics and the 'peace' being built during transitions from conflict. To my knowledge, no existing research theorises the capacity of victim narratives in TJ to shape transitional and post-settlement realities. My work contributes to this academic conversation by devising an analytical framework that, drawing key insights from critical theory, examines how formal TJ mechanisms construct narratives of 'legitimate' victimhood and, crucially, how these narratives both reflect and (re)produce social orders and power structures in transitional societies.

* * *

Beyond political speech, there are important legal, material, emotive, and symbolic reasons why victim narratives codified in TJ matter in societies moving from war to peace. This is not to say, however, that narratives of victimhood are only important in contexts of political transition. On

the contrary, research suggests that they are prevalent and influential throughout the course of armed conflicts and may also emerge outside such contexts, for example in situations of authoritarian repression, one-sided violence, or even under-development (see Humphrey and Valverde, 2007; Fassin and Rechtman, 2009; Bernasconi et al., 2018; Marcks and Pawelz, 2020; Ayodele, 2020; Narlikar, 2020). Yet, as I explain in what follows, societies often experience significant social and political transformations during armed conflict and in its aftermath, making victim narratives particularly relevant and contested during periods of transition.

At a legal level, institutionalised narratives of victimhood are significant because judicial victim recognition governs individuals' access to a series of rights and benefits associated with the category of victim. These include access to truth, justice, and reparations for the victimising act, in addition to an array of social benefits and resources for redress that vary across legal frameworks and systems (Shklar, 1990; García-Godos, 2008; Adhikari et al., 2012; Gready and Robins, 2014). As Krystalli (2020) puts it, admission into the victim category "makes people legible as particular subjects of state attention". Though this is not exclusive to contexts where TJ systems have been put in place, the scholarship tells us that victims' rights and participation have become cornerstone principles driving the discourse and implementation of such mechanisms (Menzel, 2020: 300; Hall et al., 2017; Olsen et al., 2010). Among other implications, the victim-centrism of TJ can prompt conflict-affected individuals to seek greater recognition within these frameworks for the fulfilment of their rights (Bonacker, 2013: 97).

But past its codification in legal mechanisms, the language of victimhood carries significant political and normative weight in conflict and post-conflict spaces. It is, as Vandermaas-Peeler

and colleagues (2022: 18) contend, a social capacity that operates as a status symbol, conceding those socially recognised as victims with "greater resources, sympathy and support of all kinds". This suggests that to dismiss non-judicial representations of victims "because [they] are legally irrelevant fails to acknowledge that the invocation of 'The Victims' has become routinised in [TJ] discourse" (Kendall and Nouwen, 2013: 260; see also Gray, 2012: 148; Sarat, 2012). It is therefore useful to draw from the scholarship that reifies victimhood-as-idea, and not solely as a legal category.

The literature also tells us that institutionalised victimhood narratives do not merely identify and classify victims of violence, but pinpoint the perpetrators of such violence. Intuitively, a victim must have a victimiser. Because TJ is driven by an "urge to blame" (McEvoy and McConnachie, 2013: 501), its processes and mechanisms necessarily interpret past violence through the binary distinction between victim and perpetrator (Andrieu, 2010: 541; Hourmat, 2016; Swain, 2018; Theidon, 2010). This relational distinction, which mirrors that between right and wrong, operates as a hierarchical frame of action that determines social practices and policy options (Milliken, 1999: 229; Fierke, 2008: 35). These include the distribution of reparations or other forms of victim assistance, memorialisation projects, or the appropriate corrective action to be taken against those deemed to have acted wrongfully (Turner, 2013: 194). The result is a politics of blame and innocence that may be leveraged to humanise or dehumanise conflict-affected individuals according to their politically calibrated designation as 'victim' or 'perpetrator' (Hearty, 2018, 2019; Walklate, 2007; Jankowitz, 2017). For victims and perpetrators, then, the production of victimhood narratives in TJ both structures and limits the domain of policy options applicable to them.

This suggests that narratives of victimhood are, at least to some extent, endogenous to conflict processes. Yet, they are more than a product of pre-existing conflict dynamics. I theorise that victim narratives institutionalised in TJ shape power distributions in transitional and post-settlement orders – an idea at the heart of this research project yet underexplored in the literature on victimhood and TJ. To ground my argument, I build on insights from memory studies scholars, whose attention to the fundamentally political nature of transitional periods complements my critical theory approach to studying TJ. Research demonstrates that representations of past violence during this time can be mobilised to settle accounts of conflict that visibilise certain memories, subjectivities, worldviews, and experiences of harm, whilst silencing or misrepresenting others (see Bell, 2006; Molden, 2016; Jelin, 2003; Gillis, 1994; Nesiah, 2005; Rotberg, 2006; Edkins, 2003; Cruz, 2000). Drawing on the power literacy of memory studies, which I argued earlier is largely missing from the literature on victimhood and TJ, my research casts new light on the connection between victim narratives, post-settlement power structures, and peacebuilding efforts.

Given that armed conflicts are "shocks that trigger major social reconfiguration", periods of political transition often bear witness to the renegotiation of a society's normative space (Tholens and Groß, 2015: 255; see also Gusic, 2019, 2022). As societies transition out of violence, a new socio-political status quo takes shape – one that wartime actors may attempt to influence and control to further their battlefield objectives (Turner, 2013: 203; Lake, 2017). This normative contestation is captured by Bell (2009: 25), who argues that "whoever can win the transition can win the peace, and whoever can win the peace can win the war". The literature

on victimhood tells us that, in the process, victims often become a key currency for political contestation between actors seeking to articulate their own narratives about the past (Álvarez Berastegi and Hearty, 2018; King, 2010; Berry, 2018; Humphrey, 2003). Recognising victimhood as a site of politics, conflict actors may work to institutionalise their preferred victim narratives in TJ, so as to advance their political interests in the emerging order through the language of transition (Seoighe, 2017: 290; Lu, 2017: 76).

Moreover, research in the field of conflict and peace studies suggests that the narrative construction of 'authentic' victims carries significant implications for the kind of peace that emerges – or fails to emerge – from the transitional period. Scholars have demonstrated that exclusionary arrangements following a civil war heighten the risk of renewed violence, whereas inclusive recognition of individual and communal experiences of violence sets favourable conditions for restoring war-torn social relations (see, for example, Call, 2012; Quinn, 2003; Staub, 2006; Lederach, 1997; Hayner, 2001; Lambourne, 2009; Devine-Wright, 2003; Maynard, 1997). According to Lu (2017; 67), "disputes about accountability and responsibility for political injustices can exacerbate political conflict and engender further violence, oppression, and atrocity".

Scholars also note that the recognition or denial of grief can reflect and institutionalise patterns of exclusion, with potentially detrimental implications for durable peace (Andrieu, 2013: 100; Hedges, 2003: 64; Cobb, 2013). Public acknowledgement of grievances may foster plurality, inclusivity, and trust, whereas unacknowledged memories of victimisation can harden inter-group boundaries and trigger competitive forms of victimhood that may be galvanised for

violent purposes (Lyons, 2004: 1; Huyse, 2003: 63; Steenkamp, 2011; Bar-Tal et al., 2009). Meanwhile, narratives of victimhood can enable or disrupt violent and coercive practices by state and non-state actors. Considering that "the principle of exclusion [is] the basis for expanding forms of state violence" (Humphrey, 2003: 174), the securitisation of a threatening 'other' may serve to enable and legitimise violent conducts (Agamben, 1998; Buzan et al., 1998; Krebs and Lobasz, 2007; Wilhelmsen, 2016). This idea is summarised by Seoighe (2016: 356), who problematises the "tendency of political actors to claim the authenticity and worthiness of a particular kind of victim in order to justify violence and mass atrocity in their name". Holding perpetrators of violence accountable is therefore central to peacebuilding efforts, since victim narratives can be co-opted by powerful interest groups to manipulate accounts of rights abuses and evade responsibility (Langenbacher and Shain, 2010: 35; Humphrey, 2003: 182).

There are, of course, countless other factors that may influence the stability and durability of post-settlement peace. Yet, an extensive discussion of 'peace' as a concept is beyond the scope of this study.[4] My aim here is simply to situate the forthcoming analysis, showing that victim narratives institutionalised in TJ can play a significant role in the consolidation – or otherwise – of sustainable peace in transitional settings. The scholarship indicates that the politicisation of victimhood can entrench existing divisions and fuel renewed cycles of violence, but it can also bring communities together and support the restoration of social tissue. Recognising this

[4] 'Peace' is what Gallie (1956) terms an "essentially contested concept". My usage of the term is mirrored in Mac Ginty's (2014) relational approach, which highlights the social relations underpinning conflict and peace, and which brings together less contested concepts such as 'social cohesion', 'community cohesion', 'intergroup relations', 'conflict actor relations' and 'social reconciliation'. For useful analyses of the range of definitions, meanings and understandings that exist around 'peace' in theory and practice, see Caplan (2019: Ch.1), Richmond (2005), and Cortright (2008).

dual potential is key to empirically analysing how narratives of victimhood in TJ may nurture or hamper the pursuit of meaningful peace across different levels of conflict-affected societies.

Before proceeding further, it is important to position TJ as a field of study across numerous disciplines, including but not limited to IR. I should also clarify at this stage that my hallmark for invoking the language of 'transition' is where a state or supra-state actor has formally established a TJ system or mechanism. Conscious that transitional periods seldom reflect the total conclusion of an armed conflict, I take the establishment of a TJ mechanism to denote a society's intended or actual construction of reality around a transition to peace – even if this reality is not fully in tune with conflict relations on the ground (see Loyle and Binningsbø, 2018; Sriram et al., 2013; Allen, 2006; Shaw et al., 2010). The same applies to the term 'post-settlement', which I use in a functional sense to describe the socio-political reality that emerges – or indeed, persists – following the establishment of a given TJ mechanism, rather than to imply the existence of a formal peace settlement.

Initially conceived of as a tool to facilitate transitions from authoritarian rule to democracy, TJ has become the "globally dominant lens through which to approach states addressing legacies of a violent past" (Gready and Robins, 2014: 339). The range of discourses[5] and practices associated with TJ have in the past few decades evolved from mere judicial mechanisms to encompass truth-seeking commissions, memorialisation, institutional reforms, amnesty schemes, search units, ad-hoc prosecutions, and reparation programmes, among others (see Teitel, 2014; Buckley-Zistel et al., 2014; Payne, 2008; Hinton, 2010; Shaw et al., 2010; Sriram,

[5] Note that discourses are not synonymous with narratives, as the former denotes the broader systems within which narratives take shape. I expand on this distinction in Chapter 1.2.

2017). This expansion in scope has accompanied the international proliferation of TJ in the post-Cold War period as a key component of the 'liberal peace' toolkit (Andrieu, 2010: 538), evolving into what Nagy (2008: 275) describes as a "global project". More than a range of principles and judicial devices, TJ has effectively become the leading framework of reference for processes of political transition and peacebuilding worldwide (Teitel, 2014: 37).

TJ can be broadly conceptualised as a "set of practices used to respond to past widespread or systematic violence to pursue a set of goals" (Zunino, 2019: 4). Although this is a useful definition that captures the political nature of TJ, it neglects the actors and structures implicated in its design and implementation. For Robins (2017: 45), a defining feature of contemporary TJ is its institutionalisation into state and supra-state bodies, which formalise a range of frameworks and mechanisms as 'official' responses to past violence. I find this focus on formal measures helpful to separate institutionalised narratives from the realm of informal narratives in dynamic circulation across transitional societies.

Indeed, institutional frameworks at the state and supra-state levels enable TJ mechanisms to produce narratives with greater legitimacy and influence over a society's collective memory and knowledge structures (see Schubert, 2013: 4; Krystalli, 2021: 137; Edkins, 2006: 105). This conceptual clarity is important given that my project explores which voices and experiences are included and excluded in formal TJ mechanisms, and the socio-political implications of these choices.[6] I therefore combine Robins' and Zunino's definitions to conceptualise TJ as *a formal set of state and supra-state practices used to respond to past widespread or systematic violence*

[6] More will be said about the rationale and costs of this research strategy in the Methodology chapter.

to pursue a set of goals associated with peace, truth, and justice. These mechanisms may be temporary, such as truth commissions or special courts, or permanent, such as reparations offices or search units, provided their mandate is transitional in character and distinct from ordinary criminal justice or human rights enforcement bodies.

My inquiry seeks to build on and enhance TJ as a research agenda in IR, CP, criminology, development studies, law, and peace and conflict studies. This objective is particularly important against the backdrop of a large and growing number of TJ systems operating globally, most of them with significant levels of international technical and financial support, involvement, or oversight (see Arthur and Yakinthou, 2018; Swenson and Kniess, 2021; Grover, 2019; Lang, 2022). As of September 2025, several countries had active TJ processes and mechanisms, including Uganda, Nepal, South Sudan, Kosovo, Colombia, Syria, and Burundi. Meanwhile, there were concrete plans to establish new such systems or amend existing ones, notably in El Salvador, Indonesia, Sri Lanka, Gambia, and Yemen. Far from being relegated to the past, the study of TJ can help us gain a better grasp of contemporary – and plausibly future – trajectories of conflict and peace globally.

In addition to academic agendas and geopolitical concerns, there are compelling power-political reasons to deepen the social sciences' understanding of the politics and legacies of TJ, which I begin to address through the prism of victimhood. As some TJ scholars suggest, the establishment of TJ mechanisms typically marks a decisive moment of discontinuity and political transformation in conflict-affected societies, often signalling a fundamental break from the past (Evans, 2003: 5; Bell, 2009; Turner, 2013; Nagy, 2008; Sriram, 2007). As mentioned

earlier, societies seeking to confront legacies of violence must make a series of choices on how to address past injustices. Chief among these is determining "how this justice is dispensed, by whom, towards whom, and to what end" (Ancietos, 2021: 76).

These choices simultaneously mirror and shape underlying structures of power. In design and implementation, TJ frameworks emerge as sites where power is exercised, determining which voices and narratives are elevated in the transitional and post-settlement institutional landscape (McEvoy and McConnachie, 2013; Lawther, 2020, 2022; Turner, 2013). Even though the TJ literature has not comprehensively explored the connections between narratives of victimhood and power relations, scholars have pointed to the hyper-political and unsettled nature of transitions from war to peace (Papagianni, 2009: 48; Wilson, 2001). Earlier, I alluded to research in memory studies, which has demonstrated that collective experiences of trauma often disrupt settled narratives and frames of meaning, prompting reinterpretations of history to align with the values and goals of the emerging order (Fassin and Rechtman, 2009: 16; Collins, 2004: 22; Makdisi and Silverstein, 2006; Fierke, 2006; Hunt, 2010). A post-trauma phase, Edkins (2006: 102) argues, is "the time of the political".

This suggests that transitional periods, which set the terms for how societies remember, repair, and move forward, constitute singular openings for forms of political authority to be entrenched or reconfigured. During these times, dominant narrative conventions tend to be (re)produced to establish a new relationship with the past. In line with TJ scholarship, it is useful to think about the processes and mechanisms of TJ as platforms to settle accounts of past violence, structure a society's normative space, and produce new meanings and truths (Lu, 2017: 111). TJ processes

can hence be understood as what della Porta et al. (2020) term 'discursive critical junctures' – moments where narratives about legitimate victimhood are contested and particular accounts of violence become codified. It is in this light that I contend that TJ functions as a technology of governmentality – one of social, political, and moral engineering that extends far beyond the realm of justice alone.

Transitions from armed conflict, then, become profoundly political processes whereby actors, both domestic and international, compete to shape narratives of conflict and peace that can enhance their legitimacy, interests, and power in the novel socio-political organisation. More broadly, this perspective situates the narrative and memory practices of TJ as a central link to think about some of the key processes, power relations, identities, and structures of international politics. The construction of victimhood in TJ, I argue, is an important factor in several of these global political features.

* * *

To explore how TJ constructs narratives of legitimate victimhood and the implications of these narratives for post-settlement power relations and peacebuilding, I employed a theory-guided case study research design (Levy, 2008; Miller, 2018). I applied my theoretical framework to the set of TJ mechanisms established in Sri Lanka and Colombia to address legacies of mass violence since the end of the Cold War. These mechanisms were selected from an empirical landscape of 188 cases across 67 country contexts, consisting of formal TJ mechanisms that meet four criteria: (a) they were established by state or supra-state actors; (b) they were

implemented in response to an armed conflict, which could be ongoing; (c) they were designed with a transitional mandate distinguishing them from ordinary justice mechanisms; and (d) they were created since the end of the Cold War.[7]

I selected Sri Lanka's and Colombia's TJ systems and mechanisms using a purposeful case selection technique (Patton, 2002). The shared characteristics of these two country contexts, which include protracted armed conflicts, the implementation of a range of TJ mechanisms over time, and contested victimhood narratives, made them theoretically relevant to my research question. At the same time, their distinct socio-political histories and differing approaches to peacebuilding and TJ provided a sound empirical basis for analysing how narratives of legitimate victimhood shape, and are shaped by, specific contextual dynamics. Practical considerations around data availability and access also informed this selection,[8] as Sri Lanka's and Colombia's TJ mechanisms have a wealth of accessible data that allows for a rich, context-sensitive analysis not possible in all cases of the empirical landscape. Chapter Two elaborates on my case selection.

Overall, the chapters of this dissertation speak to broader questions of relevance to the social sciences about power, accountability, memory, and war-to-peace transitions. But my analytical framework does not only travel to broader theoretical debates. Although I draw my empirical insights from the study of TJ in Sri Lanka and Colombia, the use of these cases allows me to

[7] There is consensus among scholars of TJ that, although its roots can be traced back to the Nuremberg Trials, the proliferation of TJ as a contemporary global practice has only taken place in the post-Cold War period, as part of the toolkit of the 'liberal peace' (see Teitel, 2014: 37; Nagy, 2008: 275; Andrieu, 2010: 538). More will be said in Chapter Two about this and other factors related to the criteria for inclusion in my empirical landscape.
[8] These practical considerations are consistent with an interpretive research paradigm, which I explain below informs my research design and objectives (Schwartz-Shea and Yanow, 2012: 70; Dunn and Neumann, 2016: 91).

explore the ways in which victimhood is narratively constructed across two different political, historical, geographical, and institutional contexts. Whilst I do not aim for generalisable insights, the conversation sparked here between these cases advances a theoretically and empirically grounded understanding of the politics and legacies of TJ as a global practice. Following Cumings (1997: 25), I seek to balance an in-depth exploration into the construction of localised victim narratives with an appreciation for the cross-regional and global forces of TJ.[9] I am confident that my framework has the potential to be adapted and extended to TJ mechanisms in other societies transitioning from conflict, now and in the future.

From this perspective, the analytical framework I set forth in Chapter 1.2. is intended to be interpretive rather than explanatory. My objective here is not to provide causal arguments but to develop a set of theoretical insights throwing new light on the role, implications, and politics of victimhood in TJ. In exploring the (re)production of institutionalised narratives of victimhood across my case studies – and considering their implications for power distributions and peace – I offer a conceptual, theoretical, and empirical contribution to the interdisciplinary literature on victimhood, TJ, memory, and peacebuilding. Confident that academic and policy communities stand to benefit from thinking critically about victimhood in relation to peacebuilding and a post-settlement status quo, I demonstrate that narrative strategies to represent violence in TJ simultaneously reflect and constitute structures of power.

* * *

[9] The volume edited by Shaw and colleagues (2010) assesses the local-level responsiveness of TJ, demonstrating that the needs and priorities of victims at ground level are often in tension with the fundamental principles of TJ. These tensions and problems are similarly highlighted in the work of McEvoy and McGregor (2008) and Allen (2006).

A considerable body of literature across disciplines has long theorised the role of narratives and language in constructing the social world (Taylor, 1971: 24; Harland, 1993: 90; Somers, 1994: 606). Conceptualised here as "stories that represent ways in which we construct disparate facts in our own worlds and weave them together to make sense of reality" (Patterson and Monroe, 1998: 315), narratives have often been associated to the exercise of power by critical theorists. I should note from the outset that my understanding of 'power' goes beyond "the capacity to produce effects" (Morriss, 2020: 12) and into its post-structuralist reconfiguration: as the practice of producing knowledge and truths (Tamboukou, 2013: 90). This flows from a social-constructivist ontology, which sees reality as socially constructed and unknowable outside human cognition (Dunn and Neumann, 2016: 17), and from a critical-interpretive epistemology. From this standpoint, social scientists seek to deconstruct the meanings, beliefs, values, ideologies, and power dynamics underpinning social phenomena, recognising that established knowledge and 'truths' are fundamentally a product of a society's relations of dominance (LeGreco and Tracy, 2009; Der Derian and Shapiro, 1989).

These epistemological commitments motivate my adoption of an interpretive framework. Under a "logic of interpretation that acknowledges the improbability of cataloguing, calculating, and specifying 'real causes'" (Campbell, 1998: 5), I follow Krebs and Jackson's (2007: 36) call to avoid causal accounts "about actors' true motives and to focus instead on what actors say, in what contexts, and to what audiences". These considerations also shape my research question, given that 'how' or 'how-possible' questions problematise the discursive dimensions,

processes, and interactions at the heart of social phenomena that 'what' or 'why' questions frequently take for granted (Dunn and Neumann, 2016: 126; Dean, 1999: 29).

My work therefore joins a post-positivist strand of research in the social sciences that deconstructs the 'common sense' assumptions that inform and enable political practice (Goddard and Krebs, 2015: 17; Doty, 1996; Said, 1978; Campbell, 1998; Weber, 1995). My analytical framework draws on the interdisciplinary 'narrative turn', which has usefully illustrated the political function of narratives in constructing meaning, normalising knowledge structures, and manufacturing commonsensical 'truths' (see Foucault, 1972, 1977; Shapiro, 1981; Gramsci, 1971; Marcks and Pawelz, 2020; Hagström and Gustafsson, 2019). These theoretical insights demonstrate how certain narrative impositions render some groups, policies, practices, and courses of action legitimate and others illegitimate (Jackson, 2006: 16; Doty, 1996: 4). In the context of my research, this involves denaturalising the often taken-for-granted concept of victimhood, understanding how power works to construct 'authentic' victims through discursive practices, and identifying the parameters of action made possible or precluded as a result. Language, representations, truth, knowledge, and power lie at the heart of my analysis of the politics of victimhood.

To recognise and investigate "the interrelationship of power and representational practices that elevate one truth over another, that subject one identity to another, that make, in short, one discourse matter more than the next" (Der Derian, 1992: 7), my research called for a qualitative, interpretive methodology. I took a desk-based approach, drawing on both primary and secondary sources, to analyse the (re)production and implications of victimhood narratives in

Sri Lanka's and Colombia's TJ mechanisms. I employed discourse analysis, as outlined by Dunn and Neumann (2016), to illustrate the application of my analytical framework and provide empirically grounded answers to my research question. This method operationalised my framework's emphasis on uncovering how structures of meaning are produced and naturalised, and to what ends. It allowed me to systematically deconstruct how TJ codifies certain victim identities as legitimate, interrogate the power relations underpinning knowledge production in transitional and post-settlement societies, and understand how these narratives structure peacebuilding processes and outcomes.

Specifically, I combined genealogical and post-structuralist approaches of discourse analysis. The genealogical approach enabled me to trace how TJ mechanisms construct and institutionalise victimhood narratives over time, exposing the historically contingent and politically contested character of such narratives. Addressing the first part of my research question, the genealogy reveals how narratives are produced, reinforced, or overturned over time. I used textual and audio-visual techniques – presupposition analysis, predicate analysis, subject positioning, and intertextuality – to systematically analyse how victim narratives were constructed in Sri Lanka's and Colombia's TJ mechanisms. Building on these findings, the post-structuralist approach explores the implications – or 'materiality' – of these narratives for power relations and peacebuilding in both country contexts. This step addressed the second part of my question by exploring how institutionalised victimhood narratives enable or constrain policies, practices, and social orders. The combination of these two approaches made it possible to connect the (re)production of victimhood narratives to their implications, operationalising my analytical framework whilst providing answers to both parts of my research question.

I drew data for the genealogy from primary sources, including official reports, public statements, and policy documents from TJ mechanisms, as well as textual and audio-visual materials from public events, interviews, and testimonies linked to those mechanisms. I accessed these sources from institutional websites and online archives, and filtered them according to a set of search terms associated with victimhood. Secondary sources, including academic, policy, and journalistic material, informed and complemented the genealogy.[10] They contextualised the socio-political, historical, and institutional dynamics shaping TJ mechanisms in Sri Lanka and Colombia, and proved instrumental for locating silenced or obscured narratives of victimhood – a key focus of the genealogy. Secondary sources also constituted the basis for the post-structuralist approach, which built on the genealogy's findings to examine the implications of institutionalised victim narratives for post-settlement power relations and peacebuilding. To bring together these two approaches, I employed a flexible coding strategy that combined deductive and inductive elements, guided by a series of theoretically informed questions tailored to each methodological step. This strategy ensured that my analysis remained systematic, rigorous, and congruent with the building blocks of my analytical framework.

One limitation of my methodological approach is its primary focus on institutional narratives produced in and through formal TJ mechanisms.[11] This choice came at the expense of systematically engaging with other outlets where narratives of victimhood are repeated,

[10] The use of secondary literature is important because both a case study design and the method of discourse analysis require the researcher to have in-depth knowledge of the social position of discursive actors, as well as of the socio-political, historical, and institutional context underlying relations between participants to the discourse (Meyer, 2001: 343; Dunn and Neumann, 2016: 84).

[11] As mentioned earlier, informal narratives are not entirely outside the scope of my analysis, but their inclusion is limited to complementing the genealogy by exposing dislocations between 'formal' and 'informal' accounts of victimhood.

confirmed, or challenged – including media, education systems, and other social and political institutions. Critical theorists tend to reject the division between 'official' and 'unofficial' narratives, since power for them is "omnipresent in discursive relations" and "not reducible to institutions" (Hewett, 2004: 8; see also Foucault, 1978: 93). However, informal narratives are far more challenging to conceptualise and locate than institutionalised ones, given their fluidity and multiplicity (Patterson and Monroe, 1998: 318). Besides, formal TJ mechanisms are of unique theoretical and practical significance for my research, as they are explicitly designed to provide redress to victims and are normally the most visible sites for truth-seeking, memory, justice, and peacebuilding during transitions from violence (Lessa, 2013: 21; Hall et al., 2017; Robins, 2017). This makes formal TJ an optimal site for methodically exploring whose voices are included and excluded from the 'official' narrative, and the socio-political implications of these choices.

A further limitation is my inability to investigate the process by which victimhood narratives become institutionalised in TJ. Although doing so could have offered insights into the power dynamics and socio-political determinants behind the codification of these narratives, it fell beyond the theoretical and methodological scope of my project. Instead, I was interested in understanding how institutionalised narratives are (re)produced, and how they shape practices, knowledge structures, power relations, and peacebuilding efforts in transitional and post-settlement societies. Yet, it may not be necessary to understand *why* a narrative was formalised to evaluate *how* certain experiences of violence are codified as legitimate and how they configure relations of dominance and social orders (see Dunn, 2008; Neumann, 2008).

With that in mind, this dissertation is structured as follows. In Chapter One, the Theoretical Framework, I begin by situating my research within academic debates on the politics of victimhood in TJ. This allows me to assess the literature's engagement with the theme of victims and TJ to date. I then develop an analytical framework to conceptualise the relationship between narratives, knowledge, truth, and power. The purpose of my framework is to better understand how TJ mechanisms construct narratives of victimhood, and to introduce the conceptual lens and tools through which I conduct the case analysis. In Chapter Two, the Methodology, I first explain and justify the interpretive methodological assumptions that underpin my research design. Building on these, I describe how and why I selected Sri Lanka and Colombia as country cases, showing that their TJ trajectories are analytically fertile for achieving my research aims. I then spell out and evaluate my choice of research methods, highlighting how discourse analysis allowed me to systematically apply my analytical framework to the case studies and produce rigorous grounded findings that spoke to my research question.

Across Chapter Three and Chapter Four, I extend my analytical framework to the range of TJ processes and mechanisms established in Sri Lanka and Colombia since the end of the Cold War. In the Sri Lanka case analysis, I show how successive TJ mechanisms progressively narrowed the discursive field of legitimate victimhood, institutionalising authoritarian closure and helping cement a wartime and post-settlement order founded on Sinhala-Buddhist hegemony. In the Colombia case analysis, I show how the evolution of TJ produced a politics of recognition based on carefully threaded pluralism, in which procedural inclusion and pluralism proliferated, but under statist procedures that served a statebuilding agenda and enabled the state to retain its primary position as arbiter of victimhood.

In Chapter Five, the Discussion, I utilise my empirical findings to unpack my theoretical contribution and provide more detailed and empirically grounded answers to my research question. I reflect on the role played by victim narratives in (re)producing knowledge, truths, and collective memories; their capacity to organise post-settlement power relations; and the extent to which they may enable or constrain the consolidation of sustainable peace. The Conclusion synthesises my key arguments and findings, discusses their transferability to other cases in my empirical landscape, and considers their implications for decision-makers involved in designing, implementing, or supporting TJ processes and mechanisms.

Chapter One: Theoretical Framework

1.1. The Victims' Turn in the Social Sciences

My study develops against the backdrop of an emerging stream of literature in the social sciences that has recently begun to explore the impact and politics of victims and victimhood in post-conflict peacebuilding and TJ (see, for example, Govier, 2015; Bouris, 2007; Rudling, 2019; Jacoby, 2014; Barton-Hronešová, 2020; Baines, 2015; Druliolle and Brett, 2018). This 'victims' turn' of the past two decades in the study of TJ and peacebuilding has been driven by two elements: the shift in interest in IR from interstate to intrastate wars (Pettersson and Wallensteen, 2015); and TJ's growing reliance on victims as pillars of memory, morality, and justice (Breen-Smyth, 2007: Ch.5; Berry, 2018; Ross, 2003).

This new attention to victims has extended to various fields of study, based on the awareness that "the simple fact of having been physically, psychologically or economically harmed is a necessary but not sufficient element [to be recognised as a victim]" (Huyse, 2003: 57-58; see also García-Godos, 2016: 350; De Waardt, 2016; Shklar, 1990). The notion of 'being a victim' is increasingly accepted as both a complex and politically charged status, moving scholarly interest towards the politics of victimhood, or how "victimhood is defined, negotiated and contested, both socially and politically" (Druliolle and Brett, 2018: 2). In doing so, scholars have challenged existing approaches in the social sciences that cast 'the victim' as a linear and unproblematic unit of analysis, rejecting the "traditional, 'liberal' empathy for everyone involved in a war as its inevitable victim" (Ritchin, 1989: 437; see also Humphrey, 2003). This

growing appreciation for the structures of power at work in continuously (re)defining victimhood has been a welcome disciplinary development and opened new research avenues.

Among the key themes emerging in this area is the idea of 'legitimate victimhood', which is a key focus of my research. Departing from the shared idea that victims are produced and given meaning by their socio-political environments (Christie, 1986; Brewer, 2010), scholars have observed the existence of hierarchies of victimhood in conflict and post-conflict spaces (see, for example, McEvoy and McConnachie, 2012, 2013; De Waardt, 2013; Krystalli, 2019, Meyers, 2011; Subotic, 2009; Greer, 2007; Aiken, 2013). For instance, Lawther (2022: 523) contends that the discourses and practices associated with TJ tend to differentiate 'worthy' victims – whose suffering is presented as grievable – from 'unworthy' victims construed as ungrievable (see also Lu, 2017: 71; Butler, 2016). Breen-Smyth (2018) suggests that the production of victim hierarchies in TJ relies on deeply politicised distinctions of right and wrong. She notes that individuals involved in violence against a state, or whose behaviour disrupts the status quo, are generally "disqualified from legitimate victim status" (Ibid: 225).

The literature also challenges the simplistic divide between victim and perpetrator that continues to inform the bulk of policy practices in the fields of criminology and TJ. A number of studies blur this dichotomy by highlighting the different forms of harm experienced by perpetrators during processes of political violence (see, Borer, 2003; McEvoy and McConnachie, 2013; Bouris, 2007; Shirlow and McEvoy, 2008; Swain, 2018; Bernath, 2016). This scholarship dismisses the reductive discourses and practices that frame victims and perpetrators as distinct and mutually exclusive categories. In particular, researchers have described the political

construction of innocence in TJ, which sets a blameless, righteous victim in radical opposition to a guilty, evil perpetrator (Aiken, 2013: 17; Seoighe, 2016: 356; Hayner, 2001; Drumbl, 2012; Madlingozi, 2007; Theidon, 2010). These insights have contributed towards building a vigorous body of knowledge around what Spelman (1997: 170) terms the "political economy of suffering", and which constitutes the scholarly foundation for this dissertation.

However, the literature on victimhood and TJ remains divided between top-down and bottom-up approaches, each limited in capturing how TJ constructs, sustains, or subverts victim narratives.

On one hand, the legalistic paradigm grounds the identity of victims in codified legal categories – a perspective that for years dominated the study of victimhood (see McEvoy, 2007). Scholars of this tradition emphasise victims' legal rights and their interactions with judicial frameworks, including those of TJ (see Garkawe, 2001; Sikkink, 2011; Grodsky, 2010; Akhavan, 2001; Olsen et al., 2010; Ratner, 1999; Karstedt, 2010; Moffett, 2014; Kim, 2012; Strang, 2002). Whilst important, this approach fails to fully appreciate the extent to which victimhood is produced and shaped by various political forces, including through formal and informal non-judicial institutions (Sarat, 2014: 4). Its assumptions lead researchers to accept and fix the identity of the victim merely as someone on whom violence is inflicted, overlooking the agency of conflict-affected individuals and their role in political space. Consequently, this tradition tends to accept and reify the 'victim' category as a given. As Simić put it:

> Although transitional justice literature acknowledges that the identity of victims is constructed by international law and judicial mechanisms, the field has paid little attention to the politics of victimhood and the construction of victimhood in society, which evokes a contest over the identity and meaning of 'victim' (Simić, 2018: 39).

More recently, a surge in bottom-up, ethnographic studies on victims and victimhood began to challenge the prevalence of legalism across the field of TJ. This victim-centred body of research has sought to correct the limitations of the legal perspective by shedding light on the identities, needs, voices, and agency of victims – understood as political subjects. Researchers of this tradition have explored how conflict-affected individuals inhabit and negotiate a victim identity in specific contexts (see Barton-Hronešová, 2020; Pemberton et al., 2018; Parpart and Parashar, 2018; Ibreck, 2018; Baines, 2015; Van Dijk, 2009; Robins, 2011; Utas, 2005; Helms, 2013; Fohring, 2018). Where narratives of victimhood are centred, scholars typically focus on how victims "themselves understand their victimisation and construct a victim narrative" (Thunberg and Bruck, 2019: 197; see also Shaw et al., 2010; Sajjad, 2013). Victimhood is thus recast as a political status and as a site of agency and (dis)empowerment for those affected by violence.

Yet, this approach is frequently rooted in a methodological individualism that downplays the role of formal institutions – TJ in particular – in enabling or restricting victims' agency. An overemphasis on agency risks presenting an idealised view of conflict-affected individuals as autonomous actors capable of freely shaping their victim identities and narratives. This perspective, whilst valuable in highlighting the resilience and self-determination of such persons, may obscure the structural constraints imposed by codified narratives of victimhood. As outlined in the Introduction, TJ operates within pre-defined norms and objectives that render certain experiences of harm legible and thus 'legitimate' (Robins, 2017: 45; Krystalli, 2020). But the academic fixation with researching victims, their identities, and location in political space often blinds analysts to the extent to which these victim identities reflect hegemonic societal discourses that, as Lawther (2023: 174) argues, are largely shaped and sustained by

formal TJ mechanisms. As a result, the scholarship has yet to reckon with how institutionalised narratives of victimhood – and the broader power structures they reflect – actively produce imaginaries of who constitutes a 'legitimate' victim in conflict and post-conflict environments.

A small number of studies in the field of TJ challenge the literature's bifurcation between legalistic and bottom-up approaches, moving beyond "the victims" and towards "the people producing them" (Krystalli, 2021: 129). This is the line of scholarship that my project speaks most directly to. For instance, Lawther (2020, 2022, 2023) draws on the case of Northern Ireland to examine how TJ frameworks curate and reproduce specific notions of 'authentic' victimhood. Lawther also discusses how certain experiences of conflict are privileged whilst others are silenced in TJ, and demonstrates that victim narratives are an important political currency that can be co-opted by actors to advance their own agendas. Similarly, Krystalli (2019; 2021) explores the production of victim hierarchies in Colombia's transitional architecture. Even though TJ mechanisms are a central part of her enquiry, Krystalli provides a rich account of this process that also implicates the state's bureaucratic processes, international organisations, researchers, and victims themselves in shaping dominant narratives of victimhood.

Additionally, McEvoy and McConnachie (2013) study the role of TJ in mediating victim narratives and identities. They argue that TJ selectively amplifies certain victim voices to serve political interests, fostering hierarchies of victimhood that entrench a reductive politics of blame and deservingness in post-conflict societies. These scholars find that the selective legitimation of certain experiences of harm reinforces binary victim-perpetrator categories and fundamentally shapes how transitional societies address legacies of violence. A final example

is Madlingozi's (2010) critique of the role played by 'TJ entrepreneurs' in shaping the subjectivity and political identities of victims in post-apartheid South Africa. The appropriation of victims' stories by TJ experts, Madlingozi claims, results in a "theft of pain" that not only sustains the TJ industry, but also reproduces colonial relations of inferiority and superiority that disempower victims of apartheid (Ibid: 211).

These scholars reveal a nuanced picture of how TJ processes are not merely sites of victim representation, but political arenas where power relations produce, limit, and reinforce narratives of victimhood – and vice versa. Their work goes beyond the legal, bureaucratic processes that the bulk of the scholarship is concerned with, to survey how legal and non-legal TJ mechanisms contribute to the construction of 'legitimate' victims. This approximation to the topic offers unrivalled insights into the fundamentally political nature of TJ, and into the power configurations generated and contained by narratives of victimhood. Their work and approaches are therefore a sound point of departure for my research.

However, the literature on victimhood and TJ would benefit from what I term a greater 'power literacy'. Although the aforementioned scholars examine some of the power dynamics embedded in TJ, such as hierarchies of victimhood and the selective amplification – and silencing – of experiences of violence, these studies do not comprehensively nor systematically engage with the socio-political implications of victimhood narratives in shaping post-settlement realities. In their effort to understand the political construction of victimhood in transitional environments, they relinquish an in-depth investigation of how institutionalised victim narratives sustain or transform a society's structures of meaning and knowledge, modes of

power, and peacebuilding processes. As a result, the scholarship has failed to fully grasp the centrality of TJ as a key architect of the transitional and post-settlement status quo in war-torn societies.

In response to this shortcoming, the analytical framework I develop in the following sub-section adds a layer of nuance to the literature's understanding of the relationship between victimhood, TJ, power, and peace. In doing so, I argue, we can better appreciate how power works to constitute post-settlement social orders and shape the kind of peace being built in societies transitioning from armed conflict. My approach finds a middle ground between academic perspectives that either view victimhood as a fixed category situated in legal charters, or that construe it from the standpoint of the victim. This is not to diminish the contributions of legal and anthropological paradigms, which I have argued make up a robust body of knowledge on the politics of victimhood in TJ. Rather, my theoretical framework is grounded in distinct epistemological commitments. These prompt me to consider victim narratives in TJ – legal and non-legal alike – in light of their implications for social order-making, the production of knowledge and truths, power relations, and peacebuilding.

1.2. Power, Knowledge, and Victimhood: An Analytical Framework

"Knowledge is not made for understanding; it is made for cutting".

-Michel Foucault *(*1984c: 88), *Nietzsche, Genealogy, History*

1.2.i. Overview

In this section, I set out the theoretical lens that guides this dissertation. My approach is informed by a critical theory perspective – specifically by a set of insights drawn from post-modernism, post-structuralism, feminism, and the Frankfurt School. I do not treat this framework as an explanatory model that predicts outcomes, but as a set of guiding concepts that orient my analysis of how TJ constructs narratives of legitimate victimhood. These concepts are operationalised in the following chapters through discourse analysis, and their implications are developed more fully in the Discussion.

Although there are important differences among critical theoretical traditions, Crawford (1998: 122) points out that they all "share a critical attitude toward positivism, naturalism, and universalism, asserting that our understandings of the social and natural world are social constructions". Crawford further notes that these theories are 'post' and 'critical' in the sense that they provide an alternative way to think about and understand social phenomena, such as the global political features that concern IR (Ibid: 123). Importantly, this line of inquiry deconstructs and subverts the assumptions, categories, structures, and practices that make up the 'common sense' of mainstream theorising about the socio-political domain (see Der Derian and Shapiro, 1989; Campbell, 1998; Gramsci, 1971; Goddard and Krebs, 2015; Shapiro, 1981; Foucault, 1984a; Milliken and Sylvan, 1996). The importance of these critical approaches for the social sciences is outlined by Fassin and Rechtman:

> If social sciences are of use to society (…) it is by virtue of the critique they offer. This critique primarily addresses the concepts and tools with which the men and women of today think and transform the world – concepts and tools that are often invisible, and therefore unrecognized, by those who use them (Fassin and Rechtman, 2009: 7).

Alongside their collective scepticism of universalism and naturalism, critical traditions share an awareness of the role played by discourse and narrative in the social world. Narratives are "stories that represent ways in which we construct disparate facts in our own worlds and weave them together to make sense of reality" (Patterson and Monroe, 1998: 315). In other words, narratives are a form of communicative action that order the messiness of reality in particular ways and for particular purposes (Marcks and Pawelz, 2020: 2-4; Barnett, 1998: 15; Epstein, 2008). If narratives are the stories themselves, discourse refers to the set of norms, practices, and power relations that govern which stories can be told and by whom (Foucault, 1981: 52). Together, both provide a language to think and talk about a subject or object in an intelligible way, infusing that very subject or object with meaning (Foucault, 1972: 49; Krebs, 2015: 10; Doty, 1996: 4; Milliken, 1999: 229; Hall, 1992; Wittgenstein, 1961; Derrida, 1981). Discourses and narratives can be conveyed through written language, but are also discerned in speech acts, everyday conversations, and audio-visual resources (Laffey and Weldes, 2004; Sontag, 2003).

Narratives are not only forms of communication. For decades, critical theorists have sought to understand the way they inform, shape, and produce social realities. This curiosity emerges from the long-held premise across disciplines that language does not merely represent the world, but also constitutes it (Somers, 1994: 606; Harland, 1993: 90; Hagström and Gustafsson, 2019; Krebs and Jackson, 2007; De Fina and Georgakopoulou, 2008; Bruner, 1991). This idea has fostered the scholarship's interest in narrative as an analytic device, to illustrate "how (…) textual and social processes are intrinsically connected and to describe, in specific contexts, the

implications of this connection for the way we think and act in the contemporary world" (George, 1994: 191; see also George and Campbell, 1990: 281; Keeley, 1990: 85).

This is not to say that "there is nothing outside of discourse" (Neumann, 2002: 629). Rather, I concur with Campbell's (1998: 4-5) argument that whilst there is a universe outside of discourse, that very universe is necessarily interpreted, represented, and given meaning through communicative action (see also Purvis and Hunt, 1993: 492; Tuathail and Agnew, 1992: 194). This meaning-making process, and its influence on the (re)production of the social world, is of primary concern for post-modernists, post-structuralists, feminists, and Frankfurt School scholars (see Milliken, 1999; Crawford, 1998).

A comprehensive discussion about each of these theories, and of their similarities and differences, is outside the scope of my research. What is relevant in the context of my framework is the vital role accorded by these traditions to narratives, language, and representations in producing and sustaining power relations (Dillon, 2013: Ch.3; Zehfuss, 2013; Foucault, 1972, Gannon and Davies, 2007; Agger, 1991; Guzzini, 2005). Critical theorists, Flyvbjerg (2001: 94) suggests, must always begin their inquiries by asking how communication takes place and how power operates through social interactions. This is politically and ethically significant, since "in explaining discourse productivity, scholars can potentially denaturalise dominant forms of knowledge and expose to critical questioning the practices that they enable" (Milliken, 1999: 236).

But beyond conceptual curiosity, this analytical commitment carries with it an important normative element. In questioning the established ideas and social orders we often take for granted, the different critical theories "share an emancipatory desire or interest in making social relations freer and more peaceful" (Crawford, 1998: 123; see also Onuf, 2001: 254; Torfing, 1999; Der Derian, 2009). Social change is therefore a central concern for critical theorists. As Hamati-Ataya (2012: 682) explains, scholars within these traditions view "reflexivity as a means to produce not merely a better social science but also a more moral/responsible one – hence the importance of 'power' for critical constructivism".

1.2.ii. Analytical Building Blocks

What follows sets out four core insights drawn from critical theory that serve as the building blocks of my analytical framework for understanding the politics of victimhood in TJ: power-knowledge and regimes of truth; victimhood as constructed and contested; institutionalisation and memory; and counter-narratives and asymmetries of voice.

Building block 1: Power-knowledge and regimes of truth

My study is fundamentally concerned with the ways in which power is expressed and exercised through narratives of victimhood in TJ. As mentioned in the Introduction, I conceptualise 'power' in a post-structuralist sense, as "the practice of knowledge as a socially constructed system, within which various actors articulate and circulate their representations of 'truth'" (Dunn, 2008: 80; see also Brown, 2005: 59-62; Tamboukou, 2013: 90). Within this tradition,

the work of Michel Foucault (1972, 1977, 1978, 1984b) – specifically his idea of the 'power-knowledge nexus' – best underscores how the exercise of power is intimately linked to systems of knowledge and truth production. Foucault (1988: 18) tells us that narratives are technologies of power that "determine the conduct of individuals and submit them to certain ends". From this angle, power is discursively constructed and exercised through accepted forms of knowledge, particularly through the creation of what he terms "regimes of truth" (Foucault, 1984b: 73; 1977). Regimes of truth, Foucault explains, are "the types of discourse [a society] accepts and makes function as true", and which fix notions of what is considered 'normal' or 'deviant' (Foucault, 1984b: 73).

Applying a post-structuralist lens to the study of narratives draws attention to the discursive constitution of the boundaries of legitimate social and political life (Krebs, 2015: 3; Torfing, 1999; Kornprobst, 2008; Hagström and Gustafsson, 2019; Zehfuss, 2009). Because knowledge organises social relations and configures the ways individuals act in the world, it defines the space for 'legitimate' action – what Keeley (1990: 96) terms the "field of possibilities". As systems of thinking and representation, narratives shape the worldviews of social actors and their understanding of political issues. They legitimise some practices, policies, relationships, identities, groups, worldviews, institutions, and courses of action as belonging to the domain of acceptable possibilities, whilst delegitimising and excluding others from that space (see Cobb, 2013: 3; Weldes, 1999: 104-5; Hopf, 2002: 407; Milliken and Sylvan, 1996; Barnett, 1998; Autesserre, 2012; Jackson, 2006). The logic connecting narratives, knowledge, and power is explained by Milliken:

> Discourses are understood to work to define and to enable, and also to silence and to exclude, for example, by limiting and restricting authorities and experts to some groups, but not others, endorsing a certain common sense, but making other modes of

> categorizing and judging meaningless, impracticable, inadequate or otherwise disqualified (Milliken, 1999: 229).

From this perspective, narratives are simultaneously the product of, and productive of, power (Goddard and Krebs, 2015: 17; Wilhelmsen 2016: 11). By formulating 'normalcy' and 'deviance', narratives create categories and understandings that can become naturalised into socio-political orders and institutions (White and Epston, 1990: 19; Keeley, 1990: 92; Hall, 1992: 201). It is around these social orders and institutions that individuals construct their lives.

Building block 2: Victimhood as socially and politically constructed

This approach to the relationship between narratives, power, and knowledge can be applied, and with great effect, to the study of victimhood in TJ. The utility of critical theory lies in its ability to help us analyse how victim identities are constructed, codified, and contested in TJ. It highlights: (a) how power operates to (re)produce and legitimise 'authentic' victim identities; (b) how institutionalising narratives of victimhood in TJ can shape modalities of truth and knowledge; and (c) how these dynamics configure the terms of political inclusion in transitional societies. Other theoretical approaches, especially those grounded in positivism and rationalism, are unable to provide compelling answers to questions that prompt denaturalising concepts or ideas. Put simply, critical theory allows us to interpret TJ as a technology of governmentality, both reflective of and constitutive of power structures.

Let us unpack these ideas. As a starting point, victim status is not automatically granted to all individuals who experience violence in armed conflict (Ritchin, 1989: 437; Druliolle and Brett, 2018: 2-4). From the standpoint of critical theory, the recognition of victim identities is

governed by the narrative of victimhood that becomes codified into the processes and mechanisms of TJ, both legal and non-legal. Discourses and narratives do not merely describe subjects; they actively construct them. Therefore, institutionalised narratives of victimhood do more than mirror the realities of conflict: they *produce* certain individuals as 'legitimate' victims of wartime violence. This process involves recognising some forms of suffering as worthy and grievable, whilst rendering other experiences invisible or unworthy of recognition.

In doing so, TJ assigns victims a series of background characteristics, traits, or attributes that construct what Walklate (2007) describes as the 'imagined victim'. These characteristics may include specific markers such as gender, class, race, ethnicity, geographic location, or type of harm experienced; moral attributes such as innocence, helplessness, or compassion; and even particular behaviours, such as their role in the conflict, their activism among victim movements, or their willingness to forgive their victimisers (see Krystalli, 2019; Helms, 2013; Breen-Smyth, 2018; McEvoy and McConnachie, 2012).

Through reiteration and confirmation in TJ (and other outlets), these qualities may (re)shape the systems of thinking and representation that help a society identify and differentiate victims from other subjects. In addition to creating 'legitimate' victims and enabling some individuals to inhabit this identity, institutionalised narratives of victimhood also work to silence, exclude, or misrepresent those at the margins of these traits. The operationalisation of a particular 'regime of truth' – in this case, regarding the definition of authentic victims – precludes "other possible modes of identity and action" (Milliken, 1999: 229). The discursive production of victims thus occurs at the expense of other individuals and subjectivities who may have experienced

comparable forms of violence during conflict, but who may not fit the boundaries of legitimate victimhood as inscribed in TJ.

This can be explained by the fact that narratives frequently operate in terms of binary oppositions (Derrida, 1981; Cixous, 2003). For critical theorists, the dichotomous organisation of social reality generates a power differential between elements defined by a given narrative, privileging one subject or object over the other (Milliken, 1999: 229; Der Derian, 1992: 7; Krebs and Jackson, 2007). In the context of victimhood, this means that recognising individuals as victims often entails identifying perpetrators that can be held accountable for victimising acts (Theidon, 2010; Andrieu, 2010; Hourmat, 2016). The reliance on such binaries obscures more complex subjectivities and silences those whose experiences of violence do not fit neatly within either category.

This dichotomous logic establishes an account of past violence that legitimises certain memories, worldviews, subjectivities, and experiences of harm, but sidelines others (Lawther, 2020; King, 2010; Molden, 2016; Rotberg, 2006). For instance, individuals who committed acts of violence during war or engaged in insurgent activity are frequently barred from making claims of authentic victimhood – an exclusion that becomes especially fraught in cases where individuals have been both a victim and a perpetrator of violence (Breen-Smyth, 2018; Swain, 2018; Borer, 2003; Bouris, 2007). Thus, the codification of victimhood narratives during political transitions holds the potential to reorder a society's moral and cognitive hierarchies by (re)defining value-laden frameworks of 'right' and 'wrong'.

There are other important implications behind TJ's relational construction of dichotomies between victims and perpetrators, and between right and wrong. From a legal perspective, victim recognition grants individuals access to a series of special rights and benefits, such as the right to truth, justice, and reparations (Olsen et al., 2010; Fierke, 2008; Karstedt, 2010). Yet, beyond legal or even symbolic implications, this politics of recognition regulates the kinds of remedial claims that can be made by conflict-affected individuals, as well as the courses of action that become possible for and towards them in the post-settlement space (Lu, 2017: 69; Barton-Hronešová, 2020; Lake et al., 2016; Butler, 2016). Given that the moral capital of victims tends to emerge irrespective of formal judicial recognition, the language of victimhood operates as a powerful social force in itself (Vandermaas-Peeler et al., 2022: 14; Rudling, 2019: 424).

On the other hand, validating a specific victim identity in TJ can inform the type and scope of corrective actions to be taken against perpetrators (Turner, 2013: 194). This may involve individual prosecutions for past violations, but it can also extend to the criminalisation and stigmatisation of entire groups, identities, practices, ideologies, and subjectivities (Autesserre, 2012; Buzan et al., 1998; Barnes, 2013). Through the codification of narratives of legitimate victimhood in TJ, these can all be constructed as legitimate targets of disciplinary measures or even direct violence.

Feminist scholarship has been particularly attentive to these exclusions. Weber (1995), Enloe (2004), and Hirschmann (2003) remind us that normalised modes of knowing can render hierarchies and inequalities invisible. Butler (1990) demonstrates how norms of recognition

establish boundaries of intelligibility, determining whose suffering is grievable and whose is not. Whitworth (2001), Weedon (1987), and Collins (2000) similarly show how gendered and racialised assumptions shape whose voices are heard, whilst Ackerly (2008) highlights how regimes of truth can silence marginalised experiences. Using this approach, feminists and other critical theorists have studied narrative processes to expose how power dynamics weave social, political, and economic hierarchies, patterns of oppression, and boundaries of inclusion and exclusion into social practices (see also Doty, 1996; Hesse-Biber et al., 2004; Benhabib, 1992).

These commonsensical 'truths' are productive of hierarchies and relations of dominance. Since the allocation of victim status serves to visibilise or conceal certain conflict groups and their claims, narratives of victimhood are powerful tools that can be used to set the limits of political inclusion in the emerging socio-political space. Actors who have their suffering recognised are typically integrated as legitimate participants in the new status quo, whilst those who have their experiences of violence disqualified – or who are construed as victimisers – are subject to exclusion, correction, elimination, or (further) marginalisation.[1] Whilst absence from the official record does not necessarily erase their visibility from social and political life, victim narratives codified in TJ play a significant role in constituting the realm of legitimate action and conduct in transitional and post-settlement societies.

From this standpoint, TJ emerges as a technology of governmentality that serves to (re)define the nature and socio-political composition of post-settlement orders. With the legitimation of

[1] This determination can be complemented by the provision of amnesties or pardons by those in charge of designing and/or implementing judicial TJ mechanisms. This applies the principles of 'restorative justice', which can serve to re-integrate actors deemed to have acted wrongfully into the emerging socio-political order to foster reconciliation (see Winslade, 2019; Strang, 2002).

certain memories, experiences, ideologies, groups, and discursive conventions, a victim narrative codified in TJ operationalises a particular regime of truth on authentic victimhood. Formal TJ thus functions as a gatekeeper, mediating which collective memories and narratives become embedded in a society's 'official' structures of knowledge (Mertz, 1994: 441; Oberschall, 2013; 177-180; Edkins, 2006).

Building block 3: Institutionalisation and memory

In political science, narrative theorising has played an important role in advancing the study of peace and conflict. To give some examples, authors such as Cobb (2013), Hutchison (2016), Ross (2007), Goddard (2010), Autesserre (2012), and Sanford (2008) have highlighted the degree to which conflicts and their evolution are fundamentally narrative processes. This line of research suggests that conflict dynamics largely rest on the collective identities, cognitive structures, and moral frames that are developed through the narration and mobilisation of traumatic experiences (see also Bell, 2006; Kleinman and Kleinman, 1997; Edkins, 2003).

Research in the field of memory studies, in particular, offers a useful approximation to memory practices as sites of political struggle in conflict and post-conflict spaces. Its insights into the politics of historical memories reveal that conflict actors often seek to instrumentalise the past to secure political legitimacy, reshape communities, and transform or reinforce oppressive power relations (see Bachleitner, 2021; Jelin, 2003; Caruth, 1995; Molden, 2016; Hunt, 2010; Langenbacher and Shain, 2010). Combining a critical theory lens with contributions from memory studies, it becomes apparent that narratives about a conflict's origin, its victims and

perpetrators, and the memories of violence that feature in discursive economies can become loci for contestation between warring parties. This perspective provides an opening to interpret war-to-peace transitions as deeply political processes – or indeed, as "discursive critical junctures" (della Porta et al., 2020: 4) – in which a range of social actors and stakeholders compete to articulate a narrative of conflict that furthers their interests, legitimacy, and power in the post-settlement socio-political order.

This places the past at the centre of processes of political contention in societies emerging from mass violence. In these societies, TJ produces an 'official' account of the past, which frequently – though not always – becomes embedded in the collective memory of various social groups (Humphrey, 2003: 177; Krebs, 2015: 5; Langenbacher and Shain, 2010; Makdisi and Silverstein, 2006; Bell, 2006; Wilson, 2001). What TJ mechanisms generate more directly is an institutional memory, which, owing to their codification and channels of diffusion, holds a privileged position to shape collective memory (Jelin, 2003: 18, 27-29). Yet, collective memory itself is plural and contested, and counter-narratives always persist alongside or against institutionalised accounts.

Because institutionalised narratives of victimhood preserve certain experiences of harm and efface others, these discursive tropes have a unique potential to fix the understanding of a conflict's victims and perpetrators and inform a society's shared memories about the past. Embedding a particular kind of war story in TJ makes traumatic events collectively meaningful in public memory, which can in turn contribute to organising the moral attitudes and structures of the emerging social order (see Fierke, 2006; Hutchison, 2016; Alexander, 2012; Edkins,

2003). In this sense, narratives of victimhood enacted in TJ can play an important role in the exercise of epistemic power in the post-settlement.

Building block 4: Counter-narratives and asymmetries of voice

None of this is to say that TJ narratives, by virtue of their institutionalisation, automatically become dominant in a society's discursive economy. Critical theorists frequently reject divisions between 'elite' and 'popular' narrative cultures, arguing that power is "omnipresent in discursive relations" and "not reducible to institutions" (Foucault, 1978: 93; Hewett, 2004: 8). Formal TJ narratives are fed, challenged, and made possible by numerous bottom-up narratives circulating across discursive space (see Gaventa, 2003: 3; Comaroff and Comaroff, 2004; Caruth, 1995). Informal narratives are therefore important sites for gauging how power works to codify specific victimhood narratives in TJ, and the socio-political implications of such inclusions and exclusions.

Counter-narratives, which articulate alternative accounts of violence in opposition to official representations, can enjoy considerable strength and persist across generations (Fierke, 2006; Jelin, 2003). However, as noted earlier, the institutional frameworks of TJ grant its processes and mechanisms an unparalleled ability to influence collective understandings of the past, typically producing narratives with substantial legitimacy and resonance. TJ mechanisms are able to determine, repeat, and confirm a particular account as truthful, potentially shaping what Gramsci (1971) terms the 'common sense' of social groups.

Indeed, not all actors or platforms have the same capacity to make socially effective claims (Williams, 2003: 514; Campbell, 1998; Dixon, 2009). Scholars have pointed out that narratives codified at the state or supra-state levels often "permeate and structure knowledge, including lower-level narratives" (Hagström and Gustafsson, 2019: 388; see also Crawford, 2002: 31; Lessa, 2013: 21; Cobb, 2013: 8). Owing to their visibility, influence, and reach, institutionalised narratives frequently establish the parameters within which social actors can articulate their voices and claims (Jelin, 2003: 27; Fentress and Wickham, 1992: 4).

In this sense, TJ mechanisms have a unique capacity to produce and disseminate regimes of truth about past violence and the peace being built, operating as what Foucault (1984b: 73) terms an "apparatus of information". They codify certain victim identities as legitimate, privileging particular experiences of violence whilst marginalising or obscuring others. This suggests that TJ does more than register wartime memories: it actively structures the politics of voice and legitimacy in transitional and post-settlement societies.

1.2.iii. Peace and Peacebuilding

A final note concerns the concepts of peace and peacebuilding. I do not adopt a fixed conceptual model of peace as a prior framework for the case analyses. Rather, I use 'peacebuilding' in a broad sense to refer to the process of moving from armed conflict towards conditions in which violence is less likely to recur and wartime harms can be meaningfully addressed. In keeping with the relational view of peace outlined in the Introduction (see Mac Ginty, 2014), I treat peace and peacebuilding as objects of study instead of a pre-defined concept to be applied. My

case analyses trace how TJ mechanisms articulate and naturalise particular visions of peace through the institutionalisation of victim narratives. The Discussion later draws on Galtung's (1969) distinction between positive and negative peace as a conceptual reference point to unpack my findings and situate them within scholarly debates on the kinds of peace that can take shape in the wake of violence.

1.2.iv. Conclusion

As this section showed, insights from post-modernism, post-structuralism, feminism, and the Frankfurt School enable a comprehensive exploration of how power operates in and through narratives of victimhood in TJ. An analytical framework drawing on critical theory seems able to bring together a series of issues, themes, and approaches that highlight the centrality of such narratives in both mirroring and (re)producing structures of power. Under this framework, victimhood is rendered a key site where power-knowledge is created and reflected. My approach emphasises the importance of questioning *how* specific power configurations discursively produce and legitimise victim identities, and of thinking critically about the groups, individuals, ideologies, memories, and subjectivities that are privileged or relegated as a result. The scholarship on victimhood and TJ often falls short in locating these power relations and analysing the implications of legitimising some forms of suffering over others. My work contributes to the larger project of denaturalising and rethinking what it means to be a 'victim' in contexts of political transition.

The above building blocks represent the key concepts and theoretical premises that guide the analysis, operationalised in the case analysis of Sri Lanka and Colombia through discourse analysis. This framework does not establish causality or offer predictions. Instead, it orients the analysis towards the ways in which TJ renders victimhood legible and stabilises certain memories as truthful, thus structuring asymmetries of voice. The Discussion returns to these findings to reflect on TJ as a form of epistemic governance.

I do not seek to determine whether the condition of victimhood is real and tangible, nor whether recognition or reparations are normatively desirable. My theoretical framework serves as a tool to analyse how TJ constructs narratives of legitimate victimhood in societies transitioning from conflict. It offers a structured approach to examine how such narratives inform modalities of truth and knowledge production, and interrogates what the choice to institutionalise past experiences of violence in particular terms produces in the social world and the moral sphere. In doing so, it reconceptualises TJ not as a legal or technical endeavour, but as a technology of governmentality where power and knowledge are actively exercised and interwoven.

Chapter Two: Methodology

2.1. Ontology, Epistemology, and Methodology

This is a qualitative-interpretive research project that explores the role, politics, and implications of victim narratives in the TJ mechanisms set up in Sri Lanka and Colombia since the end of the Cold War. It addresses the following question: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?*

As discussed in the Literature Review, the scholarship on victims reveals that power is central to the ways in which "victimhood is defined, negotiated and contested, both socially and politically" (Druliolle and Brett, 2018: 2). Yet, the understanding of 'power' that informs this inquiry goes beyond the positivist, causal, and quantifiable definition as "the capacity to produce effects" (Morriss, 2020: 12). Given that victimhood narratives frequently become sites of political contestation between conflict parties, permeating the politics of truth, knowledge, and memory during and after transitions from war, it is useful to embrace a post-positivist definition of power as "the practice of knowledge as a socially constructed system, within which various actors articulate and circulate their representations of 'truth'" (Dunn, 2008: 80).

Theoretically and empirically, the phenomenon underlying my research question speaks to issues of discourse and power. Thus, my research design flows naturally from a social-constructivist ontology and a critical-interpretive epistemology (LeGreco and Tracy, 2009;

Schwartz-Shea and Yanow, 2012; Noblit, 2018). These theoretical and philosophical traditions posit that reality is socially constructed and given meaning by human cognition (Ross, 2007: 25; Berdahl and Archer, 2015: 11; Dunn and Neumann, 2016: 17). They draw scholars' attention to the process and politics of knowledge production, since knowledge is seen to be historically contingent and its creation subject to relations of dominance (Ackerly, 2008: 28-30). From this perspective, the aim of social scientific inquiry is to understand how structures of discourse, meaning, and power operate to produce knowledge about the processes and practices that constitute social reality, and which organise how humans think and act in the world (George, 1994: 191; Torfing, 1999: 81; Bevir and Rhodes, 2016; Schaffer, 2016).

The utility of an interpretive approach is that it allows us to describe, interpret, and explain the meaning behind social action by investigating systems of knowledge (Bevir and Blakely, 2018; Lynch, 2014; Schwartz-Shea and Yanow, 2012). According to Campbell (1998: 5), an epistemological logic of interpretation "acknowledges the improbability of cataloguing, calculating and specifying 'real causes', concerning itself instead with considering the manifest political consequences of adopting one mode of representation over another". This approach finds coherence in practices that might otherwise appear fragmented or contradictory (Taylor, 1971: 3), helping us make sense of how TJ translates complex conflict experiences into structured victimhood narratives. It is hence congruent with the theoretical assumptions and propositions of my analytical framework. Because an interpretive methodology sheds light on "the interrelationship of power and representational practices that elevate one truth over another" (Der Derian, 1992: 7), it is the optimal frame of thinking to inform my research design and the application of my analytical framework to Sri Lanka's and Colombia's TJ mechanisms.

Consistent with an interpretive approach was my methodological choice to study the politics of victimhood in TJ under a narrative lens – a choice made explicit from the very wording of my research question. Recognising the complexity and fluidity of the social world, I did not attempt to establish causal relations between variables to explain measurable social phenomena. I was more interested in deconstructing political rhetoric, or "what actors say, in what contexts, and to what audiences" (Krebs and Jackson, 2007: 36), whilst gauging how such discursive tropes help give shape to socio-political practices and orders (see Cobb, 2013; Doty, 1996; Weber, 1995; Goddard, 2010). My point of departure is the post-positivist premise that certain social and political phenomena are best understood through meaning and language, which prompted me to engage narrative-based theories and methods (Flyvbjerg, 2001: 137; Verloo, 2007; Bacchi, 2009). This is a fruitful approach to study victim narratives in TJ, as it enables a deeper understanding of the intricate sub- and cross-national processes, dynamics, and power relations that inform – and are informed by – notions of authentic victimhood in transitional societies.

This discussion raises some questions about my positionality as a researcher. Because an interpretive orientation favours thick and contextual accounts of social reality, it forces the researcher to confront their subjectivity and impact upon the social structures being investigated (Yanow, 2014: 133; Barker and Smith, 2001: 146; Lynch, 2014). As Callaway (1992: 33) points out, interpreting reality is a highly subjective endeavour and requires the researcher to have a "radical consciousness of self". Recognising that "research narratives do not only reflect hierarchies; they also construct them" (Krystalli, 2021: 16), I must acknowledge that I was not merely a neutral interpreter of the discourses and narratives I studied, but a participant in

shaping them (Dunn and Neumann, 2016: 129). This is important because, theoretically and methodologically, my work sought to amplify subjugated knowledges and give visibility to narratives that may have been marginalised by formal TJ processes and mechanisms. In doing so, I actively engaged with – and may to some degree influence – the politics of representation I interrogated. My role as both observer and participant called for constant and iterative reflexivity on the ways my academic and interpretive practices could contribute to the discursive economies analysed.

Recognising my positionality also meant confronting questions of interpretative bias and validity. My theoretical commitments, rooted in critical theory, were animated by a political and intellectual agenda of social transformation. As Crawford (1998: 123) argues, at the heart of critical theory is an "emancipatory desire or interest in making social relations freer and more peaceful" (see also Onuf, 2001: 254; Der Derian, 2009). In attempting to understand conflict processes, scholars can play an important role in "developing nuanced accounts of the complex political and social factors" underlying the exercise of violence, which can in turn "help researchers and others to understand why people commit atrocities, and could ultimately contribute to developing approaches that help stop them" (Gaind, 2024: 253). This ethical and normative positioning fundamentally informed my work, as one of my research objectives was to expose and interrogate potentially oppressive power relations that are naturalised through commonsensical 'truths' and modes of knowing.

This does not imply that the analysis was conducted looking to reach certain conclusions that align with my normative views, nor that my work merely serves to confirm my biases. Rather,

in line with my ontological and epistemological commitments, I view theory and academic research as powerful tools for socio-political transformation. The social sciences hold great potential to uncover and disrupt relations of domination that enable violent, exclusionary, and oppressive policies and practices (see Flyvbjerg, 2001; Ackerly, 2008; Hirschmann, 2003; Frost and Elichaoff, 2014). It was in this spirit that I carried out my doctoral research.

Still, positionality is intersectional and has unconscious bias effects, which is why I cannot gloss over the fact that my interpretations inevitably reflect embedded assumptions and perceptions (Milner, 2007). This highlights the importance of an ongoing commitment to analytical and methodological rigour. My goal was not to produce 'objective' truths, but rather to provide contextually grounded and theoretically informed interpretations, backed by supporting evidence (Dunn, 2008: 92). As I explain in the Research Methods sub-section, I was confident that using my analytical framework to mediate the analysis of cases would allow me to generate well-substantiated, coherent, and rigorous interpretations that could strengthen the validity and plausibility of my findings.

A researcher's positionality is also shaped by their identity and background (Holmes, 2020: 1-2). As a Colombian researcher, my worldview has been shaped by my cultural proximity to one of my country contexts. My interest in the politics of victimhood emerged from working with victims of Colombia's armed conflict and my subsequent engagement with scholarship on the subject. In largely subconscious ways, my fundamental understanding of the theme of victimhood and my framing of the research question were built in relation to my first-hand practical experience and knowledge of the Colombian context. Meanwhile, my positionality as

an urban-raised, privileged, and white-passing male researching themes that disproportionately affect disadvantaged, rural, and female populations can introduce tensions to my work (see Krystalli, 2021; Berry, 2018; Theidon, 2007). These dynamics influence not only the language and terminology I use, but many of my conceptual and theoretical choices too.

My personal proximity to Colombia could have led me to overemphasise this context at the expense of Sri Lanka. My limited prior knowledge of Sri Lanka's socio-political and cultural structures may have challenged my ability to offer equivalent analytical depth.[1] To mitigate these potential limitations, I relied on extensive secondary reading to ensure that my empirical treatment of my cases and country contexts reached the same level of depth and methodological rigour required by a case study design (Gibbert and Ruigrok, 2010; Kubik, 2009). Additionally, my enquiry was guided by a pre-determined analytical framework, meaning that the study of all cases was oriented towards answering a common set of questions for each case. I anticipated this would maximise my focus and coherence towards the research question when analysing cases. I similarly sought out experts and scholars familiar with my country contexts throughout the research process to ensure that my assessment of cases lived up to the expected academic standard. These steps allowed me to provide what I believe is a structured, balanced, and reliable analysis of Sri Lanka's and Colombia's TJ experiences since the end of the Cold War.

Finally, my training as a political scientist also informed my analytical and methodological orientations. My academic background may begin to explain my curiosity for the political dimensions underpinning victimhood and TJ, over other possible aspects of interest in the study

[1] The working language of Sri Lanka's TJ systems and mechanisms is English, so there were no linguistic barriers that impacted my ability to engage with this country context.

of post-conflict transitions. Researchers from other disciplines might approach the subject from entirely different angles, perhaps using different methods, theories, concepts, and strategies. For instance, legal scholars might focus on frameworks for the formal recognition of victims (see Grodsky, 2001; Pasqualucci, 1996), whilst economists might study the political economy of TJ (see Boettke and Coyne, 2007; Lerner, 2018). Although I recognise the limits of my disciplinary lens, I am convinced that my approach and assumptions remain well suited to address the phenomenon underpinning my research question.

A limitation worth noting at this stage is that interpretive research does not lend itself well to replicability. Interpretive social scientists face a trade-off between attaining objective, replicable results, and providing a transparent explanation of the assumptions and reasoning sustaining their conclusions (Moravcsik, 2014; Elman et al., 2018; Finlay, 2002). In this sub-section, I have attempted to achieve the latter, and continue this reflexive undertaking in the Research Methods, where I explain and discuss the boundaries of my interpretations and analysis. Whilst replicability and generalisability might not be realistic goals for a study of this kind, my aim was to offer an insightful discussion about a number of themes and lessons on victimhood, power, TJ, and peacebuilding that emerged from the application of my analytical framework to Sri Lanka's and Colombia's TJ mechanisms. This approach may bolster the validity and reliability of my work instead.

The aim of this sub-section was to outline and justify the methodological choices underpinning my research design. I also sought to discuss some ways in which my theoretical assumptions, frames of thinking, and positionality influenced the research process, including potential

limitations associated therewith. I was especially interested in offering a transparent and reflexive account of my ontological and epistemological grounding, looking to set the stage for the following Case Selection and Research Methods sub-sections. As will become clear, my choice of methods and approaches flows directly from the qualitative-interpretive methodological dispositions explained here.

2.2. Case Selection

2.2.i. Overview

Let me now turn to the procedure I followed to select Sri Lanka's and Colombia's TJ mechanisms as my case studies. As mentioned in the Introduction, I employed a theory-guided case study research design to investigate the construction of victim narratives across the TJ processes and mechanisms established in these two countries in the post-Cold War period, and the implications of these narratives for post-settlement power relations and peacebuilding efforts. I purposefully selected these cases and their broader country contexts for their theoretical relevance to my research question: both Sri Lanka and Colombia share key characteristics, such as protracted armed conflicts, the implementation of a diverse set of TJ mechanisms over time, and a history of contestation over victim narratives. At the same time, their singular political histories, institutional environments, and approaches to peacebuilding provide a sound basis to explore how narratives of victimhood in TJ both reflect and (re)shape distinct socio-political environments. Both country contexts offer rich and accessible data essential for the deep, contextual analysis required by my methodological approach.

This sub-section explains why a case study-based approach is the best way to answer my research question, outlines the scoping exercise I conducted to determine my empirical landscape,[2] and explains why I selected Sri Lanka's and Colombia's TJ mechanisms from this field of potential cases.

2.2.ii. Case Study Design

A case study approach "engages in intensive analysis of one or several phenomena, outcomes, or processes and is aimed at gaining as full and complete an understanding as possible of the object under study" (Miller, 2018: 382; see also Yin, 2003; Ruffa, 2020). The choice of this research design was motivated by the thick description it affords of a phenomenon of interest, enabling the researcher to provide a rich and contextualised understanding of the cases in relation to the theoretical premises of their research question (Geertz, 1977; Stake, 1995; Gerring, 2004). Within an interpretive paradigm, a case study-based approach is well suited to capture the complexities of socially constructed processes and phenomena, making it ideal for examining how narratives of victimhood are formulated and operationalised in TJ (Flyvbjerg, 2001: 66-68; Ponelis, 2015). This is particularly important when the boundaries between phenomenon and context are not clearly defined (Yin, 2003: 13). A case study approach is hence useful for the study of TJ, a field where scholarly work often analyses TJ processes and mechanisms "in detachment from the broader social and political context" (Robins, 2017: 46).

[2] I use the term 'empirical landscape' or 'empirical domain' in line with common academic practice in interpretive research, given that using 'universe of cases' might imply that I am attempting to generalise across a population.

My case study design is theory-guided in the sense that it focuses on a series of theoretically defined aspects of reality, following the propositions and assumptions of my analytical framework (Levy, 2008: 4). As I explain in the Research Methods sub-section, these theoretical premises informed all steps of my data analysis and interpretation. Instead of comparing cases in a structured manner or testing causal hypotheses, I used the TJ mechanisms established in Sri Lanka and Colombia as cases through which to explore the construction and implications of victimhood narratives in their respective country contexts. This approach allowed me to generate insights from the contextual application of my theoretical framework, rather than reach generalisable conclusions. It also ensured that the research remained grounded in the specific historical, political, social, and institutional settings of Sri Lanka and Colombia, whilst keeping sight of the theoretical objectives of my research question.

2.2.iii. Empirical Landscape

To select my case studies for analysis, I first mapped out the complete set of possible cases that fitted the parameters of the empirical phenomenon driving my research question. This empirical landscape comprised formal TJ mechanisms that met four criteria: (a) they were established by state or supra-state actors; (b) they were implemented in response to an armed conflict, which could be ongoing; (c) they were designed with a transitional mandate distinguishing them from ordinary justice mechanisms; and (d) they were created since the end of the Cold War. Defining this domain was a vital step to situate my analysis within the theory and praxis of contemporary TJ, as it grounded my research contextually and ensured my case selection remained analytically

coherent and accurately bounded. Note that I conceptualise an 'armed conflict' in line with the Uppsala Conflict Data Program (UCDP) definition, as "a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year" (UCDP, n.d.).[3]

I focus on formal TJ mechanisms established by either state or supra-state actors because my research unpacks how these mechanisms construct 'official' narratives of victimhood, and their implications for post-settlement power relations and peacebuilding in a given country context. Here, the conceptual distinction between institutionalised and non-institutionalised narratives is useful, as it separates state or supra-state accounts – those with the greatest capacity to influence a society's collective memory and knowledge structures – from informal narratives. This allowed me to analyse the socio-political implications of those voices and experiences that were included in a conflict's official accounts and, critically, of those left out. In line with my conceptualisation of TJ, I also restricted my focus to mechanisms with a transitional mandate, setting them apart from ordinary justice institutions that address conflict-related abuses. I also note that the armed conflict could be ongoing, as TJ mechanisms are often put in place during wartime and their establishment seldom reflects the termination of violence (Loyle and Binningsbø, 2017; Sriram et al., 2013). As noted in the Introduction, I use the language of 'transition' and 'post-settlement' loosely, taking the establishment of TJ processes and mechanisms as a hallmark as opposed to conflict relations on the ground.

[3] This definition is centred around politically motivated violence and thus excludes organised criminal violence, which can be common in post-conflict spaces. Examples include El Salvador, South Africa, Colombia, Bosnia and Guatemala. For a discussion on post-conflict criminal violence, see Call (2007).

Lastly, I only include TJ mechanisms established after the Cold War. Whilst the roots of TJ as a formal practice can be traced back to the Nuremberg Trials, it was only in the post-Cold War period that TJ became a standardised global practice for addressing legacies of mass violence (Teitel, 2014: 37; Nagy, 2008: 275). Shifts in human rights discourse and normative frameworks since 1991 gave rise to a new approach to peacebuilding and justice after transition, frequently referred to as the 'liberal peace' (Paris, 2004). As an "essential part of any liberal peacebuilding operation", TJ has since then moved beyond individual prosecutions to include a broader toolkit of mechanisms such as truth commissions, reparations, search units, and institutional reforms (Andrieu, 2010: 538; Robins, 2017: 45; Sriram, 2007). In focusing on the post-Cold War period, my intention is to examine cases that reflect the contemporary frameworks and principles of TJ.

To establish the empirical landscape matching my criteria, I first devised a pool of potential cases by creating a list of all country contexts where armed conflicts took place between 1946 and 2021. To prevent biases and inaccuracies, I drew data from the UCDP/PRIO Armed Conflict Dataset (Version 22.1) under the 'location' variable (Gleditsch et al., 2002; Davies et al., 2022). I used this dataset because it is one of the most widely used datasets among scholars of armed conflicts; because it applies the definitions of 'armed conflict' and 'state' that I use; and because it is one of the most up-to-date databases in the field, with data up until 2021 at the time of writing. However, since my central concern was whether or not a TJ mechanism was established in a given country, I privileged the countries as they were coded in the dataset's 'location' variable, instead of utilising the dataset's basic observation of 'conflict-year'. The

resulting dataset included 158 country contexts that experienced armed conflicts between 1946 and 2021 (see Appendix A).

I then identified whether, at one point or another, TJ mechanisms had been set up in these countries at the state or supra-state level. For this step, I was unable to draw from existing TJ datasets, given their limitations in temporality and scope. Datasets with useful data on transitions from armed conflict, such as the Post-Conflict Justice Database (Binningsbø et al., 2012), the During-Conflict Justice dataset (Loyle and Binningsbø, 2018), and the wealth of data collected by the Transitional Justice Research Collaborative (Dancy et al., 2014), do not include data beyond 2012. The only relevant data I found after 2012 was in the Global Transitional Justice Dataset (Bates et al., 2019), which only accounts for TJ mechanisms created during democratic transitions and leaves out those designed in the aftermath of armed conflicts. I therefore conducted a scoping review using a range of primary sources, including publicly available government documents, laws, reports and institutional websites, in addition to relevant secondary literature on each country investigated. Whilst this method of data consolidation can be prone to imprecisions and cognitive biases, multiple rounds of rigorous scoping helped mitigate these limitations (Hammersley and Gomm, 1997). The information collected was accurate as of April 2023.

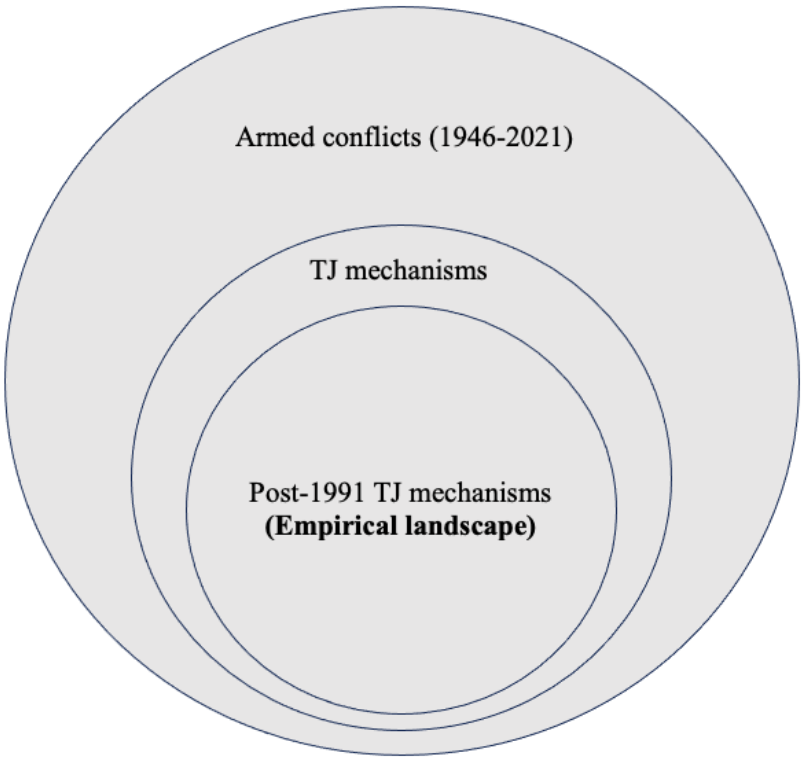
Based on the information collected during the scoping review, I added the observation 'TJ Established' to my dataset, which I coded as a binary 'Yes' or 'No'. Following the criteria for inclusion into my field of potential cases, TJ mechanisms must necessarily have been established by state or supra-state actors. That means that international tribunals, such as the

International Criminal Tribunal for the former Yugoslavia or the International Criminal Tribunal for Rwanda, and hybrid courts, such as the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia, were all included within the empirical landscape. Trials in ordinary international or domestic courts – such as the judicial prosecutions carried out in post-genocide Rwanda by National Courts; reparations granted to victims under ordinary victim reparation programmes; or prosecutions by the International Criminal Court (ICC) and related human rights tribunals – are not transitional in character and were not included. I do not consider memorials, peace conferences, and consultation processes to be formal TJ mechanisms, nor did I include regional or local-level mechanisms, such as the Truth Commission set up by the regional government of Rivers, Nigeria in 1999. Amnesty laws and schemes were, in contrast included as formal TJ mechanisms.

I then proceeded to add the observation 'TJ Mechanism(s)' to my data. Under this observation, I coded all the TJ mechanisms I could find evidence of – in line with the criteria set above – for each country context, including the year of their establishment. Based on this exercise, I identified an empirical landscape of 223 TJ mechanisms (cases) across 71 country contexts. This led me to the final observation, 'TJ Mechanism(s) Part of Landscape', which included only those mechanisms created after 1991. In countries where separate TJ mechanisms were devised before and after 1991 (such as the Philippines, in 1986 and 2013), I only included post-1991 mechanisms, since my fundamental unit of analysis is the TJ mechanism and not the country context. Ultimately, the latter observation contains all TJ mechanisms that met the criteria for inclusion into my empirical landscape of cases. Figure 1 below visually represents the narrowing of this empirical landscape, from the universe of armed conflicts to the subset of

post-1991 TJ mechanisms. The final pool resulting from this exercise contains 188 cases across 67 country contexts, listed in Appendix A. The complete data, also in Appendix A, may offer valuable insights into the historical backdrop and evolution underpinning countries' efforts to come to terms with violent legacies.

Figure 1: Mapping the empirical landscape



2.2.iv. Sri Lanka and Colombia

After defining the empirical domain of TJ mechanisms, I turned to my theoretical, epistemological, and methodological commitments to identify suitable country cases for analysis. Despite the internationalised nature of its principles and standards, TJ remains a highly contextual and dynamic practice (Hinton, 2010: 4-5; Pugh, 2019). Different actors have

implemented different approaches to TJ in different ways at different time periods, which renders futile any attempt to generalise across cases with a degree of reliability (Olsen et al., 2010). This makes positivist case selection techniques less relevant to the aims of my research. Instead, my focus was on selecting conceptually and contextually rich cases that would support a nuanced, interpretive application of my analytical framework to empirical evidence (Campbell, 1975).

As such, I used a purposeful case selection technique to select the range of TJ processes and mechanisms established in Sri Lanka and Colombia as cases. According to Patton (2002: 230), "the logic and power of purposeful sampling lie in selecting information-rich cases for study in depth. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the inquiry". In the context of a case study design, purposeful case selection prioritises cases that allow for thick description of the phenomenon underlying the research question, rather than aiming for representativeness and generalisation (Carson et al., 2001). This approach aligns well with the interpretive goals of my study, as it facilitates a thorough exploration of how victim narratives are constructed in TJ and the implications of these narratives for post-settlement power relations and peacebuilding processes in a given country context.

The TJ mechanisms established in Sri Lanka and Colombia since the end of the Cold War, listed in Table 1 and Table 2 below, are a distinct yet theoretically relevant set of cases ideally suited to the aims of this research. From the early stages of my doctorate, these two country contexts stood out for me as I began to engage with the literature on TJ, with my personal connection to

Colombia reinforcing my interest. Ultimately, though, my selection was fundamentally guided by the ability of their TJ mechanisms to provide comprehensive insights into the power dynamics and discursive practices underpinning the application of TJ in each country context. During the scoping review conducted in the previous step, I evidenced that these two countries possess a variety of data-rich TJ mechanisms, providing fertile ground for a detailed exploration of how narratives of legitimate victimhood shape – and are shaped by – unique socio-political and historical factors. But perhaps most interestingly, there are some important markers of similarity and difference between the political and institutional climates of Sri Lanka and Colombia that make a side-by-side analysis of their TJ experiences both theoretically and empirically insightful (Sartori, 1991).

On one hand, both Sri Lanka and Colombia have experienced protracted internal armed conflicts involving state and non-state actors. Each has employed a range of formal TJ processes and mechanisms at different points in time, attempting to grapple with the legacies of violence from their respective conflicts. Moreover, the academic literature has demonstrated that narratives of victimhood have emerged as sites of political contestation in both country contexts (see Rettberg, 2015; Krystalli, 2019; Seoighe, 2016; Wettimuny, 2024). These shared elements, including their historical trajectories and contemporary TJ backdrops, provide a meaningful basis for structured analysis. They pave the way for a thorough exploration of the choices made by the architects and implementers of TJ in each context, as well as a detailed assessment of the implications of those choices.

Importantly, there are key distinctions between these country contexts that add analytical depth to this parallel analysis. Whereas Sri Lanka's conflict was primarily defined by ethno-linguistic tensions between the Sinhalese majority and the Tamil minority (Hettige, 2019: 27), Colombia's conflict stemmed from a combination of socio-economic inequalities and political exclusion (Berry, 2014: 25). Equally, the history of decisive military victories of Sri Lankan security forces, first over the JVP in 1971 and 1989 and then over the LTTE in 2009, stands in contrast to Colombia's attempts to bring violence to an end through a series of negotiations and peace agreements, including in 2003 with the AUC and in 2016 with the FARC. These differences in approach have shaped the emergence of a victor's peace in the former and the pursuit of a negotiated peace in the latter, setting the stage for two divergent environments for implementing TJ (Pararajasignham, 2019; Téllez, 2019).

These country contexts thus provide an ideal prism through which to explore how distinct political histories, societal conditions, and approaches to peacebuilding have shaped the construction and implications of victimhood narratives in and across each of their TJ mechanisms. This purposeful selection enables a deep, context-sensitive analysis of different TJ mechanisms, and also allows for a comprehensive empirical exploration of how victimhood narratives in TJ interact with wider transitional and post-settlement power structures and peacebuilding efforts. I expect this could heighten my work's theoretical and empirical contribution to the literature.

Table 1: Sri Lanka's TJ mechanisms

TJ Mechanisms – Sri Lanka
• Zonal Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons (1994) • All-Island Commission of Inquiry into Involuntary Removal and Disappearance of Certain Persons (1998) • Presidential Truth Commission on Ethnic Violence (2001) • Committee on Disappearances in the Jaffna Region (2002) • Tilakaratne Commission (2006) • Udalagama Commission (2006) • Lessons Learnt and Reconciliation Commission (2010) • Secretary-General's Panel of Experts on Accountability in Sri Lanka (2010) • Paranagama Commission (2013) • Office for National Unity and Reconciliation (2015) • Office on Missing Persons (2016) • Office for Reparations (2018)

Table 2: Colombia's TJ mechanisms

TJ Mechanisms - Colombia
• Justice and Peace Law (2005) • Law 1424 of 2010 (2010) • Victims' Law (2011) • Special Jurisdiction for Peace (2017) • Commission for the Clarification of Truth, Coexistence and Non-repetition (2017) • Missing Persons Search Unit (2017)

A final, more practical consideration for selecting Sri Lanka's and Colombia's TJ mechanisms involved data availability and access. In selecting appropriate case studies, interpretive research favours cases that are information-rich and directly relevant to the research question (Schwartz-Shea and Yanow, 2012: 70; Carson et al., 2001). During the scoping review, it quickly became

apparent that many cases within the empirical landscape lacked sufficient data to comprehensively engage with my research question. In some cases, relevant TJ documents or reports were inaccessible or withheld from public release. For example, the Fact-Finding Commission established by Egyptian President Mohamed Morsi in 2012 to investigate the violence of the 25 January revolution was never made public (Bernard-Maugiron, 2019: 229). Such data constraints are especially prevalent in developing countries, where "restrictions on the public availability of documentary materials can subordinate selection challenges to the need to identify and locate materials to begin with" (Shwartz-Shea and Yanow, 2012: 69).

In contrast, both Sri Lanka and Colombia have had multiple and well-documented TJ processes, with extensive primary and secondary sources available for an in-depth, contextualised analysis. Access to a wide range of data sources, including TJ reports, legislation, policy documents, victim testimonies, media coverage, and academic literature, supported the reliability and robustness of my project. Additionally, as Dunn and Neumann (2016: 87) suggest, narrative analysis is most effective when conducted in the data's original language, as linguistic nuances often hold meaning rooted in culture. My proficiency in both English and Spanish – the working languages of TJ in Sri Lanka and Colombia, respectively – allowed me to analyse primary sources directly and in context, adding to the validity and reliability of my findings. As well as reflecting my interpretivist orientation, these practical considerations reinforce the suitability of Sri Lanka's and Colombia's TJ mechanisms as cases that are not only rich in data, but also practical and accessible to systematically attain my research objectives.

The aim of this sub-section was to explain and justify the selection of the range of TJ mechanisms established in Sri Lanka and Colombia as case studies. I first outlined why a theory-guided case study approach is well suited to answering my research question, before defining my empirical landscape. I then described the scoping exercise used to identify all cases that make up this domain and explained the purposeful case selection technique that guided my choice from this broader field of potential cases. I explained that Sri Lanka's and Colombia's TJ mechanisms were selected for their theoretical relevance, data richness, and accessibility. These elements offer solid foundations for exploring how narratives of authentic victimhood are constructed in TJ and analysing their implications for power relations and peacebuilding within distinct socio-political and institutional contexts. The next sub-section builds on my ontological and epistemological assumptions to spell out and evaluate my research methods.

2.3. Research Methods

2.3.i. Overview

This thesis took a desk-based approach to study the construction and implications of victim narratives in Sri Lanka's and Colombia's TJ mechanisms. It aimed to answer the following two-part research question: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?* To effectively address the question, the project utilised discourse analysis, as outlined by Dunn and Neumann (2016), as its primary method of data collection and analysis.

Consistent with my ontological and epistemological assumptions, I was interested in understanding the implications of the "stories that are told, retold, and foretold" about violent conflicts through the prism of victimhood (Cobb, 2013: 3). Yet, from the outset, there were a number of methodological challenges associated with extracting data from discourses and narratives – or indeed, from stories – as it is often unclear where discursive frameworks begin and end. According to Milliken (1999: 226), the problem lies on the fact that "no common understanding has emerged in International Relations about the best ways to study discourse". This is further complicated by the fact that discourse covers all forms of communication, and is not limited to written text (Sontag, 2003; Gee, 2005; Laffey and Weldes, 2004). Metanarratives are generated and conveyed through collections of words, symbols, statements, music, dialogue, and videos, and are therefore in permanent circulation and flux in a society's discursive sphere.

I used discourse analysis because it was the method that best reflected my analytical framework's commitment to deconstructing how power operates through language and representation. Discourse analysis, as described by Dunn and Neumann (2016: 7), provides a systematic method for uncovering how meaning is produced and naturalised, and to what ends. This method sees narratives not as static descriptions of reality, but as active forces that constitute, maintain, and subvert relations of dominance and social orders (Ibid.). Discourse analysis operationalised my framework's emphasis on deconstructing dominant categories, whilst exposing the power structures embedded in the production of certain modes of knowledge and regimes of truth. As such, it proved uniquely suited to explore how TJ processes and mechanisms codify particular victim identities as 'legitimate', and how these narratives

shape power distributions and peacebuilding processes in transitional and post-settlement societies.

2.3.ii. The Genealogical Approach

To illustrate the application of my analytical framework to the set of TJ mechanisms established in Sri Lanka and Colombia, I combined genealogical and post-structuralist approaches of discourse analysis. I began by using a genealogical approach to systematically address the first part of my research question: how formal TJ mechanisms construct narratives of legitimate victimhood. This approach "seeks to investigate the ruptures and breaks within a given discourse, as well as interrogating the silences in order to expose marginalized voices or subjugated knowledges" (Ibid: 105). Genealogy spotlights the historical contingency of narratives, focusing on the processes through which actors (re)define what is deemed 'true' or 'legitimate' in a given setting over time (Ibid: 51). It thus speaks directly to my framework's grounding in the power-knowledge nexus and the socially constructed nature of knowledge claims.

As my analytical framework suggests, formal TJ mechanisms codify narratives that define the legitimacy of certain subjects as victims of wartime violence. Because these are active political choices that privilege some experiences of harm over others, a genealogical approach is useful to locate and analyse those narratives that 'won out' over others in TJ, particularly in light of their socio-political implications. Across my cases, it allowed me to trace the historical development and evolution of institutionalised victim narratives, revealing the critical junctures

at which these narratives emerged, gained traction, and were challenged or confirmed. This focus on denaturalising TJ's institutional practices made visible the patterns of inclusion and marginalisation underpinning the construction of regimes of truth on legitimate victimhood.

The genealogical approach first required identifying what Dunn and Neumann (2016: 93) term "monuments": influential sources from which to collect data for analysis. I drew monuments from primary sources associated to Sri Lanka's and Colombia's TJ mechanisms. These mechanisms, listed in Table 1 and Table 2 above, were the principal instruments designed by state or supra-state actors in these two countries to address legacies of systematic violence, in the context of their internal armed conflicts. As such, I consider them the primary avenues, both legal and non-legal, through which official victim narratives have been produced, circulated, and fixed in each country context.

To identify monuments, I approached various primary sources emerging from each TJ mechanism, including published textual and audio-visual forms, that pertained or made reference to victims of violence. Textual material included public statements, policy documents, official reports, laws, decrees, acts, transcriptions, procedures, and other kinds of institutional resources linked to a particular mechanism. Since meaning is conveyed through any form of semiotic data (Ibid: 90; Sontag, 2003), I also reviewed relevant images, videos, and audio recordings of public events, testimonies, and interviews. Where possible, these resources were drawn from institutional websites and online archives,[4] and their inclusion for the subsequent analysis was determined by the presence or absence of a series of search terms associated to

[4] Where institutional websites or online archives did not exist, I relied on secondary sources to draw data for analysis.

victimhood (Grimmer et al., 2022: 77). Terms included ‘victim’, ‘survivor’, ‘victimisation’, ‘injury’, ‘casualty’, ‘victimhood’, and their equivalents in plural and translated form. A full list of search terms can be found in Appendix B.

Because all data was collected from publicly available sources, I did not require formal ethics approval to conduct this research. Nonetheless, I am conscious that using published testimonies and narratives of victimisation raises ethical questions of representation. Accounts of trauma are often voiced in conditions of vulnerability and for specific institutional audiences, sometimes under significant power asymmetries. Using them in academic analysis situates them in a different context from the one in which they were originally articulated. I therefore approached them with caution and sensitivity, and treated them as discursive artefacts of TJ processes rather than transparent reflections of lived experience. I also avoided reproducing unnecessary personal details when citing testimonies.

During the research process, I collected a vast number of resources that were unmanageable for a single researcher without a software for storing and organising the material. To this end, and to mitigate the risk of sample selection bias, I used EndNote X9 to centralise all relevant resources and create a corpus of documents for analysis. The robust reference management capabilities of this software facilitated the systematic collection of research material, whilst ensuring that my corpus remained easily accessible and well-structured. EndNote X9 enables

the separation of group data into categories, which I organised according to each of the TJ mechanisms analysed, to prevent data sources from intermixing.[5]

Moreover, my search terms featured in a multitude of resources that did not necessarily constitute monuments, which challenged my ability to locate and analyse narratives of victimhood. The problem with this, beyond increasing the workload, was that including high volumes of data of little or no relevance to my research question could have led to retrieval bias. To minimise this risk and ensure the reliability and accuracy of my data, I excluded sources where the language of victimhood was invoked to refer to victims in generic and indeterminate ways.[6] I used my best judgement to only include material for full appraisal where the language of victimhood was coupled with practices of individual or collective representation. Filtering out other resources where the search terms arose, but in ways unconnected to the research question and objective, bolstered the accuracy and reliability of my data. It also significantly reduced the size of the corpus.

Where the material was in a language different from English, I followed idiomatic translation to preserve meaning as accurately as possible (Van Nes et al., 2010). I relied on my own language skills to translate documents and interpret them in context, which could have given rise to translation bias. Yet, my native fluency in Spanish and proficiency in English correspond to the working languages of both countries' TJ mechanisms – English in Sri Lanka and Spanish

[5] A potential drawback of using EndNote X9 is that it does not support audio-visual material, but I corrected this limitation by linking the websites containing such data sources to the software as standard documents, which could then be browsed directly to analyse images or recordings.
[6] This meant discounting material that described the provisions and benefits to which victims were entitled to in a given country context, or those that included discursive commonplaces, such as statements that the interests of victims are at the heart of a TJ mechanism.

in Colombia. Material in Spanish was collected and analysed in its original language, which allowed me to interpret meaning and context faithfully.[7] Texts or transcripts were then translated into English using idiomatic translation when used as evidence. All translations from Spanish were my own.

To operationalise the genealogical approach, I applied four textual and audio-visual techniques of discourse analysis, drawn from Dunn and Neumann (2016): presupposition analysis, predicate analysis, subject positioning, and intertextuality. These techniques allowed me to identify and analyse those representations of suffering that were amplified and those that were silenced at a given juncture, revealing how narratives of legitimate victimhood evolved and were (re)produced in TJ over time. Together, they supported an approach that captured the logic of story-making and storytelling as an object of inquiry (Davis, 2002), laying the groundwork for a critical reading of how a conflict's 'official' truths, memories, and knowledge become structured and institutionalised through the application of TJ. The analytical techniques were applied as follows:

- *Presupposition:* This technique uncovers the implicit and explicit assumptions embedded in discourse, and which create background knowledge that is taken to be true (Dunn and Neumann, 2016: 110). It interrogates the criteria for inclusion and exclusion – whether formally codified or implicit – that privilege certain forms of suffering whilst marginalising others. Guiding questions for this step of the analysis included:

[7] My positionality as a Colombian researcher helped me capture the nuances of the original language with a high degree of cultural sensitivity, which mitigated potential bias or misinterpretation.

- What legal or non-legal criteria must be met for an individual to be recognised as a victim of conflict?
- How are conflict experiences categorised or built into classificatory schemes?
- Which experiences of violence are privileged, and which are silenced, omitted, or obscured?
- What wider socio-cultural processes is the narrative identified a part of?

- *Predicate analysis:* This textual mechanism examines the descriptive language, including verbs, adjectives, and adverbs, used in texts to construct identities and relationships (Ibid: 111). This step asked:
  - In what ways are victims and perpetrators of violence represented in a given TJ mechanism?
  - What verbs, adjectives, and adverbs are applied to descriptions of victims and perpetrators of violence?
  - How does descriptive language assign emotional or moral values to victims and perpetrators?

- *Subject positioning:* This technique analyses the role and agency attributed to discourse participants, illustrating how specific identities and subjectivities are created (Ibid: 112). The following questions were asked:
  - What kinds of individuals and/or groups are given a platform to voice their testimony of victimisation?

- Are there patterns in the profiles of victims and/or perpetrators (e.g. gender, race, ethnicity, sites and time periods of violence, or types of harm suffered/perpetrated)?
- What roles and expectations are attached to the different participants to the discourse?
- Do certain roles carry greater moral weight than others?

- *Intertextuality:* This technique traces the evolution of representational practices across processes and mechanisms, demonstrating how narratives adapt to changing domestic and international socio-political landscapes over time (Ibid: 104). Guiding questions included:
  - How does the meaning or attribution of victimhood shift from previous TJ mechanisms analysed?
  - Which group(s) or individual(s) wielded state power when the narrative was enacted, and what were their political ideologies and interests?
  - What domestic and international forces were at play when the narrative was produced, and how might they have influenced its content and framing?
  - How was the material received and interpreted by different audiences?

The genealogical analysis of primary data was informed and complemented by extensive secondary reading on the socio-political, economic, historical, and cultural affairs of both Sri Lanka and Colombia. As Meyer (2001: 343) argues, case study research requires in-depth longitudinal knowledge of the case or cases under scrutiny. Secondary literature, including

academic, policy, and journalistic sources, was key to draw patterns and interconnections between the data and the broader social, political, historical, and institutional context in which these mechanisms operated – both domestic and international (Dunn and Neumann, 2016: 84). This allowed me to gain a comprehensive understanding of the social position of discursive actors and the power relations underpinning their interactions.

The use of secondary literature proved particularly important for identifying and considering counter-narratives of victimhood, shedding light on the silences, exclusions, and misconceptions produced by institutionalised narratives (Ibid: 97). This then directed me to a number of primary sources articulating subjugated knowledges, including websites, reports, testimonies, and statements. As I discuss in the limitations below, I was unable to engage systematically with counter-narratives due to their fluid and informal nature. Yet, they complemented and strengthened the genealogical approach in its capacity to illustrate how narratives of legitimate victimhood were formulated and contested in TJ.

2.3.iii. The Post-Structuralist Approach

Building on the genealogical analysis of how victimhood narratives are constructed and institutionalised, the post-structuralist approach addresses the second part of my research question, on the implications of these narratives for post-settlement power relations and peacebuilding processes. This approach of discourse analysis focuses on "mapping discursive structures/institutions to show how they produce objects and subjects, how power relations are embedded and produced within discourses, and the ways in which discourses are related to

practice and materiality" (Ibid: 40). Owing to its emphasis on the productive power of discourse, a post-structuralist approach is well suited to explore how institutionalised victim narratives enable or preclude social practices, configure power distributions, shape peacebuilding efforts, and help regulate the boundaries of socio-political life in transitional and post-settlement societies. It also illustrates my analytical framework's articulation of TJ as a technology of governmentality, simultaneously reflecting and shaping power structures in these societies.

A post-structuralist approach examines the materiality of discourse, allowing for an analysis of "how preconditions exist for verbal and physical action, how a given statement activates or initiates a series of social practices, and how the statement in turn confirms or disproves these practices" (Ibid: 68). Methodologically, I built on the genealogy's findings and drew from both primary and secondary sources to map the spectrum of possible outcomes that emerged from a given narrative of victimhood. This included identifying specific practices, policies, and patterns of action that were activated or foreclosed by discourse. To strengthen the validity of my analysis, I used supporting evidence to back my claims, triangulating primary and secondary data to ensure my findings were well-substantiated and coherent (Ibid: 129). I operationalised this step by crafting a set of guiding questions for both thematic areas of my inquiry: power relations and peacebuilding.

- *Power relations*:
    - What groups, identities, practices, ideologies, memories, and institutions did a given narrative of victimhood legitimise? Which did it delegitimise?

- Whose interests were favoured with the narrative's production, diffusion, and naturalisation? Whose were marginalised?
- What relations of dominance, oppression, discrimination, power, and control did the narrative enable?
- How did the narrative perpetuate or challenge the status quo?
- What kind of socio-political order was advanced? Who stood to gain and who to lose under such an order?
- What kinds of social, political, moral, epistemic, and economic outcomes did the narrative make possible or constrain through its production and diffusion?

- *Peacebuilding*:
  - How did the narrative shape peacebuilding and reconciliation processes, trajectories, and outcomes?
  - What policies and courses of action for fighting war or building peace became acceptable and unacceptable? Which were – or have been – pursued?
  - How did the roles assigned to subjects delimit their agency and ability to participate in post-settlement socio-political and economic structures?
  - To what extent did the narrative open space for greater inclusivity? To what extent did it exacerbate societal divisions and patterns of oppression?

It is important to note that discourses themselves do not determine action, and a post-structuralist stance rejects the notion of ascribing causal effects to discourse with any degree of certainty (Ibid: 4, 35). Rather, this approach provides reasonably informed conjectures about

the courses of action, relations of domination, and socio-political orders made possible and precluded through the codification of victim narratives in TJ (Dunn, 2008: 85). This involves examining the "parameter of possible actions" that a discourse helps produce, whilst attempting to trace specific outcomes arising from these conditions of possibility (Dunn and Neumann, 2016: 8). Indeed, "the more actions that the analyst may account for by demonstrating their preconditions, and the more specifically this may be done, the better the discourse analysis" (Ibid).

2.3.iv. Analytical Procedure

To systematically analyse the data emerging from primary sources, I adopted a flexible coding strategy that combined deductive and inductive elements,[8] guided by the questions of each methodological step outlined above. This strategy allowed me to identify emerging themes whilst also ensuring systematic engagement with the data. My analytical procedure involved iteratively coding the data through two stages of analysis. In the first stage, I used the genealogical approach to understand how each TJ mechanism constructed a narrative of legitimate victimhood. I initially generated codes to map themes emerging from the textual and audio-visual data through each of the genealogy's techniques: presupposition analysis, predicate analysis, subject positioning, and intertextuality. Once no new themes were being drawn from

[8] My coding strategy was deductive in orientation, as it was fundamentally informed by the concepts and assumptions of my analytical framework and by the guiding questions of the four discourse-analytical techniques applied. These concepts and questions structured the analysis to uncover how narratives of legitimate victimhood were constructed in TJ and the implications of these narratives for post-settlement power relations and peacebuilding. Yet, the coding process was inductive in practice. Within these pre-defined categories, I remained open to patterns and ruptures that emerged directly from the data, rather than imposing them in advance. This hybrid coding strategy allowed me to apply my theoretical and methodological commitments systematically.

the data and codes were merely being repeated, I stopped analysing the material associated to a given TJ mechanism under the assumption that data saturation had been achieved (Miles and Huberman, 1994; Braun and Clarke, 2021).[9]

These coded findings constituted the basis for the second stage, where I applied the post-structuralist approach to evaluate the implications of these narratives. Although the post-structuralist approach did not involve new coding, it unpacked the genealogy's findings using the guiding questions specified for the 'power relations' and 'peacebuilding' areas of enquiry. This stage focused on gauging how the narratives identified in the genealogy informed the production of a post-settlement socio-political order, specifically how they shaped power distributions and structured peacebuilding trajectories and outcomes.

The empirical analysis was organised both chronologically and thematically. It was organised chronologically because I used the TJ mechanisms identified in the previous sub-section to represent distinct phases of TJ implementation in Sri Lanka and Colombia. Individual mechanisms were nonetheless treated and analysed as discrete units, given that different processes and mechanisms can (re)produce different – and even contradictory – narratives of victimhood. The analysis began with the earliest identified TJ mechanism in each country context and proceeded chronologically to the most recent.[10]

[9] Given the layered and iterative nature of the genealogical approach, which required the simultaneous application of four discourse-analytical techniques and tracing narrative evolution across sources and time periods, I hand-coded the data to facilitate the analytical process (see Van Leeuwen, 2010).

[10] Although the analysis was chronological, I occasionally grouped together TJ mechanisms designed within an integrated TJ framework. This was the case with Sri Lanka's Zonal Commissions of Inquiry (1994) and All-Island Commission of Inquiry (1998), since the latter was specifically established to complete the work initiated by the former, and Colombia's Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (2017).

The analysis was also organised thematically. Each TJ mechanism was first dissected using the genealogical approach to uncover the narrative of victimhood being produced. These findings then informed the post-structuralist approach, which explored the implications of these narratives for post-settlement power relations and peacebuilding. As such, each TJ mechanism was systematically analysed using both the genealogical and post-structuralist approaches, guided by the set of questions specified for each methodological step.

Although I conducted the genealogical analysis based on Dunn and Neumann's four techniques of discourse analysis – presupposition analysis, predicate analysis, subject positioning, and intertextuality – the presentation of findings in the empirical chapters was synthesised into a set of key themes. Doing so allowed me to convey the discursive patterns uncovered in each mechanism's victim narrative in a more accessible and parsimonious manner, whilst still drawing directly from the detailed analytical steps undertaken. Selected supporting evidence is included in the synthesised accounts to substantiate the analysis, representing a small portion of the full evidentiary base. The complete analyses, with all four steps developed in detail, are included in Appendix C (Sri Lanka) and Appendix D (Colombia). The only exception is the intertextuality, which is presented in full in the main text given its role in tracing the evolution of discursive practices across mechanisms and time periods.

This organisational strategy illustrates the empirical application of my analytical framework to the case studies and addresses both parts of my research question. The chronological structure facilitated an exploration of how Sri Lanka's and Colombia's TJ mechanisms evolved across distinct domestic and international socio-political conditions, whilst the thematic focus ensured

that each TJ mechanism was studied in depth within its respective local and global ecosystem. This brought together the genealogical and post-structuralist approaches to operationalise the building blocks of my analytical framework in a structured and systematic way. In doing so, I was able to demonstrate how each TJ mechanism constructed a narrative of authentic victimhood, how these narratives evolved across historical and political junctures, and their implications for post-settlement power relations and peacebuilding.

2.3.v. Limitations

One important limitation of my methodological approach is that I did not systematically engage with victim narratives generated beyond formal TJ processes and mechanisms. This choice came at the expense of an exhaustive exploration of other outlets where narratives of victimhood circulate, including media, education systems, and other social and political institutions. This runs counter to the theoretical convictions of critical theorists, who often reject the distinction between 'official' and 'unofficial' narratives (see Foucault, 1978: 93; Hewett, 2004: 8; Neumann, 2008). Narratives of victimhood are not exclusive to TJ, and institutionalised narratives are not necessarily hegemonic simply by virtue of their formalisation. A society's discursive sphere is plural and contested. Different groups and individuals articulate narratives in opposition to official accounts, often formulating alternative commemorative frameworks to represent the memories and voices of those who feel left out from the institutional narrative (Zerubavel, 1995: 11; Mac Ginty and Firchow, 2016).

My explanation for this top-down, institutionalist focus is grounded in the conceptual and practical significance of studying formal TJ mechanisms. Narratives of victimhood are particularly relevant and salient in the context of contemporary TJ, since the very *raison d'être* of such processes and mechanisms is to provide redress to victims of wartime violence (Bonacker, 2013: 97; Hall et al., 2017). Formal state and supra-state TJ mechanisms, such as ad-hoc trials, truth commissions, search units, and reparations schemes, are thus uniquely positioned to institutionalise and legitimise specific narratives of victimhood. These narratives shape how societies remember and respond to past violence, often carrying significant political and social weight (Robins, 2017; Lessa, 2013).

Moreover, formal mechanisms are at the heart of how TJ has both been theorised and implemented in academic and policy circles (Teitel, 2014; Hayner, 2011; Waterhouse, 2009). Despite the 'victim-centrism' that dominates the rhetoric of TJ, representation in these processes is inherently limited "to the minority of victims whose cases will be brought before some formal mechanism" (Robins, 2017: 45). These curated representations of grief and loss (re)produce regimes of truth on legitimate victimhood, championing specific interpretations of what happened during a conflict and what the violence was about (Lessa, 2013: 3; Lu, 2017: 76; Turner, 2013). The distinction between formal and informal narratives was a methodological cornerstone of my research, as it allowed me to explore which voices and experiences of victimhood were included – and excluded – in formal TJ mechanisms, and the socio-political implications of these choices.

Formal mechanisms also enjoy a degree of visibility, influence, and reach that informal or grassroots narratives seldom have. Their codified processes, documentation, and outcomes offer solid ground for a rigorous exploration of the (re)production and implications of victimhood narratives in societies moving from war to peace. On the contrary, the flux and multiplicity of victim narratives circulating in conflict-affected contexts at the micro and meso levels made a systematic enquiry of counter-narratives unrealistic. Counter-narratives are far more difficult to locate and empirically conceptualise than institutionalised ones, and their degree of cohesion is often uncertain, which poses exceptional methodological challenges to researchers (Patterson and Monroe, 1998: 318). Systematically accounting for informal narratives would have also risked undermining the analytical depth possible in a doctoral project, since formal TJ processes tend to be the most visible sites of memory and justice processes in conflict-affected societies.

However, as mentioned earlier, informal or grassroots narratives were not entirely outside the scope of my research. Their inclusion was important because they often spotlight voices, memories, and experiences obscured or erased by formal TJ processes (see Herremans and Destrooper, 2021: 592; Fierke, 2006; Winslade, 2019). But, due to the methodological challenges associated with locating and analysing counter-narratives, I was unable to study them with the same rigour as institutionalised narratives. Instead, the inclusion of counter-narratives allowed me to explore dislocations between 'official' and 'unofficial' accounts, gaining deeper insights into a narrative's wider socio-political context. This complemented and enriched my analysis of discourse within formal TJ mechanisms.

An additional limitation worth noting is that I did not explore the *process* by which the narratives of victimhood I studied became institutionalised. This is an important shortcoming because understanding how certain narratives draw on or are shaped by other pre-existing discourses could have provided valuable insights into the power structures and relations at play that caused a given narrative of victimhood to 'win out' over others. Yet, this kind of exploration would have merited far greater attention than the theoretical and methodological boundaries of my project allowed for. I must note, though, that explaining *why* certain narratives become institutionalised in TJ was not essential to attain my research objective: to illustrate *how* TJ constructs narratives of victimhood and their implications for power relations and peacebuilding processes in transitional societies (see Neumann, 2008; Dunn, 2008).

2.3.vi. Conclusion

To summarise, this sub-section built on my ontological and epistemological foundations to outline, justify, and evaluate my choice of research methods. I first discussed the challenges inherent to the scholarly study of narratives and proceeded to explain why the combination of genealogical and post-structuralist approaches of discourse analysis was well suited to explore the (re)production and implications of narratives of victimhood in TJ. I then described, step by step, the procedure I used to apply the building blocks of my analytical framework to the case studies, and considered some limitations of my methodological choices. The following chapter is the first of this dissertation's empirical section, where I analyse the TJ mechanisms set up in Sri Lanka between 1994 and 1998.

Chapter Three: Case Analysis – Sri Lanka

3.1. Chapter Overview

The following empirical chapters offer the most comprehensive scholarly analysis to date of Sri Lanka's experience with TJ in the post-Cold War era. Research on TJ in Sri Lanka has most often been limited to a particular mechanism or historical period (see Seoighe, 2017; Wanigasuriya, A., 2021; Fernández-Torné, 2017). Studies with a more expansive vision of TJ have either focused on Sri Lanka's commissions of inquiry only (see Pinto-Jayawardena, 2010; Anonymous, 2011; Fonseka and Perera, 2024; Lynch, 2023), or on a thematic issue, such as missing persons (see International Commission of Jurists, 2017; CHRD, 2015). This is a first attempt to weave together an account of Sri Lanka's formal efforts to reckon with legacies of violence since the early 1990s.

In this chapter, I begin by providing a background on Sri Lanka's armed conflict to contextualise the analysis. I then examine each of the formal TJ mechanisms established in the island between 1994 and 2018, applying the analytical framework and research methods set out in previous chapters. The analysis moves chronologically through these mechanisms, beginning with the Zonal and All-Island Commissions and proceeding through the various commissions of inquiry and the institutions of the post-war period, culminating with the Office on Missing Persons and Office for Reparations. This structure allows me to trace how official narratives of victimhood were constructed across successive mechanisms and to evaluate their implications for post-settlement power relations and peacebuilding.

3.2. Background

Sri Lanka's internal armed conflict, which spanned nearly three decades, came to an end in May 2009 with the decisive military victory of the state's forces over the Liberation Tigers of Tamil Eelam (LTTE) armed insurgency (Ganguly, 2018; Uyangoda, 2010). The conflict's roots trace back to 1948, when Sri Lanka gained independence from the United Kingdom (UK), as the post-colonial years saw the Sinhalese ethnic majority institutionalise Sinhala-Buddhist nationalism into the state and its structures (DeVotta, 2007: 77; Rampton and Welikala, 2005). According to Goodhand (2010: 343), "Sinhala nationalism became an enduring and central feature of Sri Lanka's post-colonial political landscape and political elites periodically picked up the 'Sinhala nationalist baton' for the purposes of regime legitimisation and stabilisation".

The concentration of state power in Sinhalese hands resulted in the gradual marginalisation of the country's Tamil and Muslim minority groups, who experienced systematic ethnic, racial, linguistic, cultural, and religious discrimination over subsequent decades (Wilson, 2000; DeVotta, 2005). Between the early 1950s and the late 1970s, state policies were "aimed at securing the social and political dominance of the Sinhala Buddhists, expanding state control over economic activity, along with ongoing Sinhala colonisation in the Tamil and Muslim areas" (Rasaratnam, 2017: 177). In 1956, for example, the Government of Sri Lanka (GoSL) passed legislation making Sinhala the country's sole official language, threatening the linguistic and cultural rights of Tamils and Muslims (Coperahewa, 2009: 80). For DeVotta (2004: 114-117), the anti-Tamil climate promoted by the government during the 1950s heightened inter-

ethnic tensions, leading to violent riots in 1956 and 1958 against Tamil individuals and property, killing hundreds.

Following sustained discrimination and persecution, Sri Lankan Tamils, mainly situated in the island's Northern and Eastern areas, mobilised in favour of greater autonomy in these regions (Keethaponcalan, 2002: 922). When a new Constitution was adopted in 1972, making Sri Lanka a unitary state with Sinhala as the sole official language and Buddhism as the state religion, Tamil political representatives initiated calls for secession (Seoighe, 2017: 206). In 1976, they issued the Vaddukoddai Resolution, officially demanding the creation of a separate Tamil state for the first time. However, the government continued to oppose or ignore Tamil demands, and dozens of militant secessionist projects emerged towards the end of the decade as a result (Ibid: 207; Rasaratnam, 2017: 152). The government's introduction of the 1979 Prevention of Terrorism Act, which allowed security forces to arrest, imprison, and torture anyone deemed to be threatening to national security, contributed to the growth of youth insurgencies (DeVotta, 2005: 153; Clarance, 2007).

The LTTE soon became the strongest of these militant groups. In the early 1980s, LTTE rebels engaged in a campaign of political violence against Sinhalese soldiers and politicians, and against opposition Tamil voices (Somasundaram, 2010: 569; Brun, 2008: 420). The GoSL responded with violent repression and the militarisation of Tamil-dominated areas, generating a vicious cycle that eventually developed into a fully-fledged ethnic conflict in 1983 (Samaranayake, 2007: 176). In July of that year, the LTTE killed 13 Sri Lankan soldiers, triggering a week-long wave of violent anti-Tamil riots across the island, during which an

estimated 2,000 Tamils were killed and hundreds of thousands forced to flee the country (Ganguly, 2018: 81; Seoighe, 2017: 54). The 1983 pogrom, according to Bush (2003: 128), displayed "systematic patterns of organised violence in which government actors played a central role" (see also Bloom, 2003: 63).

The following three decades saw a brutal civil war unfold, marked by atrocities perpetrated by both state forces and the LTTE. These atrocities are well documented in the academic literature (Pararajasingham, 2019; Subramanian, 2014; Gaul, 2016; Bajoria, 2009), human rights reports (Amnesty International, 2009; Permanent People's Tribunal, 2014; UN, 2011, 2012; Human Rights Watch, 2008, 2009a, 2009b), and even documentaries (Channel 4, 2011, 2012).

During the ethnic conflict with the LTTE, the Sri Lankan state also faced two short-lived armed insurrections by the Marxist-Leninist group Janatha Vimukthi Peramuna (JVP). The JVP, a rural movement largely made up of Sinhalese youth, launched its first campaign to seize state power in April 1971 by attacking police stations in various parts of the island (Moore, 1993: 605-608). Whilst the group captured some towns and rural areas for several weeks, the rebellion was quickly and violently suppressed by state authorities (Venugopal, 2010: 568). The government reported the death of 1,200 insurgents, but unofficial reports place the death toll between 4,000-5,000 (Gunaratne, 1990: 92).

In 1987, the JVP "launched a second, far more violent and protracted armed insurgency which, for a brief period in early 1989, almost brought the government to its knees" (Venugopal, 2010: 568). After two years of a low-intensity conflict, state forces launched Operation Combine in

August 1989, which summarily cracked down on JVP rebels in a violent counterinsurgency campaign (Ibid.). By December 1989, the revolt had largely been defeated and the military had regained most captured territories. Between 35,000-60,000 JVP militants and sympathisers are reported to have been executed, including 20,000 cases of enforced disappearance (Watkins, 2005: 217; Moore, 1993: 593; Human Rights Watch, 1991). The JVP is held responsible for the death of over 6,000 people during the insurrection (Venugopal, 2010: 595).

Both of Sri Lanka's armed conflicts were characterised by high-intensity violence, which continuously ravaged the island and provoked a humanitarian catastrophe. By mid-2009, at least 100,000 people from all sides of the civil war had been killed (Arambewela and Arambewela, 2010: 365), including 40,000 Tamil civilians that the United Nations (UN) estimates perished in the final six months of the state's counterinsurgency campaign against the LTTE (UN, 2011: 41). These conflicts also triggered a mass exodus that would see more than one million Tamils flee Sri Lanka over three decades (Ganesh, 2020: 319).

3.3. Zonal Commissions of Inquiry (1994) and All-Island Commission of Inquiry (1998)

3.3.i. Overview

In the 1994 presidential election, Sri Lanka Freedom Party (SLFP) candidate Chandrika Kumaratunga defeated United National Party (UNP) candidate Srima Dissanayake. Shortly after taking power, President Kumaratunga set up three linked commissions of inquiry to investigate enforced disappearances across the island between 1988 and 1994 – a period when the UNP was in power (HRW, 2008a: 20). These commissions were established in the aftermath of the JVP's second insurrection and whilst the conflict with the LTTE was active.[1] They were responsible for the following provinces: i) Central, North-West, North-Central and Uva Provinces (hereafter Central Commission); ii) Northern and the Eastern Provinces (hereafter North-East Commission); and iii) Western, Southern, and Sabaragamuwa Provinces (hereafter Southern Commission). Their shared mandate was "to ascertain the truth of [disappearances] allegations, to recommend measures to prevent the occurrence of such alleged activities, and to take proceedings according to the law against any person or persons found to be responsible" in these regions between January 1988 and November 1994 (GoSL, 1995: 1A). Their final reports were published as Sessional Papers in 1997.

[1] Between 1991 and 1993, the GoSL announced the creation of four commissions of inquiry to investigate enforced disappearances (Lynch, 2023: 12-13). However, I found no evidence that these commissions were formally established or that investigations were conducted. They are therefore not included in the analysis.

When the mandate of the Zonal Commissions expired in 1998, President Kumaratunga established an All-Island Commission. This commission was designed to investigate 10,316 complaints that were "yet to be investigated and reported on" by the preceding commissions, under their same mandate (GoSL, 1998: 1A). Its final report was published in 2001.

3.3.ii. Genealogy

This section presents the findings of the genealogical analysis of the Zonal and All-Island Commissions of Inquiry, focusing on how these mechanisms constructed narratives of legitimate victimhood. It is guided by Dunn and Neumann's (2016) steps of discourse analysis set out in Chapter 2.3.: presupposition analysis, predicate analysis, subject positioning, and intertextuality. For each step, I examine a specific aspect of the four commissions' narratives, from their underlying assumptions to the descriptive language used, the roles and agency assigned to participants, and the broader socio-political forces shaping these narratives. Findings are presented as key themes. The full analysis with raw data of all of Sri Lanka's TJ mechanisms, including a more detailed and rich exploration of the four analytical steps, can be found in Appendix C.

Theme 1: Victimhood as partisan persecution under UNP rule

Owing to their mandated timeframe between 1988 and 1994, the commissions presupposed that disappearances were overwhelmingly perpetrated during UNP rule. This excluded earlier episodes of violence such as the 1983 anti-Tamil pogrom and the 1987 JVP uprising, both of

which produced thousands of disappearances (Venugopal, 2010; Ganguly, 2018). This temporal narrowing highlighted the UNP's response to the JVP's 1987-1989 insurrection, leaving out violations committed at other stages of the conflict.

The commissions framed disappearances primarily as acts of political persecution against the SLFP. The Central Commission (1997a: 5) concluded that "most of the victims were organizers of the [SLFP]", who were "branded as subversives, [members of the JVP], and their names given to the police and armed forces for elimination". The Southern Commission (1997: 35, Ch.4) similarly found that UNP politicians had provided security forces with the names of their political adversaries for execution. The All-Island Commission (2001: 10) established that nearly 700 of the disappearances it investigated were linked to opposition political activities, whilst the Southern Commission (1997: 7) noted that individuals were targeted "because he was a political activist", "because he was involved in and/or took the lead in strike (employee/trade union) action", "because he went to vote at the Provincial Council Elections", or "because another family member" was an activist.

Voices that complicated this framing, such as survivors affiliated to the UNP, were largely absent. Although the Southern Commission (1997: Ch.1) implied that some UNP affiliates had been targeted and disappeared by non-state groups, these accounts were not pursued further. In doing so, the commissions constructed disappearances as a partisan phenomenon, homogenising distinct contexts of JVP and LTTE violence into a single narrative of UNP-led political persecution.

Theme 2: The erasure of ethnic violence and Tamil suffering

The commissions also effaced the ethnic dimensions of violence. Their temporal limits excluded earlier abuses against Tamils, including over 680 disappearances attributed to security forces between 1984 and 1987 (Amnesty International, 1995: 9). Other omitted episodes rife with abuses against Tamils were 'Operation Liberation' and 'Operation Pawan' in 1987, when the Sri Lankan military sought to reclaim Jaffna from LTTE control (Fernández-Torné, 2017: 197).

Although the North-East Commission (1997: Ch.9) was mandated with investigating disappearances in Tamil-majority areas, it completed less than half the number of investigations carried out by the Central and Southern Commissions, citing difficulties accessing the region. The All-Island Commission (2001: Ch.I) followed a similar pattern: of the 10,316 cases it examined, less than 100 came from the North-East, with the majority originating from the Sinhala-majority districts of Kandy, Matale, Kurunegala, and Anuradhapura.

Privileging partisan disappearances in Sinhala-majority regions, the commissions silenced Tamil victimhood. Their narrative of violations prioritised political persecution under the UNP whilst obscuring the ethnic violence that had long defined Sri Lanka's armed conflict.

Theme 3: Innocent victims and systematic state brutality

The commissions depicted victims through evocative language that stressed innocence and vulnerability. Verbs such as "abducted", "removed", "dragged", and "disappeared" portrayed

them as passive subjects of violence (All-Island Commission, 2001: 6; Southern Commission, 1997: Ch.1; North-East Commission, 1998: 62). Victims were described as "young", "teacher", "activist", or "student", emphasising their moral worth and social embeddedness (Central Commission, 1997a: 5; Southern Commission, 1997: 6-7). The Southern Commission (1997: 7) noted that "the evidence suggested that [many] disappearances had been orchestrated by persons out of personal jealousy with the aid of paramilitary groups".

Perpetrators' actions, in contrast, were described in active and accusatory terms, including accounts that they "arrested", "tortured", "detained", and "killed" their victims (Central Commission, 1997a: 7; All-Island Commission, 2001: Ch.II; North-East Commission, 1998: 62). These tropes, imbued with agency and intent, were often paired with the adverbs "repeatedly" and "systematically" to emphasise mass cruelty (Central Commission, 1997b: II; All-Island Commission, 2001: 18-19). The Central Commission (1997a: 7) described how "1,000 persons were detained in this camp and systematically tortured before being taken away and killed". The All-Island Commission (2001: 6) documented a case where a man was "tied to the rear of a jeep and dragged along the streets of Katupotha town, before being shot dead and strung up on a tree at the market place for public exhibition". Such accounts constructed a narrative of systematic state brutality.

Relatives of the disappeared, particularly parents and spouses, were frequently positioned as truth-seekers and symbols of justice. The Southern Commission (1997: 7) echoed a mother's testimony of receiving threats "that her son will be 'lifted' because of the daughter's involvement with the SLFP". Such testimonies humanised victims and bolstered the moral authority of

families in seeking justice. Women and children were also portrayed as collateral victims, harmed due to their relational ties to male relatives (Southern Commission, 1997: 6, 125), which reproduced a narrative built on traditional gender roles rather than recognising them as political agents in their own right.

The commissions further documented how state institutions "denied", "concealed", or "refused" to cooperate with investigations (Southern Commission, 1997: 6; North-East Commission, 1997: 62). According to the North-East Commission (Ibid.), "the fact is that [the] Army arrested people in large numbers (…). It was no use denying that they have nothing to do with these arrests". All four commissions recommended "vigorous prosecutions" (Southern Commission, 1997: 175) and even produced lists of named perpetrators, all of whom were either security personnel or UNP politicians (Central Commission, 1997b: Ch.IV; North-East Commission, 1997: Annexure E). This selective framing prioritised state violence over insurgent violence, which reduced the conflict's complexity to state-sponsored disappearances. Perpetrators themselves were not given a platform to contest these accusations, which positioned state actors as embodiments of systemic abuse and impunity.

Intertextuality

Disappearances were a major theme in electoral politics throughout the 1990s, and appear to have heavily influenced the design and implementation of the commissions. Kumarage (2005: 118) notes that the SLFP's campaign against disappearances became a political strategy to defeat the UNP in the 1994 and 1999 presidential elections. As shown above, the four

commissions repeatedly found the UNP unambiguously responsible – in action and omission – for the systemic perpetration of disappearances, calling for "severe disciplinary punishment to government officials who have failed to take adequate measures to prevent disappearances" (Southern Commission, 1997: 14). Their finding that most victims were targeted for their opposition to the UNP government crafted a narrative of disappearances as a quasi-genocidal campaign against the SLFP, lending support to Kumaratunga's political agenda. Once in power, these investigations served to project an image of accountability that also allowed Kumaratunga to distance herself from ongoing abuses. Interestingly, Pinto-Jayawardena (2010: 82) found that "Commissioners were directed by a senior Government Minister to refrain from inquiring into contemporaneous violations", which offers compelling testimony of Kumaratunga's intention to evade accountability for disappearances during her tenure.

The reception of these narratives varied across audiences. For victims' relatives, the acknowledgment of systemic abuses may have provided a measure of truth and validation. However, the work of the commissions led to few prosecutions and reparations, which fostered disillusionment among families of the disappeared (Fernando, 1997: 17; Pinto-Jayawardena, 2010: 91). State actors, particularly the police and army, viewed the commissions with scepticism and hostility, perceiving the narratives as undermining their legitimacy and operational autonomy (Asian Human Rights Commission, 1997: 17). The commissions themselves stated that their findings were met with denials and accusations of bias from state institutions. Accountability itself became contested terrain, as "law enforcement officers [implicated in violations] could claim that they have been unfairly treated if the politicians who

were architects of the policy that caused these disappearances are immune to criminal liability" (Asian Human Rights Commission, 1997: 17).

International human rights norms and advocacy conceivably also contributed to shaping the commissions' narratives. The 1990s marked a period of heightened global attention to TJ, with mechanisms such as truth commissions gaining prominence as tools for reconciliation. The Zonal and All-Island Commissions incorporated the language of human rights protection and promotion throughout their reports, including recommendations for human rights training for security forces (Central Commission, 1998: 68; Southern Commission, 1998: Ch.8; North-East Commission, 1998: 63). This indicates an alignment with emerging international norms. Such efforts legitimised the commissions in the eyes of international observers and advocacy groups, who welcomed their acknowledgement of violations as a positive step towards accountability (UN, 1999). This temporarily bolstered Kumaratunga's claims to moral and political leadership (Lynch, 2023: 13).

Synthesis – Genealogy

The genealogy of the four commissions' victim narratives suggests that these truth-seeking mechanisms were deployed by the SLFP government as partisan instruments to exercise selective accountability and vilify state actors during UNP rule. They were designed to craft a specific account of the conflicts with the LTTE and the JVP – one overwhelmingly characterised by systematic state-sponsored disappearances. Whilst three of the commissions did attribute responsibility for violations to insurgent groups, their narratives emphasised the UNP's brutal

prosecution of SLFP political opponents. This focus on the partisan dimensions of disappearances, coupled with the erasure of ethnicity from its account of violence, hints at President Kumaratunga's political motivations for establishing these mechanisms and questions the extent to which they were devised to provide meaningful redress to those affected by Sri Lanka's armed conflicts. The geographic imbalance in investigations, with significantly fewer cases examined in Tamil-majority regions, also shows how these mechanisms were co-opted to amplify grievances that supported Kumaratunga's electoral agenda. This construction of politically charged narratives of victimhood ultimately diluted the commissions' credibility as drivers of truth and accountability, exposing them as instruments utilised by Kumaratunga to consolidate the SLFP's power.

3.3.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

This section examines the implications of the Zonal and All-Island Commissions' narratives of victimhood for post-settlement[2] power relations and peacebuilding processes in Sri Lanka. Building on the genealogy, the post-structuralist analysis focuses on the productive power of discourse to map how narratives of victimhood can legitimise or delegitimise certain groups, identities, ideologies, and practices; perpetuate or challenge power relations; and shape the

[2] In using the term 'post-settlement', I do not imply that Sri Lanka's conflict reached a settlement in the 1990s. Even though the JVP had been defeated by 1989, the conflict with the LTTE was at full swing when the Zonal Commissions undertook their investigations. As I explained in the Introduction and Methodology, TJ mechanisms are often established during wartime to address specific grievances or abuses, and not simply in post-conflict contexts (Loyle and Binningsbø, 2017). I thus use the term 'post-settlement' to describe the socio-political order that emerges or persists following the establishment of a TJ mechanism, rather than to denote a cessation of hostilities.

prospects of sustainable peace. My goal here is to understand the parameters of possible action created and naturalised by victim narratives, tracing how specific courses of action and relations of domination emerge from these conditions of possibility.

The discussion is organised around two thematic areas: power relations and peacebuilding. I draw from secondary research on Sri Lanka, looking to ground the discussion in the material realities of the conflict and transitional landscape. The analysis contributes to understanding the role of TJ as a technology of governmentality, shaping both the possibilities and limitations of justice, peace, and societal transformation in transitional and post-settlement societies.

Power Relations

The Zonal and All-Island Commissions promoted a heavily one-sided narrative of victimhood. These mechanisms underscored and re-emphasised the responsibility of state actors for enforced disappearances between 1988 and 1994, despite not giving alleged perpetrators a platform from which to speak. They also framed victimhood primarily in terms of political affiliation, whilst positioning victims and their relatives as beacons in the pursuit of justice. These active choices appeared to support the SLFP's electoral strategy to delegitimise the UNP and consolidate its hold of state power. The commissions' narrative, which juxtaposed innocent and vulnerable SLFP victims against cruel state forces and UNP politicians, sought to portray victims as political martyrs unjustly targeted by an oppressive regime. This positioned the SLFP as a victimised collective, elevating the party's moral and political platform whilst simultaneously undermining the UNP's reputation. The phenomenon of disappearances was framed as

emblematic of UNP abuses, which legitimised demands for accountability and reparations from survivors and victims' relatives as much as from SLFP politicians and sympathisers.

This suggests that the commissions were co-opted by the Kumaratunga administration to punish the preceding UNP government for abuses. In doing so, Kumaratunga advanced an order whereby the UNP and its leadership would be delegitimised and marginalised in Sri Lanka's transitional and post-settlement political life. The publication of the commissions' findings appears to have contributed to the erosion of public trust in both the UNP and state institutions, particularly the police and the military (Fernández-Torné, 2019: 75). The commissions' repeated calls for reform and human rights training within state forces created the discursive space for these institutions to be reintegrated into the post-settlement, but only following substantial transformations. These recommendations shored up Kumaratunga's political objectives and positioned her administration at the forefront of justice and accountability.

Significantly, the intertwinement of the commissions' mandate and findings with Kumaratunga's reformist agenda contributed to the SLFP's victory over the UNP in the 1994 and 1999 presidential elections. Fernández-Torné (2017: 220-221) notes that Kumaratunga's key campaign promise in 1994 was to appoint a commission of inquiry into disappearances and pay compensation to affected families, which "became the central issue in the November 1994 Presidential elections". Kumarage (2005: 118) similarly claims that the commissions' findings were strategically deployed throughout Kumaratunga's re-election campaign in 1999, a year after the publication of the Zonal Commissions' reports. The commissions therefore sustained and naturalised the SLFP's platform of government accountability.

The commissions' findings did create an opening for meaningful justice and reform. Collectively, they identified over 2,000 suspected perpetrators, and criminal proceedings were initiated against 597 members of security forces as a result (HRW, 2008a: 22). A 1996 presidential directive ordered 200 armed forces personnel identified by the commissions to be placed on compulsory leave, and a Court of Appeal decision later upheld the interdiction of police officers named in the reports (Fernández-Torné, 2017: 223; Pinto-Jayawardena, 2010: 95). The government also implemented the commissions' recommendation to create a special unit to investigate and prosecute those responsible for disappearances, leading to the establishment of the Disappearances Investigation Unit of the Police in 1997 and the Missing Persons Unit of the Attorney General's Department in 1998. These measures demonstrate the materiality of the commissions' narratives, which directly informed several state actions and activated judicial processes against hundreds of individuals implicated in disappearances.

However, the tangible outcomes of these recommendations were limited owing to a lack of sustained political will and follow-through. The All-Island Commission referred 16,305 complaints to the Sri Lankan Human Rights Commission, which eventually identified 2,127 violations for further investigation (USIP, 2010). Yet, in 2006, the Human Rights Commission announced that it would not proceed with these inquiries "unless special directions are received from the Government" (Ibid.). Very few of the cases initiated based on the commissions' findings proceeded to trial, and only a small number of low-ranking officers were convicted (HRW, 2008a: 9; USIP, 2010). No UNP politician identified by the commissions as guilty was ever indicted or convicted.

Likewise, the lack of meaningful institutional reforms within state forces following the reports' publication further constrained their practical impact and their potential to prevent future abuses (Ibid.). According to Pinto-Jayawardena (2010: 89), Kumaratunga's initial commitment to addressing rights violations dissipated as the conflict with the LTTE escalated and new patterns of enforced disappearances and extrajudicial executions emerged. This perpetuated a culture of impunity, as many of the alleged perpetrators identified by the commissions continued to serve in security forces and political institutions (Fernández-Torné, 2017: 247).

The commissions' emphasis on state culpability and institutional failure contributed to reshaping the boundaries of legitimate participation in post-settlement governance. The delegitimisation of the UNP and its political figures narrowed the scope for cross-party collaboration and inclusive governance, even as the UNP remained a strong legislative force during Kumaratunga's presidency. At the same time, calls for institutional reform and accountability created sound conditions for justice but failed to dismantle entrenched hierarchies. Instead, the persistence of impunity and the retention of alleged perpetrators of gross violations within state indstitutions reproduced systemic inequalities and deepened public mistrust in the state (Pinto-Jayawardena, 2010: 91). These dynamics left structural power configurations largely intact despite changes in rhetoric and leadership. This suggests that although the commissions helped to restructure aspects of Sri Lanka's socio-political order and knowledge structures through the victim narratives they institutionalised, they failed to dismantle underlying power structures that perpetuated impunity.

Peacebuilding

The narratives of victimhood constructed by the Zonal and All-Island Commissions also had important implications for Sri Lanka's peacebuilding efforts in the 1990s. They helped structure the parameters of acceptable practices, policies, and discourses associated to peace and reconciliation, including the roles of various actors in such processes. This fundamentally shaped how justice was understood and actioned.

The commissions' recommendations, which included financial compensation for victims' relatives, prosecutions of those responsible for disappearances, and institutional reforms, reflected a retributive approach to justice. Even though their efforts to prevent future state abuses were well grounded in the principles of accountability and non-repetition, this retributive framing closed the discursive space for alternative approaches to justice and reconciliation. These include approaches that might have focused on restoring the relationship between the state – including the security forces – and society; searching for the bodies of the disappeared; fostering inter-ethnic and inter-communal dialogue; or addressing the structural causes of violence. In this sense, the commissions' selective and politically motivated account of victimhood represented a missed opportunity for inclusive reconciliation and transformative peacebuilding.

Their victim narratives did, however, legitimise the demands of victims' relatives for justice. The commissions recognised the suffering of relatives and recommended compensation, whilst also providing a degree of truth over the fate of their loved ones. There is evidence that

reparations were paid to some relatives "on the basis of complaints made to the Commissions" (Fernández-Torné, 2017: 270). This recognition may have alleviated some grievances among relatives of the disappeared, though the limited implementation of recommendations eventually reinforced mistrust in the state among victims (Assefa, 2001).

Despite these positive steps, the commissions' narrow understanding of victimhood excluded thousands of individuals affected by conflict-related violence beyond enforced disappearances. It also disregarded the relatives of those who went missing before 1988 or after 1994. This selectivity deepened societal divisions and left many affected individuals and communities feeling alienated from the TJ process. As Wettimuny (2024: 74) contends, many Tamils "saw themselves as legitimate victims deliberately marginalised", which made unaddressed narratives of victimhood "crucial to the continuation of armed conflict between the state and Tamil militants" during the late 1990s and early 2000s. Moreover, the persistence of impunity following the commissions' findings and recommendations exacerbated the grievances of survivors, victims' relatives, and civil society, which further undermined state-society relations and may have also contributed to renewed cycles of conflict (Pinto-Jayawardena, 2010: 91).

The partisan agendas that permeated the work of the commissions further diminished the potential of these mechanisms to promote inclusive peacebuilding. The unambiguous attribution of systemic violence to state forces and UNP politicians promoted their vilification as brutal perpetrators, effectively constraining their participation in reconciliation initiatives. This narrative aggravated the mistrust of affected communities towards the state, particularly in Tamil-majority areas, where decades of structural and direct violence had already eroded trust

in state institutions (DeVotta, 2005: 142). Although the commissions' emphasis on state culpability was important for accountability, it failed to create pathways for dialogue or joint action between affected communities and state actors. Opportunities for constructive engagement were severely limited, and no reconciliation initiatives requiring cooperation between these groups appear to have been implemented during the late 1990s or early 2000s. This lack of restorative engagement undermined the commissions' ability to foster grassroots reconciliation, which may help to explain why "no significant social mobilization" followed the publication of their reports (Bakiner, 2016: 162).

Additionally, the omission of ethnic dynamics and socio-economic inequalities from the commissions' narratives drew attention away from the root causes of violence. Because the commissions focused exclusively on disappearances, they discounted the structural dimensions of this and other forms of violence and failed to address systemic factors propelling the conflicts with the JVP and LTTE. The commissions' homogenisation of all disappearances into a single narrative, neglecting the distinct socio-political contexts and conflict dynamics with these two insurgencies, ultimately weakened their contribution to meaningful peace. Their failure to distinguish between fundamentally different contexts obscured the unique drivers of each conflict, from anti-state insurgency to ethnic separatism, and closed the discursive space for targeted peacebuilding strategies. These selective framings narrowed the scope of peacebuilding to reactive measures rather than proactive transformation, which sidelined opportunities for inter-ethnic reconciliation and preserved patterns of exclusion. It is plausible that the commissions' failure to recognise and address the structural causes of violence, particularly its

ethnic dimension, contributed to the continuation and intensification of the war with the LTTE during the early 1990s and early 2000s.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis of the Zonal and All-Island Commissions shows how their victim narratives helped draw the boundaries of legitimate policies, practices, and socio-political order as the state sought to come to terms with the legacy of enforced disappearances during the 1990s. The commissions articulated normative frameworks that validated the suffering of SLFP affiliates victims of disappearance and their relatives, whilst delegitimising UNP politicians and security forces as perpetrators. They also positioned Kumaratunga's administration as a champion of justice in the public imaginary and supported her electoral success, even as they obscured the regime's responsibility for ongoing abuses. Although the commissions enabled some transformative practices, such as prosecutions, institutional reform, and reparations, their limited implementation and narrow focus on retributive justice ultimately sustained exclusionary power structures and impeded more inclusive approaches to reconciliation. The selective amplification of certain experiences of violence, paired with the silencing of ethnic and socio-economic grievances, perpetuated intercommunal tensions, entrenched political divisions, and constrained prospects for more inclusive governance. The absence of structural understandings of violence further limited the commissions' capacity to elicit peacebuilding interventions that could address the root causes of conflict. These limitations may help explain the recurrence and intensification of violence in Sri Lanka after their work concluded.

3.4. Presidential Truth Commission on Ethnic Violence (2001)

3.4.i. Overview

In August 2001, two years after her re-election, President Kumaratunga established the Presidential Truth Commission on Ethnic Violence. Modelled on South Africa's Truth and Reconciliation Commission, it was introduced against the backdrop of renewed peace efforts, including a formal peace process between the government and the LTTE and a Norwegian-brokered ceasefire agreement signed in February 2002. The Commission's mandate was to investigate gross human rights violations and damage to property committed as part of the ethnic violence between 1981 and 1984, "with special reference to the period of July 1983, including the circumstances which led to such violence" (Presidential Truth Commission on Ethnic Violence, 2003: 8). It was also tasked with inquiring "whether any group or institution was directly or indirectly responsible for such violence"; "the nature and extent of the damage, both physical and mental, suffered by the victims of such ethnic violence"; and "what compensation or solatium should be granted to such victims or to their dependents or heirs" (Ibid.). Its final report was published in April 2003.

3.4.ii. Genealogy

Theme 1: Tamil victimhood as the moral centre of ethnic violence

The 2001 Commission's mandate extended the temporal scope of previous inquiries and centred on the July 1983 pogrom – a defining episode of ethnic violence in Sri Lanka (Bush, 2003: 128).

In addition to the 1983 pogrom, its inquiries also encompassed the burning of the Jaffna Public Library in 1981 and the killing of Tamil prisoners at Welikada Prison – all episodes of mass violence by Sinhalese against Tamils. It also noted earlier violent incidents in 1958, 1977, and 1981, situating Tamil suffering within a longer pattern of subjugation and discrimination. The Commission argued that these experiences made Tamils "feel they are not wanted, as they are second class citizens" (Presidential Truth Commission on Ethnic Violence, 2003: 74).

The report described violence against Tamils in vivid and emotive terms. It referred to the "horrors suffered", "brutality", "ruthlessness" and "inhuman atrocities" that characterised such episodes of ethnic violence (Ibid.: 36-40, 82-84). It also concluded that "the violations of human rights directed against the Tamils were unquestionably the worst in Sri Lanka's modern history" (Ibid.: 36). Victims were often depicted as "innocent", "unarmed", and "helpless" (Ibid.: 38, 61), which emphasised their vulnerability and fixed Tamil suffering as the epicentre of the Commission's account.

The Commission also accounted for the suffering of Sinhala and Muslim communities. It documented Sinhalese victims of LTTE attacks and of reprisals for protecting Tamils (Ibid.: 22, 39-42), and acknowledged that "nearly 75,000 [Muslims] were driven out of the North overnight by the LTTE" in 1990 (Ibid.: 31). Still, it relegated Muslim experiences to a peripheral position, arguing that the conflict alienated "the two major communities and also to some extent the Muslim community" (Ibid.: 74). This phrasing advanced a hierarchy of victimhood that privileged Tamil and Sinhalese experiences of conflict.

Theme 2: State responsibility and the targeted critique of the UNP

The Commission highlighted successive governments' discrimination against Tamils, noting "the failure on the part of the ruling parties to understand the genuine grievances of the Tamil people" (Ibid.: 81). It pointed to restrictions on voting rights and other oppressive legislation (Ibid.: 18), but was particularly vigorous in its criticism of the UNP government under J.R. Jayewardene. Indeed, the Commission's temporal focus between 1981 and 1984, during which Jayewardene was in power, meant that its inquiry concentrated only on abuses perpetrated under his administration.

The report held the state responsible "for both acts of omissions and commissions, in the run up to the events that resulted in the communal conflagration of July 1983" (Ibid.: 37). It found that sections of government were complicit in "teaching the Tamils a lesson for the terrorism in the North" (Ibid.) and condemned the UNP for "gross negligence in failing to appeal to the people for restraint, peace and calm" (Ibid.: 37-39). It also accused the party of a "clear attempt … to rig the [Council] elections" in 1981 (Ibid.: 24), and criticised it as the only party, "out of 49 parties in the country (…) which says that we must have a military solution" to the violence (Ibid.: 80).

Blame was also extended to Sinhalese civilians, Tamil leaders, and Tamil militants. The Commission accused Tamil politicians of delivering "inflammatory" speeches that "contributed to the spread of violence against the Tamils in many parts of the island" (Ibid.: 19-20) and described Tamil militancy as "political extremism" responsible for widespread loss of life

(Ibid.: 19, 22). It also noted the role of Sinhalese civilians in perpetrating violence against Tamils (Ibid.: 14-15, 38). But despite this wider attribution of blame, the narrative ultimately centred on UNP culpability. Yet, no specific perpetrators were named or included in its hearings, and the report did not recommend retrospective prosecutions.

Theme 3: Tamil militancy as reaction, not political struggle

The Commission constructed Tamil militancy as a reactionary force, shaped more by government failures than by political or ideological convictions. Insurgent Tamil youth were described as justified in their frustration, since they "would naturally see nothing to hope for from the Government" (Ibid.: 27). Militancy was thus framed as a reaction instead of an ideology, as seen in the claim that "Bereft of any meaningful solution to the Tamil problems, Tamil militancy grew fiercely" (Ibid.: 22).

However, the Commission drew a moral and political boundary at terrorism, marking a discursive shift from rational, justified frustration to illegitimate extremism the moment Tamil youth "embarked on their object of a separate state" (Ibid.: 29). Through this positioning of Tamil militants, the Commission explained the roots of Tamil armed resistance without legitimising or justifying it. Militancy was repeatedly labelled "terrorism" (Ibid.: 14, 22, 34), whilst state-sponsored atrocities were not described in equivalent legal or moral terms. The Commission also claimed that Tamil youth "continued to perceive post-independence governance as being directed against them" (Ibid.: 20), implying that discrimination may have been more perceived than real.

The report further avoided describing the conflict as an armed conflict or civil war. Instead, it used terms such as “ethnic question”, “Tamil problem”, “troubles”, and “civil disorder” (Ibid.: 22, 29, 33, 37). This euphemistic rhetorical choice downplayed the militarised and systematic nature of the violence, casting the conflict as a governance issue more than a structured confrontation between state and non-state forces.

Theme 4: Reconciliation through symbolic appeasement

The Commission presupposed that reconciliation could be achieved through truth-seeking, forgiveness, and financial compensation. It called for a “new era of ethnic reconciliation and national unity” (Ibid.: 93) and urged reparations to victims, alongside aspirational appeals for pluralism and equality. It recommended that “ethnic amity be fostered with due regard and recognition for pluralism and diversity” (Ibid.: 93) and that the government should “represent the entire population and afford equal protection to all, not only to the Sinhalese majority” (Ibid.: 87).

However, these calls were not matched by proposals for structural reform or retrospective prosecutions. The only reference to accountability was that perpetrators should face justice “whenever any ethnic violence occurs in the future” (Ibid.: 94). Far from recommending concrete steps to resolve ethnic grievances, the Commission called for each side to acknowledge wrongdoing, “not merely to justify what the Sinhalese have done to the Tamils or the Tamils have done to the Sinhalese” but to admit “yes, we have made mistakes, we have wronged the

other side" (Ibid.: 74-75). In reducing redress to mutual acknowledgement and monetary compensation, the Commission advanced a narrow vision of reconciliation in which financial reparations and rhetorical commitments could substitute accountability or meaningful institutional transformation.

Intertextuality

Following increased international scrutiny of state violence in Sri Lanka, the Commission's appointment seemed to respond to calls for a meaningful reckoning with past atrocities (Sri Lanka Campaign, 2023: 25). However, its arbitrary temporal mandate (1981-1984) prevented a more complete engagement with the past by excluding ethnic violence between 1984-2001. This is significant because "the Commission was established against the landscape of a reenergized war effort and was only addressing a four-year slice of a conflict that both predated and postdated the time period under inquiry" (Anonymous, 2011: 39). Its limited scope deflected accountability for violations committed under the Commission's architect, President Kumaratunga, whilst sustaining a narrative that privileged past government failures over contemporary state violence. It is paradoxical, then, that the Commission's call for inter-ethnic reconciliation and pluralism was issued in the context of intensified conflict with the LTTE and the growing militarisation of Tamil-majority areas. The report was in turn perceived as a "disconnected and disingenuous" truth-seeking effort in the eyes of many Sri Lankans (Ibid.).

Indeed, its publication was met with widespread scepticism at home and abroad. Critics noted that the establishment of the Commission responded to external pressure for the government to

address abuses, but that it ultimately served Kumaratunga to "buy time against international censure and undermine the systems of accountability" (Sri Lanka Campaign, 2023: 25). For Tamils inside and outside Sri Lanka, the report validated long-standing grievances and was viewed as a "useful historical record", but was ultimately regarded as "a weary account of familiar events rather than a spiritedly motivated investigation that may have acted as a catalyst to bringing about institutional and attitudinal change" (Tamil Guardian, 2014). The Commission's lack of accountability mechanisms perpetuated a sense of injustice and marginalisation among Tamil communities, galvanising demands for international investigations and prosecutions (Akilan and Ravichandradeva, 2023).

The Commission's narrative challenged the Jayewardene government's account that the July 1983 riots were a spontaneous, and hence legitimate, backlash over the killing of 13 Sinhala soldiers by the LTTE (Krishna, 1996: 314). It determined the government's complicity in orchestrating the pogrom, arguing that this episode constituted a systematic act of collective punishment against Tamils for LTTE violence. At face value, its work was presented as an introspective exercise compelling the Sri Lankan state to confront its own role in perpetrating and enabling violence, similar to what earlier truth-seeking mechanisms had sought to achieve.

Yet, and much like the preceding commissions, the report's sustained critique of the Jayewardene administration raised concerns of political bias among its audience. Many viewed the Commission as a targeted attack on Kumaratunga's political opponents more than a genuine attempt at national reconciliation, particularly owing to its refusal to name or include alleged perpetrators in its hearings (Sri Lanka Campaign, 2023: 24; Sunday Times, 2001). The

Commission's appointment was seen as "a hollow exercise", visibly "motivated by narrow political gain" (Sunday Times, 2001). Perceptions about the Commission's partisanship generated scepticism about its credibility, particularly among human rights groups, civil society organisations, and international observers, who viewed it as yet another "inert, toothless mechanism" (Sri Lanka Campaign, 2023: 25).

Synthesis – Genealogy

The genealogy suggests that the 2001 Commission marked an important shift in Sri Lanka's TJ landscape. It reworked the narrative of victimhood of previous mechanisms by producing the first account of ethnic conflict in the island – one marked by long-standing historical grievances, victims across all sectors of society, and widespread atrocities against minorities by state and non-state actors. Its comprehensive reading of the historical context surrounding ethnic tensions and violence between 1981 and 1984 fostered a seemingly balanced narrative of victimhood and blame. Indeed, it recognised the suffering of Tamil, Sinhala, and Muslim communities, as well as the responsibility for abuses by state forces, Sinhalese civilians, government officials, and Tamil militants and politicians. However, its work was marred by political and temporal limitations. The narrow focus on 1981-1984 centred blame on Jayewardene's UNP government whilst sidelining abuses under Kumaratunga. And, although the disproportionate suffering of Tamils was recognised, the report reduced Tamil structural victimhood to perception, governance failures, and communication. This reinterpreted Tamil militancy as a reaction to state incompetence rather than a political struggle against systemic oppression and for self-determination. The above, added to a lack of prosecutorial recommendations and limited

recognition of individual victims, weakened the Commission's call for comprehensive redress and accountability.

3.4.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The victim narrative institutionalised by the 2001 Commission played an important role in shaping post-settlement power dynamics. Although the report acknowledged state complicity in ethnic violence and broadened the scope of inquiry beyond disappearances, its political imperatives and selective timeframe, in addition to its inability to elicit prosecutions, ultimately sustained deep-rooted systems of state power.

One of the Commission's key contributions was its acknowledgement of structural injustices experienced by Tamils in post-independence Sri Lanka. The report brought to the fore the socio-political and economic alienation of Tamils, tracing its roots to persistent discriminatory practices and despotic legislation. It issued a strong criticism of successive UNP governments and their role in fuelling Tamil militancy, by both neglecting Tamil grievances and brutally repressing the insurgency at its early stages. These were, on a deeper level, objections in relation to the very foundations of the Sri Lankan state, which the Commission implied had been captured by Sinhalese nationalist interests at the expense of the equitable treatment and representation of minorities.

However, that the Commission was not designed to recommend prosecutions, and that no attempt was made to conduct criminal investigations (Pinto Jayawardena, 2010: 97-98), casts doubt over the government's commitment to advancing justice and accountability. Whilst the Commission did enable some redress measures, concrete outcomes following the report's publication were limited: reparations of USD$750 were paid to 937 victims identified, and an official apology was issued by Kumaratunga for the 1983 pogrom, which was widely dismissed across Sri Lanka as "empty" and "performative" (Kumara, 2004). The government's failure to pursue accountability and implement the Commission's recommendations, including legal and institutional reforms, preserved impunity and allowed Sinhala-Buddhist state dominance to remain substantively intact, despite the Commission's discursive challenge. The report's sweeping recommendations for structural reform justified state inaction and allowed the government to display a commitment to reconciliation without pursuing meaningful transformations, such as devolution or power-sharing concessions. This perpetuated the influence of Sinhala nationalist actors in post-settlement governance, helping to cement a majoritarian socio-political order throughout the early 2000s (Sahadevan, 2024: 100).

The above, alongside the report's efforts to implicate Jayewardene's government in abuses, suggests that this Commission, too, was a politically motivated exercise. Beyond broad state blame, the report carried forward the narrative of UNP blame initiated by the Zonal and All-Island Commissions. In both design and implementation, the Commission's narrative served to tarnish the reputation of the UNP, which would have supported the SLFP's efforts to consolidate its hold of government power and legitimise its own position in the ongoing war. The report can

be interpreted as an effort by Kumaratunga to uphold a political order that further delegitimised the UNP and its politicians over their role in mass atrocity, whilst avoiding legal precedents that could eventually threaten her administration. Given the timing of the publication of the Commission's final report (April 2003), it is conceivable that its deployment contributed to the SLFP's continued electoral success, including the coalition's victory in the 2004 parliamentary elections and Mahinda Rajapaksa's narrow victory in the 2005 presidential elections.

Lastly, the Commission's classification of violence as an ethnic 'problem' or 'question' carried important power-political implications domestically and internationally. This framing reflected the Sri Lankan state's continued reluctance to accept its responsibilities under International Humanitarian Law (IHL), particularly regarding state-perpetrated violence, civilian protection, and accountability under the Geneva Conventions (Amnesty International, 2007). It also promoted the idea that Tamil separatism, though a natural reaction to governance failures, did not justify Tamil militancy, which it disqualified as terrorism (Nadarajah & Sriskandarajah, 2005: 89). Although the Commission condemned successive governments for perpetrating and enabling violence, the asymmetrical framing of state and non-state violence naturalised state authority as a legitimate force responding to disorder. These tropes also undermined Tamil political agency and resistance, reducing Tamil claims to mere grievances rather than to legitimate political demands. This logic contributed to the international marginalisation of Tamil political actors. For example, LTTE representatives were excluded from a 2003 Sri Lanka donor conference in Washington because they were designated a 'foreign terrorist organisation', despite ongoing peace negotiations (Rudrakumaran, 2005).

Peacebuilding

One of the Commission's key objectives was to promote national unity and reconciliation. It sought to achieve this by acknowledging Tamil grievances, recommending compensation payments for victims, and advocating socio-political transformations that could give rise to a new era of peaceful inter-ethnic relations. However, its failure to deliver meaningful justice and induce structural reforms, combined with its legitimisation of state violence and production of victim hierarchies, tempered its peacebuilding potential. Ultimately, it propped up patterns of impunity, exclusion, and inter-ethnic friction.

For all its limitations, the Commission displayed a genuine intent to diminish ethnic animosities and nurture a shared national narrative for the future among Sri Lankans. Its revision of history situated various incidents of ethnic strife in a context of uneven power relations, highlighting the need for structural reform and institutional change. It advocated a post-settlement order built on equity, pluralism, and inclusion, as well as on a culture of respect for human rights from state and non-state actors alike. Embracing a balanced and complex narrative of victimhood, the Commission challenged the account of violence produced by the 1994-1998 mechanisms, which may have provided a dose of validation to Tamils and Muslims for their experiences of direct and structural violence. It also advanced well-meaning solutions to the underlying causes of conflict and injustice, though these took the form of aspirational rhetoric more than substantive or actionable steps towards reconciliation. Its acknowledgment of Tamil grievances and structural marginalisation may have helped create an enabling environment for the 2002 ceasefire and peace negotiations between the government and the LTTE.

The Commission's reliance on a symbolic model of justice was, nonetheless, a core limitation of its peacebuilding approach. Although it borrowed elements from restorative justice frameworks, such as historical reckoning and compensations, it was too weak in design and implementation to deliver any form of meaningful justice to those affected by ethnic violence. The Commission did not facilitate dialogue between victims and alleged perpetrators, nor did it establish structured truth-telling or accountability mechanisms. Its provisions for justice and redress were limited to reparations for a small number of victims, whilst structural issues remained unresolved. Although the report recognised the need for institutional reforms, it did not recommend actionable measures or establish clear safeguards against future ethnic violence. This meant that key minority grievances – including self-determination demands, uneven power distributions, systemic impunity, military occupation, and Sinhala-Buddhist hegemony – were not addressed (Sri Lanka Campaign, 2023: 25).

The Commission's contributions to peacebuilding were therefore largely performative, as they failed to disrupt the oppressive status quo that gave rise to ethnic violence. Once the peace negotiations collapsed in 2007, these contributions proved too shallow to counteract the re-escalation of violence. As Uyangoda (2007: 44) notes, the LTTE came to believe that "a negotiated political settlement is not possible until a new balance of power is established". These dynamics reinforced Tamil disillusionment with TJ and strained state-Tamil relations further (Tamil Guardian, 2014). They also resulted in the report having "minimal positive impact on public opinion" and ultimately contributed to the persistence of inter-ethnic tensions in Sri Lanka at the time (Ibid.).

Likewise, the Commission's avoidance of 'armed conflict' language in favour of a governance failure narrative affirmed perceptions of state violence as a legitimate and necessary response to civil disorder. Because Tamil separatism and militancy were cast as illegitimate reactions to misgovernance, the Commission's victim narrative justified the state's counterinsurgency against the LTTE over alternative courses of action, such as devolution or systemic reform. This framing sustained Sinhala-Buddhist state dominance and may have sown the seeds of the escalating military campaigns against the LTTE between 2005 and 2009, pursued under the guise of restoring national stability (Hashim, 2013: 185). In his 2005 election manifesto, newly elected President Mahinda Rajapaksa promised to solve Sri Lanka's "national question" – echoing the Commission's use of 'Tamil question' and 'ethnic question' – under a model that would protect "Sri Lanka's sovereignty, territorial integrity, [and] unitary nature of the state" (Rajapaksa, 2005). Whilst not an explicit call for military escalation, this commitment to unitarian principles would come to rationalise the military suppression of Tamil separatism, culminating in the defeat of the LTTE in 2009 (Seoighe, 2016b: 461).

Hierarchies of victimhood produced by the Commission further hampered its contribution to meaningful reconciliation. Although the report formulated a plural and complex victim narrative, Tamil suffering was the primary discursive focus in its account of ethnic violence. Sinhala victimhood was acknowledged but interpreted as secondary, and Muslim victimhood was framed as marginal. This emphasis on Tamil suffering lent credence to long-standing Tamil grievances, but simultaneously animated a competitive politics of victimhood that perpetuated inter-ethnic divisions. The Commission's relegation of Muslim – and to some extent Sinhalese

– suffering played into broader struggles over victim recognition in TJ at the time. Under Kumaratunga, Muslims felt excluded from dominant victim narratives and pushed for an inquiry into their own historical oppression (Haniffa, 2015: 12). Although Kumaratunga reportedly considered this proposal, it was abandoned because state officials insisted on having "the victimhood of the Sinhalese, such as the LTTE's expulsion of Sinhalese communities from Jaffna in the aftermath of the July 1983 riots, too reflected in the mandate of any such commission", a demand Muslim representatives rejected (Ibid.). Against this backdrop of contestation over legitimate victimhood, the Commission's victim hierarchies exacerbated communal antagonisms and political fragmentation, extending cycles of grievance-driven ethnic conflict (Wettimuny, 2024: 74).

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis suggests that the Commission's victim narrative created some openings for pluralism and justice by acknowledging structural injustices against Tamils and condemning the state's role in ethnic violence. But it also shows that the Commission ultimately failed to unsettle a status quo built on Sinhala-Buddhist majoritarianism. Its selective historical focus, lack of enforcement mechanisms, and inability to stimulate structural reforms entrenched impunity and insulated Kumaratunga's administration from formal accountability, despite growing criticism from civil society. The report's findings also delegitimised the UNP, contributing to a discursive environment that favoured the SLFP's electoral victories in 2004 and 2005. In framing violence as a product of poor governance rather than a struggle for self-determination, the Commission helped legitimise the state's authority and disqualify Tamil

political resistance as extremism. Though a well-meaning attempt to promote ethnic reconciliation, its symbolic and performative approach to justice – limited to modest reparations and an official apology – left core grievances unaddressed and heightened Tamil mistrust towards TJ mechanisms. Whilst pluralistic, its victim narrative elevated Tamil suffering at the expense of Sinhala and Muslim victimhood, which fed into competitive victimhood dynamics in a way that aggravated inter-ethnic tensions. Ultimately, the Commission upheld an oppressive socio-political order that perpetuated patterns of ethnic exclusion and contestation throughout the early 2000s, sustaining the dynamics that would later fuel renewed mass violence.

3.5. Committee on Disappearances in the Jaffna Region (2002)

3.5.i. Overview

In October 2002, the Sri Lankan Human Rights Commission appointed a special Committee on Disappearances in Jaffna, a Tamil-majority region in northern Sri Lanka. The Committee was tasked with inquiring into complaints "regarding disappearances and removal of persons from their residences in Jaffna, Kilinochchi and Vavuniya districts during the period 1990 to 1998" (Human Rights Commission, 2003: 9). Its final report was published in October 2003.

3.5.ii. Genealogy

Theme 1: Disappearances as systematic state violence and the recognition of armed conflict

The Committee presupposed that enforced disappearances in Jaffna were a systematic feature of the conflict. In privileging disappearances in this region, though, it invisibilised other forms and sites of violence prevalent between 1990 and 1998, including sexual violence, forced recruitment, killings where remains were found, displacement, and institutionalised discrimination (Subramanian, 2014; Clarance, 2007). Because disappearances were predominantly carried out by state forces (Hopgood, 2005: 44), this selective focus placed the burden of accountability primarily on the state whilst downplaying violations by non-state groups.

Unlike previous inquiries, the Committee explicitly recognised Sri Lanka's "protracted civil war" and affirmed that IHL "bind[s] all actors including the police, the armed services and the LTTE", all of whom had "flouted [these obligations] with impunity" (Human Rights Commission, 2003: 19, 44). This marked the first time a Sri Lankan TJ mechanism acknowledged the existence of an armed conflict, challenging earlier denialist frameworks and spotlighting ethnicity and unequal ethnic relations as the root causes of violence.

The Committee's portrayal of state forces gave weight to this recognition. It condemned the "brutalisation and corruption of state institutions", which "went to the extent of being actively involved in the most terrible crimes against citizens" (Ibid.: 19). The police were faulted for attempting to cover up abuses, and "systematically distort[ing]" investigations to conceal responsibility (Ibid.: 27). The report also spoke of "systematic deception" and "callous disregard for human life" (Ibid.: 39), framing state forces as morally nefarious and institutionally corrupt. In attributing chain-of-command responsibility to those "at the apex of the command structure" (Ibid.: 29), the Committee crystallised a narrative of systemic and deliberate state brutality.

Theme 2: Victims as innocent youth and families as enduring agents of justice

The Committee centred its narrative of victimhood on Tamil and Muslim civilians, particularly young men. Of the 281 cases investigated, 256 were Tamil and 25 Muslim; 84% were under 30 and the vast majority were male (Ibid.: 12, 18). The terms "abducted", "blindfolded", "raped", and "tortured" were used to portray victims' subjugation (Ibid.: 11, 21, 37-39). Descriptors such as "young", "sturdy", "innocent", or references to victims' occupation – "priest", "teacher",

"boutique owner", "mechanic" – further highlighted their blamelessness and civilian status (Ibid.: 22-25, 38, 52). The report's vivid accounts of victimisation, such as the case of a mother whose "two children (aged 3 months and 13 years) had been shot dead in cold blood" (Ibid.: 14), amplified the emotional resonance of the violence. These accounts enacted a narrative of passive and blameless civilian suffering.

The Committee expanded recognition to "the members of the family of, and others dependent on, the person who has disappeared" (Ibid.: 46). Relatives – mostly Tamil women – were portrayed as deeply vulnerable, left without breadwinners and in "need of social and economic rehabilitation" (Ibid.: 53), and as "courageous" in their relentless pursuit of justice despite institutional barriers (Ibid.: 17). These tropes positioned families as both victims in need of redress and agents of accountability, a shift from narrower definitions of harm in earlier TJ mechanisms. Payment of reparations was recommended to 288 relatives of the disappeared, most of whom were low-income Tamil females (Ibid.: Annex IV).

The Committee did not address cases where victims may have been politically active or affiliated with militant groups, which formulated a reductive binary between apolitical, civilian victims and politically motivated perpetrators.

Theme 3: Selective accountability and partial blame

The Committee's mandated temporal scope covered the first four years of Kumaratunga's presidency, making it the first TJ mechanism to investigate violations under an incumbent

administration. It identified 37 army officers and one LTTE cadre as perpetrators and recommended their prosecution (Ibid.: 18). Responsibility was framed institutionally within army and police hierarchies (Ibid.: 29).

The report constructed a dichotomy of responsibility, in which all Muslim disappearances were attributed to the LTTE, whilst state forces were held responsible for nearly all Tamil disappearances (Ibid.: 18). It depicted a climate of fear and suspicion that led state actors to carry out systematic disappearances of civilians. The Committee noted that "those with injuries seem to have been routinely picked up for disappearance on the suspicion that the victim could have been a battle-scarred LTTE combatant" (Ibid.: 23). It also described how civilians manipulated army personnel to "punish other local citizens on account of private disputes" (Ibid.: 22-23). Accounts of state brutality included victims with "marks such as cigarette burns, beatings, eye trouble and pain in the chest caused through suffocation caused by his head being covered with a bag with a little petrol in it" (Ibid.: 11).

Whilst the Committee denounced the "distortions" and "denials of responsibility" of security forces (Ibid.: 27, 35), it stopped short of linking abuses to government policy or Kumaratunga's administration. The result was a cautious and partial attribution of blame that emphasised institutional responsibility, and avoided the question of accountability at the political level.

Intertextuality

The Committee built on and challenged the work of earlier TJ mechanisms. It echoed some

findings and recommendations of previous truth-seeking mechanisms, but noted that the failure of successive governments to act on these recommendations had limited their impact (Ibid.: 31, 46). It also criticised the "slow" progress of prosecutions based on the findings of previous commissions of inquiry (Ibid.: 12). The Committee demanded "that effective action will be taken on [our] recommendations without undue delay" (Ibid). Although the Committee situated itself within a continuum of TJ discourses, its criticism of government inaction in relation to TJ recommendations displayed an attempt to frame its narratives as a corrective, and to distance itself from the shortcomings of previous mechanisms.

The Committee's recognition of a protracted armed conflict in Sri Lanka contrasted sharply with the denialism of prior TJ narratives. This unprecedented step can be interpreted as a deliberate response to growing international pressure from rights organisations and intergovernmental bodies calling for justice over ongoing abuses (see Amnesty International, 1997; UN, 1999). Importantly, the Committee was established shortly after the government and the LTTE agreed to a ceasefire in February 2002, and the start of formal peace negotiations in September (Nadarajah and Vimalarajah, 2008: 36). The timing of its establishment suggests that the emerging peace process and international expectations may have contributed to its recognition of conflict. Its attempt to hold both state forces and the LTTE accountable for abuses reflects an effort to bring TJ narratives closer to international norms, whilst supporting the delicate political dynamics of the early peace negotiations.

The period covered by the Committee (1990-1998) seems to counteract the 2001 Commission's temporal limitations and my critique of its political utility. Its focus on the first four years of

Kumaratunga's rule represented a significant stride towards inward-looking accountability. It indicated a willingness on the part of the government to address past wrongs. But unlike preceding TJ mechanisms, which often highlighted government culpability for the actions of security forces, the Committee avoided attributing blame to Kumaratunga's administration for abuses. It cemented a narrative built on institutional brutality by state forces and – to a lesser extent – the LTTE, refraining from linking abuses to those in office. This suggests that the Committee may have, like preceding TJ mechanisms, served Kumaratunga's administration for strategic legitimation and to avoid political or legal accountability.

Moreover, the Committee's limited mandate and its recommendation to prosecute just 38 individuals were seen by victim communities and rights groups as inadequate. It confirmed for many Sri Lankans that "the culture of impunity is very severe" and bolstered perceptions that TJ processes were little more than performative gestures (Ganesan, 2007). Internationally, the Committee's recognition of a protracted armed conflict and its invocation of IHL responded effectively to pressures from rights organisations and intergovernmental bodies, and its publication was received more positively. The UN, for instance, welcomed that the Committee "identified perpetrators by name, including a notorious army officer" (UN, 2011: 106).

Synthesis – Genealogy

The genealogy demonstrates that the Committee's narrative of victimhood simultaneously reproduced and disrupted those of prior TJ mechanisms. It expanded victim definitions to include indirect harms experienced by relatives of the disappeared, generating a more nuanced

understanding of victimisation. It also prolonged the time period of investigations to include violations perpetrated during Kumaratunga's administration – the first time a Sri Lankan TJ mechanism scrutinised abuses committed under an incumbent government. Victims were predominantly portrayed as young, innocent Tamil or Muslim men, and as grieving female relatives left behind. Using evocative and emotionally charged language, the Committee condemned state forces and, to a lesser extent, the LTTE as cruel perpetrators of violence. Significantly, its recognition of an armed conflict marked a departure from previous denialist approaches. Nevertheless, the Committee's work remained narrowly focused on disappearances in Jaffna between 1990-1998, which rendered other forms and sites of conflict-related violence invisible. Although investigations reached into Kumaratunga's tenure, the Committee avoided attributing blame to her administration, resulting in a narrative of responsibility that was cautious, partial, and politically convenient.

3.5.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The Committee cast disappearances in Jaffna as part of a deliberate and coordinated pattern of state violence. This account of institutional abuses and obstructionist conducts exposed how the state apparatus failed to prevent abuses, and also worked to suppress accountability. The naming of alleged perpetrators – including a senior army officer – represented a significant development in Sri Lanka's TJ landscape, legitimising demands for both criminal prosecutions and

institutional reform. Its findings therefore opened the discursive space for transforming oppressive power relations. Yet, none of these practices followed, and the government failed to take measures to tackle the institutional enablers of violence (UN, 2011: 106). In fact, the senior army officer named by the Committee was reportedly "serving at an even more powerful position in the military hierarchy" in 2009 (Pinto-Jayawardena, 2009: 196). This absence of follow-up measures suggests that political inaction, paired with institutional resistance, hindered the Committee's potential to disrupt the culture of impunity permeating state structures.

That the Committee extended investigations into Kumaratunga's presidency facilitated inward-looking accountability and a more comprehensive historical reckoning. However, the Committee drew a key distinction between institutional and political culpability in a way that previous TJ mechanisms had not. Whilst state forces were repeatedly denounced, no degree of responsibility was attributed to Kumaratunga's government. This separation shielded the administration from political and legal scrutiny, creating a selective politics of accountability that left the serving political leadership untouched. It also maintained Kumaratunga's legitimacy as a champion of justice and peace. Despite expanding the discursive space for a more inclusive political future, the Committee's strategic silences and uneven framing undermined its capacity to meaningfully challenge the status quo and elicit the structural transformations it called for.

The Committee's recognition of a protracted armed conflict also helped redistribute legitimacy. It brought the country's TJ discourse closer to international norms, which laid the groundwork for investigating abuses by domestic and international actors. It challenged narratives promoted

by some sectors of Sri Lankan society that framed the conflict as terrorism or incidental episodes of violence, and instead affirmed the structural and systemic nature of ethnic-based conflict. In doing so, the Committee legitimised minority grievances and historical memories, in turn opening up space for Tamil and Muslim communities to articulate claims to justice grounded in collective victimhood and systemic oppression. Although the LTTE's violence was unequivocally condemned, the Tamil struggle against state-sponsored discrimination was implicitly legitimised.

Still, the Committee's narrative fell short of confronting the deeper power structures that enabled such violence. Its failure to name Sinhala-Buddhist nationalism as a root cause of conflict, or to call out its entrenchment within the state, left the majoritarian infrastructure of state power intact. As such, the Committee did little to unsettle the uneven relations of domination that this infrastructure continued to reproduce. These deeper-level limitations were particularly significant against the backdrop of the peace process, which saw international donors pledge over USD$4.5 billion to support post-war reconstruction under a development-as-peace logic (Burke and Mulakala, 2005: 18). The Committee's reluctance to identify enduring power asymmetries as a conflict driver reproduced this discourse, and thus economic recovery became a legitimate substitute for political transformations – including power-sharing, federalism, demilitarisation, and constitutional reform – in the peace negotiations.

Peacebuilding

The Committee's extension of the victim definition to include relatives and dependants of the

disappeared was a notable development for peacebuilding. Unlike prior mechanisms, the Committee recognised the impact of disappearances on victims' social and economic networks, which offered some space for victimised communities to articulate their experiences of collective suffering and trauma (Salih and Samarasinghe, 2017: 507). The provision of compensation to 288 affected relatives was made possible by this framing. This narrative created fertile ground for a more victim-centred peacebuilding agenda attentive to social and economic reintegration of affected communities.

The Committee's findings and recommendations also laid the initial foundations for societal healing and inter-ethnic reconciliation. Its revision of history situated episodes of mass violence in the context of structural injustices, which highlighted the need for institutional reform and collective remedies. It advocated for a post-settlement order built on equity, pluralism, and inclusion, and on a culture of respect for human rights. Its recognition of the armed conflict and its appeal to IHL further complexified the official account of violence. This narrative enabled a shift towards peacebuilding interventions that addressed not only isolated incidents but also the wider political and social conditions that gave rise to them. They legitimised the very premise of political negotiations with the LTTE, since it acknowledged the conflict's organised and political nature, and helped to create an enabling environment for the peace process.

Even though the state failed to act on many of the policy options that became available, the Committee's narratives did open pathways towards more comprehensive understandings of accountability and reconciliation. The timing of its appointment, shortly after the ceasefire agreement and the start of formal government-LTTE negotiations, indicates that the Committee

may have been a gesture of Kumaratunga's commitment to peace. It signalled her administration's willingness to confront state violence, a key grievance among minorities in the highly militarised North-East (HRW, 2002). Against this backdrop, it is significant that "the military and security forces were markedly restrained" during most of the ceasefire period (ICG, 2007: 1), suggesting that the Committee's work may have contributed to limiting state violence during this time.

Yet, as with the 2001 Commission, the Committee's inability to confront oppressive power structures undermined its transformative potential. Since the LTTE came to believe that a negotiated settlement would not be possible without a fundamental shift in the balance of power, the Committee's failure to challenge the foundations of majoritarian hegemony made its contribution to peace short-lived (Uyangoda, 2007: 44). This, in turn, reinvigorated conflict dynamics and "replaced the possibilities for conflict mitigation and compromise" (Ibid.).

Further, the Committee's construction of a victim identity around Tamil and Muslim men and their grieving female relatives perpetuated exclusionary hierarchies. Individuals whose identities or experiences of violence deviated from this narrative – such as those who were politically active or affiliated with militant groups, or those who suffered harm beyond enforced disappearance – were barred from recognition. This closed the discursive space for a more inclusive and pluralistic peace. These omissions were particularly important in the context of an increasingly fragmented conflict landscape, where fault lines among ethnic groups were becoming more complex and contested (Goodhand, 2010: 348). The Committee proved unable to alleviate marginalisation or mistrust among conflict-affected communities, and preserved the

conditions under which violence persisted – even with the ceasefire in force. During this time, "embittered victims" of state abuses "fuelled the LTTE insurgency", and although abuses "did drop sharply" during the ceasefire, the LTTE "continued to indulge in political killings" (ICG, 2007: 1). State forces, too, reportedly continued to perpetrate abductions and extrajudicial killings in the North-East during the ceasefire (Ganesan, 2007).

Meanwhile, the Committee's reluctance to implicate the incumbent political leadership in abuses constrained its potential to activate more decisive forms of justice. That no link was drawn to those in power excluded the possibility of holding government officials accountable. Such silences prevented a more complete reckoning with the relationship between state power and mass violence, insulating core structures of authority from scrutiny. They also impeded the pursuit of more radical reforms, such as vetting political leaders or making autonomy concessions in Tamil-majority areas, that may have otherwise become conceivable. This limited the Committee's capacity to bring about a more just and peaceful post-settlement order.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis shows that despite opening discursive space for justice and reform, the Committee's narrative ultimately helped sustain oppressive power relations rooted in Sinhala-Buddhist hegemony. The report legitimised minority grievances, exposed systemic state violence, and recognised the conflict as protracted and ethnicised. This brought Sri Lanka's TJ discourse closer to international norms and energised calls for structural reform. Its acknowledgement of collective and intergenerational harm yielded a more pluralistic and

systemic understanding of the conflict, which may have supported early confidence-building in the emerging peace process with the LTTE. However, the transformative potential of its victim narrative was weakened by strategic omissions and subsequent state inaction. Even though the Committee did challenge denialist accounts and denounce oppressive institutional structures, it failed to interrogate or disrupt the power asymmetries underpinning the island's majoritarian order. Moreover, the lack of political will to act upon these openings furthered the culture of impunity that the Committee had exposed. This undermined the pursuit of justice and exacerbated victims' disillusionment, perpetuating a pattern in which symbolic recognition failed to deliver the redress and transformations needed to prevent future violence.

3.6. Tilakaratne Commission (2006)

3.6.i. Overview

In the November 2005 presidential elections, SLFP candidate Mahinda Rajapaksa was elected to succeed President Kumaratunga on a Sinhala-Buddhist nationalist platform (Uyangoda, 2007: 68). The following year, amid intensifying international scrutiny over abuses linked to the escalating armed conflict, Rajapaksa appointed a new commission of inquiry, led by Judge Mahanama Tilakaratne, to investigate "incidents of abductions, disappearances and unexplained killings throughout Sri Lanka in the recent past" (GoSL, 2006a: 1A). Framed as a response to growing international concerns about disappearances in the country, the Commission was tasked with examining the circumstances of these incidents, identifying perpetrators, and recommending preventive measures (Ibid). Although there is evidence that a final report was handed to the president in May 2007, its findings were never made public (OHCHR, 2015: 101).

Whilst no primary data is available for analysis, the UN Office of the High Commissioner for Human Rights (OHCHR) accessed an unpublished copy of the final report and drew on it in its own reporting. These OHCHR sources, together with several public statements by Judge Tilakaratne on the Commission's findings, offer insights into the victim narrative that this fact-finding body sought to weave. This section analyses these insights and then uses a post-structuralist lens to examine their implications for the post-settlement.

3.6.ii. Genealogy

Theme 1: Disappearances as misunderstanding or false complaints

The Tilakaratne Commission reportedly found that most disappearances were not cases of abduction, but instances of individuals voluntarily leaving home due to personal reasons. Of the 22,474 complaints it received, the Commission claimed that 20,637 individuals reported as disappeared had either returned or been found (OHCHR, 2015: 102). In a press briefing, Judge Tilakaratne suggested that most cases were either misunderstandings or acts driven by "personal grudges" (HRW, 2008a: 11). In other statements echoed by Sri Lankan media, he argued that abductions were mainly committed by an "invisible hand" and were "not as bad as projected", and that "no one said a single word against anyone in the army or police" during the Commission's visits to affected areas (Ibid: 11; ICG, 2007: 21; Sengupta, 2006).

Theme 2: Strategic denial and victim delegitimisation

The Commission extended this denial by turning suspicion onto communities affected by disappearances, portraying them as deceitful actors rather than credible witnesses. According to the OHCHR (2015: 101), the Commission dismissed reports of disappearances, sexual violence, and extrajudicial killings by security forces as "baseless propaganda", whilst accusing critics of sensationalising "minor incidents". Though the final report allegedly recognised that military and police personnel had "at times" carried out abductions, it fell short of recommending prosecutions against perpetrators of abuses (Ibid). Instead, it proposed legal

action against individuals who had filed false complaints, and against police officers who failed to conduct proper investigations (Ibid.).

Intertextuality

The Commission was established as the conflict with the LTTE intensified and at the height of the US-led Global War on Terror (GWOT) that followed the 11 September 2001 attacks. After the collapse of peace negotiations and the European Union's (EU) and Canada's proscription of the LTTE in mid-2006, the Rajapaksa administration adopted an explicitly militarised approach to resolving the conflict (Goodhand, 2010: 345). This stance was bolstered by the global counter-terrorism climate, which enabled the government to frame its military offensive as a fight against terrorism (Parasram, 2012). In July 2006, state forces launched a military campaign in the North-East to reclaim LTTE-held territory (Nadarajah and Vimalarajah, 2008: 60). Human rights organisations documented a sharp rise in civilian casualties, including hundreds of enforced disappearances (Minority Rights Group, 2007; ICG, 2007). Facing mounting domestic and international criticism for the resurgence of mass abductions and disappearances, Rajapaksa appointed the Tilakaratne Commission to signal that his administration was taking these concerns seriously.

Domestic and international reception of the Commission's work was largely critical. Tamil political leaders accused the Commission of deliberate obfuscation and of deceiving the Sri Lankan public and the international community alike (TamilNet, 2008). Families of the disappeared expressed frustration at their exclusion from the process and at the lack of tangible

outcomes or follow-up investigations (HRW, 2008a: 110). Despite repeated demands from civil society and foreign governments for transparency, the Commission's findings were never published, fostering perceptions at home and abroad that it was designed more to deflect criticism than to deliver accountability (Global Rights Compliance, 2021: 46; TamilNet, 2008; Tissainayagam, 2008).

Synthesis – Genealogy

The Tilakaratne Commission constructed a narrative of victimhood that delegitimised victim claims and downplayed state responsibility for abuses, consistent with the political objectives of the Rajapaksa administration. Its work exemplified a form of strategic denialism that negated justice and bolstered state power. The Commission thus appears to have been less a genuine truth-seeking mechanism than a performative body co-opted to endorse Rajapaksa's wartime narratives. Its appointment allowed the government to address domestic and international criticism under the guise of institutional responsiveness, combining strategic silences on certain abuses with claims that dismissed others as isolated or imagined. The opacity of its investigations and findings, together with its denial of systematic abuses, suggests that the Commission's narrative sought to obscure state violence. Not only did this fail to deliver justice for affected communities, but it also consolidated patterns of impunity and denialism at a time when violations were surging.

3.6.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The Tilakaratne Commission's victimhood narrative simultaneously reflected and reinforced the Sinhala-Buddhist nationalist project at the heart of Rajapaksa's administration. Its finding that most disappearances were misunderstandings, or false reports resulting from personal disputes or voluntary absences, undermined the legitimacy of claims made by victims of state violence and the findings of previous TJ mechanisms in this regard. Its narrative obscured the role of state actors in abductions and cast doubt on the credibility of claimants, particularly Tamil and Muslim families, as well as civil society organisations and opposition politicians advocating on their behalf. It even pathologised and criminalised complainants, recommending legal action against those accused of filing false allegations. The Commission legitimised the actions of state forces and deflected calls for accountability over alleged abuses, which helped reproduce a socio-political order that preserved state authority amid the escalating civil war.

This narrative directly supported the interests of the Rajapaksa government, as it allowed it to offset criticism of its counterinsurgency operations. After the US Ambassador to Sri Lanka expressed concern over 355 cases of disappearance in 2006, the Sri Lankan Ministry of Foreign Affairs (2007) issued a statement reassuring US authorities that the Tilakaratne Commission was investigating these complaints. This temporarily positioned the government as a responsible administrator of justice and gave the impression that it was taking external scrutiny

seriously. Yet, that Rajapaksa chose not to publish the Commission's final report, and that its findings appeared to wholly absolve state forces from wrongdoing, allowed the government to perform accountability whilst ignoring it in practice. This shored up the wartime interests of not just the state's security apparatus, but also of the Sinhala-Buddhist political elite who increasingly relied on the armed forces to consolidate its nationalist statebuilding project. Between 2006 and 2009, the government secured USD$500 million in international development aid, including from the Asian Development Bank, USAID, and the World Bank (Goodhand, 2010: 355), which suggests that the Commission was effective at reassuring external observers that rights concerns were being addressed.

One important implication of the Commission's narrative is that it legitimised the expansion of a counterinsurgent and authoritarian legal architecture. In December 2006, shortly after the Commission's appointment, the government passed counter-terrorism laws that gave security forces new, far-reaching powers. These included the right to detain suspects of terrorism without charge, limitations on judicial oversight, and immunity for state officials acting 'in good faith' (Goodhand, 2010: 363; HRW, 2008a: 37-38). Despite the lack of data on the application of these new laws, Minority Rights Group (2007: 4) reported that 1,000 Tamils were arbitrarily arrested in Colombo in November 2007 alone. The Commission's appointment and findings helped set the discursive conditions to justify these measures. In directing responsibility for abuses away from the state and onto unknown actors, personal enemies, or even victims themselves, the Commission's narrative refuted state culpability.

Additionally, its disqualification of minority experiences of harm and its emphasis on fabricated allegations contributed to a climate in which the securitisation of ethnic minorities was not only tolerated, but deemed necessary. In June 2007, the government expelled hundreds of Tamils from Colombo, citing security concerns (ICG, 2007: 1). These developments were facilitated by the narrative's resonance with the GWOT, which created a "more permissive environment for a hard line, nationalist government to deal with an enduring political problem through purely coercive means" (Goodhand, 2010: 359). Echoing the Commission's victim narrative, in September 2007 Rajapaksa insisted that "there is no ethnic conflict in Sri Lanka – as some media mistakenly highlight. Sri Lanka's security forces are fighting a terrorist group, not a particular community" (Rajapaksa, 2007). This framing further helped close discursive space for institutional-level discussions on federalism or power-sharing, entrenching a majoritarian order as the uncontested wartime norm.

The Commission's narrative helped naturalise an order in which the state was positioned as the sole legitimate epistemic authority, whereas subaltern accounts that diverged from its narratives were invalidated. This allowed the suffering of minorities at the state's hands to be dismissed as exaggerated or fabricated, which would have also bolstered the legitimacy of the escalating counterinsurgency campaign against the LTTE. Those who challenged the state's narratives, including victim groups, journalists, rights organisations, and even international actors, were branded as LTTE sympathisers and often targeted under counter-terrorism laws (ICG, 2007: i). As such, alternative accounts of violence were gradually silenced. This process marginalised minority communities and those actors and institutions that sought to scrutinise state conduct, both during the war and in the post-settlement.

The fact that the report was never published did not diminish the Commission's utility to the government. On the contrary, its opacity allowed the regime to selectively invoke its existence and appear responsive to rights concerns, all whilst impeding contestation or scrutiny. From this perspective, secrecy was not a failure of the Commission, but a core part of its design; a means of institutionalising a narrative of accountability without delivering on its promise. The government's refusal to publish the report, coupled with Judge Tilakaratne's public statements about its findings, reified the strategy of silence and impunity that defined Rajapaksa's wartime governance and the status quo his administration sought to consolidate.

Peacebuilding

The narrative of victimhood constructed by the Tilakaratne Commission helped structure Rajapaksa's vision of peace around denial. Far from supporting a meaningful truth-telling process, the Commission detached peacebuilding from the principles of accountability and historical reckoning. Its victim narrative contributed to birthing an infrastructure for mass violence and allowed the government to pursue its wartime objectives unrestrained. It also closed space for engaging the LTTE in political negotiations or addressing the root causes of conflict, which the 2001 Commission and 2002 Committee on Disappearances had opened. Instead, it triggered a shift towards a technocratic discourse of development and economic recovery through state-centric security and militarism.

The implications of this narrative shift were evidenced in the government's 'Eastern Re-awakening' initiative. Launched in July 2007, the programme presented infrastructure development and economic reconstruction as a pathway to peace in areas formerly under LTTE control (Goodhand, 2010: 354). With this initiative, the government was "gambling that it [could] bring development and stability to the east without addressing the grievances of local communities and much less the underlying causes of conflict" (ICG, 2008a: 30). This approach exacerbated the grievances of minorities, who perceived the project as an extension of militarised state control and the 'Sinhalisation' of the Eastern Province (ICG, 2009: i). This prolonged the cycle of minority alienation that fuelled continued armed resistance (Rajasingham-Senanayake, 2011: 28). The façade of accountability provided by the Tilakaratne Commission, meanwhile, helped reassure foreign donors that the government was responding to human rights concerns. The pledging of large sums of development aid from major donors for reconstruction in conflict-affected regions suggests that the government's narrative strategy was effective, even as conflict dynamics on the ground worsened (Goodhand, 2010: 355).

The Commission's findings also heightened the marginalisation and securitisation of Sri Lanka's minorities. Because Tamil and Muslim experiences of violence were dismissed and recast as fabricated or politically motivated, the Commission largely excluded minorities as legitimate actors within post-settlement socio-political structures. The Commission's recommendation that false complainants be prosecuted upheld the idea that Tamil voices were not only unreliable but threatening. This enabled the continued treatment of Tamil civilians as potential terrorists, particularly with the support of the new counterinsurgency laws. In contrast, the military and police, who were exonerated of wrongdoing and legitimised, were given *carte*

blanche to act with operational freedom. This allowed state forces to step up their counterinsurgency efforts in Tamil-majority regions, where militarisation increased significantly thereafter. In October 2007, the US Department of State (2007) reported that 150,000 security personnel were stationed in Jaffna town – an area with a population of 475,000 – and noted that 2007 saw the sharpest spike in abductions since Sri Lanka's independence (see also Law and Society Trust, 2007). The Commission thus helped reproduce the logics of war in new geographical and institutional spaces, facilitating the naturalisation of militarised governance as a means to build peace.

These dynamics aggravated inter-ethnic tensions and narrowed the scope for an inclusive post-settlement order. Whereas minority victimhood was erased, obscured, or criminalised by the Commission, Sinhala-Buddhist narratives of national unity and security were elevated. Although Muslims had suffered their own history of displacement and violence, they were made increasingly peripheral in a dichotomous narrative that made little space for ethnic pluralism. As Uyangoda (2007: 13) argues, Sri Lankan narratives of war and peace had long been defined by the tension between the competing claims of Sinhala and Tamil nationalism. The Commission's work did not move beyond that binary, but actually reinforced it in a way that privileged Sinhala-Buddhist hegemony, at the expense of a more pluralistic or inclusive status quo. This contributed to a post-settlement order that sustained a politics of antagonism and exclusion, which powered Tamil militancy and state violence alike after 2006 (Wettimuny, 2024: 74).

Ultimately, the Tilakaratne Commission lent legitimacy and resonance to the government's wartime narratives using the vocabulary of truth-seeking and accountability. Its deployment as a TJ mechanism allowed the government to suppress dissent, securitise minority communities, and (re)produce a transitional and post-settlement order predicated on development and unchecked militarism. Although the Commission was designed to present Rajapaksa as responsive to rights concerns, its narratives legitimised state violence and sustained impunity. They also rendered the suffering of conflict-affected communities illegible. Backed by a GWOT discursive framework, peacebuilding became a means to entrench an oppressive status quo and advance the government's counterinsurgency campaign, which would eventually lead to the LTTE's military defeat in May 2009.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis suggests that the Tilakaratne Commission was co-opted by the Rajapaksa government to prop up its wartime narratives and consolidate a Sinhala-Buddhist statebuilding project – all whilst appeasing international criticism. The Commission's narrative of victimhood invisibilised minority grievances and experiences of harm, not simply by discrediting victim testimony, but also by calling for the criminalisation of complaints deemed false. This narrative found support in global counter-terrorism discourse that privileged state-centric security over accountability and minority rights. The Commission legitimised the power of the state and its security apparatus, whilst dismissing minority and other dissenting voices and naturalising a status quo grounded in Sinhala-Buddhist hegemony. Moreover, these narratives gave new meaning to Rajapaksa's efforts to bring peace to Sri Lanka. The

Commission's silences and denials contributed to the larger process of reframing peacebuilding as a technocratic project of economic recovery and securitised development, in which Tamil and Muslim communities were excluded as legitimate political subjects and cast as potential threats. Implications included the deepening of militarisation in the North-East, the creation of an enabling environment for the government's counterinsurgency campaign, and the (re)production of a violent and exclusionary order that blurred the lines between war and peace.

3.7. Udalagama Commission (2006)

3.7.i. Overview

Two months after the Tilakaratne Commission's establishment, and against the backdrop of escalating conflict and mounting international criticism, Rajapaksa appointed a second commission of inquiry chaired by Judge Nissanka Udalagama. Its mandate was to investigate sixteen high-profile cases of alleged rights violations since August 2005, including the killing of five Tamil students in Trincomalee in January 2006 and of seventeen aid workers from Action Contre la Faim in Muttur in August 2006 (GoSL, 2006b). To bolster its international credibility and ensure transparency, the government appointed an International Independent Group of Eminent Persons (IIGEP) as an oversight body to observe the Commission's work (Ibid.: 2A). As with the Tilakaratne Commission, findings were never made public, so the analysis below relies on the Commission's mandate and on secondary sources to reconstruct its narrative of victimhood and implications. Public statements by government officials and external observers with access to the reports offer important insights to that end.

3.7.ii. Genealogy

Theme 1: Counter-terrorist framings and hierarchies of victimhood

The Commission's mandate reveals important presuppositions about the nature of the conflict and the state's role in it. Alleged violations were framed as occurring "in furtherance of, in the

context of" either the "ongoing terrorist activities" against the GoSL or the "counter measures adopted by the security forces and the police, to arrest, suppress, or terminate such terrorist activities" (GoSL, 2006b: 1A) These tropes centred the GWOT paradigm, portraying the state as a reactive and defensive actor lawfully responding to illegitimate violence. It mirrored Rajapaksa's use of global counter-terrorism discourse to legitimise his administration's wartime conduct. As such, the Commission's very design presupposed the normative legitimacy of the state's actions, whilst making 'terrorist activities' the root of violence in need of suppression.

Interestingly, the term "Muslim" was explicitly used in cases involving Muslim victims, whereas incidents involving Tamils referred to victims as "persons" or "youths" (Ibid.: 4A). This differential treatment suggests that the mandate itself embedded a hierarchy of victimhood into the Commission's work. It generalised, anonymised, and de-ethnicised Tamil experiences of violence, whilst rendering Muslim suffering more legible. This approach obscured the ethnic component of violence and pointed to a selective recognition of minority victimhood when politically convenient.

Theme 2: International oversight and the performance of due process

What distinguished the Udalagama Commission from earlier TJ mechanisms was its visibility and the stakes of its international reception. Although it was established during the same phase of intensified military operations as the Tilakaratne Commission, the appointment of the IIGEP as an oversight body demonstrated the government's need to project institutional responsiveness to domestic and international pressure. This was not only a matter of deflecting criticism, but

of safeguarding Sri Lanka's international standing amid increasing scrutiny from foreign governments and multilateral institutions. Whilst the Rajapaksa administration continued to frame its military campaign against the LTTE through the GWOT lens (Parasram, 2012), the Udalagama Commission was tasked with producing a performance of due process in line with "international norms and standards" (GoSL, 2006: 2A).

Procedural and structural weaknesses quickly undermined the Commission's effectiveness. It suffered from limited investigative capacity, inadequate witness protection, political interference, and obstruction by state institutions (ICG, 2007: 22-24; Thangavelu, 2016). In April 2008, the IIGEP publicly announced the termination of its mission, citing the Commission's absence of political will for genuine investigations and persistent interference from government officials (OHCHR, 2015: 236). The Group accused the Sri Lankan state of lacking both independence and transparency in its approach to truth-seeking (Ibid.; Amnesty International, 2009: 5).

Theme 3: Strategic obfuscation and downplaying of state violence

Despite the IIGEP's withdrawal, Udalagama Commission continued its work until it was dissolved in June 2009, shortly after the LTTE's military defeat (Pinto-Jayawardena, 2009). By then, it had only completed seven inquiries (Ibid.). There is evidence that interim reports were submitted to the President in October 2008 and May 2009, but these were never made public (OHCHR, 2015: 237). Such secrecy enabled the government to selectively reference the

Commission's existence as evidence of responsiveness to international criticism, whilst avoiding scrutiny or contestation of its findings.

The Commission's investigations reportedly downplayed state culpability, redirecting responsibility towards the LTTE or unidentified actors. Despite strong evidence implicating state forces in many of the mandated episodes of violence (see Amnesty International, 2009: 21, 25; ICG, 2007: 17; Jayasuriya, 2013; University Teachers for Human Rights, 2008), the Commission did not appear to pursue leads that could have undermined the military's image or disrupted the government's conflict narrative. In fact, it consistently blamed the LTTE for rights violations even when evidence implicated state agents. For instance, it attributed the bombing of a bus near Anuradhapura and the killing of ten Muslims in Pottuvil to the LTTE, even though local Muslim leaders had publicly accused police forces of the latter (Amnesty International, 2009: 28; OHCHR, 2015: 59-61).

In media interviews given in June and July 2009, Judge Udalagama emphasised the LTTE's role in the violent incidents investigated, eluding questions on the potential involvement of security forces (Kirinde, 2009; Sirilal, 2009). Although he did criticise the failure of state forces to conduct satisfactory investigations (Ibid.) – a finding reportedly also reflected in the reports (Pinto-Jayawardena, 2009) – the only case in which the Commission acknowledged possible state responsibility was the Trincomalee killings, concluding that "there are strong grounds to surmise the involvement of uniformed personnel" (OHCHR, 2015: 242). Even then, the Commission made no concrete recommendations for legal action, but reportedly stated that

"those responsible should have the courage to admit that they have erred and tender a public apology which could be a catharsis for reconciliation" (Ramakrishnan, 2021).

In contrast, the Commission attributed direct or indirect responsibility to the LTTE in four of the seven cases it investigated (OHCHR, 2015: 17, 59, 102; Ramakrishnan, 2021). It also determined that the army was "justified" in bombing the Sencholai compound in Mullaitivu, where 51 Tamil schoolgirls were killed and 100 more injured, on the grounds that it constituted a "legitimate military target" owing to reports of LTTE activity, and that "there was no human rights violation in doing so" (OHCHR, 2015: 17; Ramakrishnan, 2021). Instead, it blamed the LTTE for "exposing" the girls (Ibid.). This conclusion mirrored the government's wartime narrative, which portrayed security forces as lawful protectors against terrorism. Much like the Tilakaratne Commission, the Udalagama Commission downplayed state violence and propped up the official narrative that abuses were either the work of the LTTE or, when state involvement could not be denied, isolated incidents.

Intertextuality

Politically, the Udalagama Commission served to avert international criticism and contain calls for external accountability mechanisms, allowing the government to present a facade of institutional responsibility and procedural justice. As the conflict reached its climax in 2009, international calls for accountability intensified. The UN and several governments and rights organisations expressed concern over civilian casualties and the humanitarian crisis (UN, 2009; HRW, 2009a, US Department of State, 2008). The Sri Lankan government regularly invoked

the existence of domestic mechanisms, including the Tilakaratne and Udalagama Commissions, as evidence that international investigations were unnecessary and intrusive, even as such mechanisms continuously failed to deliver accountability or redress (ICG, 2008a: i).

The strategic silences surrounding the Commission's investigations and findings further illustrated its political function. Domestic and international observers, including the IIGEP, criticised the Commission "for [its] inefficiency, flawed methodology, overt intimidation of victims who gave testimony, and concerns that it was established largely to exonerate the military" (US Department of State, 2015: 4; see also TamilNet, 2008; Amnesty International, 2009). Withholding the reports from public view afforded the government control over the narrative, selectively citing ongoing investigations to project an image of accountability but without subjecting its findings to contestation. This opacity protected state actors from excessive scrutiny and perpetuated the performance of institutional responsiveness to demands for justice.

Synthesis – Genealogy

The Udalagama Commission's victim narrative was formulated around – and in support of – the government's wartime counter-terrorism discourse. Tamil victims were frequently anonymised and de-ethnicised, whereas Muslim victims were identified and named, which produced an uneven recognition of harm. Civilian deaths were most often attributed to the LTTE, even in cases where credible evidence of military involvement existed, and the term 'terrorism' was invoked to legitimise state violence as defensive and hence justified. Overall,

victimhood was channelled through a lens that rendered Tamil suffering less visible and recast state-perpetrated abuses as unfortunate by-products of a just war, rather than as systematic violations deserving of redress.

3.7.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

Between its appointment in November 2006 and the abrupt termination of its mandate in June 2009, the Udalagama Commission upheld the Rajapaksa administration's wartime narratives during a critical juncture of conflict intensification and external pressure. It seems to have operated as a key institutional mechanism to legitimise and consolidate Rajapaksa's unitary statebuilding project, which was predicated on Sinhala-Buddhist hegemony. The Commission's repeated efforts to downplay state responsibility and its overwhelming attribution of guilt to the LTTE (re)produced a narrative in which state violence was either obscured, justified, or transformed into virtue. This narrative supported the government's framing of the conflict as a fight against separatism and terrorism. Under Rajapaksa's unitary paradigm, the LTTE was constructed "as a terrorist group unrepresentative of the Tamil community that undermined Sri Lankan unity and needed to be destroyed" (Barnes, 2013: 349). In addition to absolving individual state actors from culpability, the Commission helped legitimise the government's military campaign to defeat the LTTE, as it facilitated the pursuit of national unity through coercion.

Much like preceding TJ mechanisms, its avoidance of accountability extended a culture of impunity that favoured the state's security apparatus. Twelve members of the police detained in 2013 over their involvement in the Trincomalee killings were released four months later and eventually acquitted in 2019 due to "lack of evidence", despite reports of witness intimidation and compromised investigations (OHCHR, 2014: 13; Amnesty International, 2019). There is also evidence that one senior police officer involved in the case was promoted to Deputy Inspector General of Kilinochchi in 2013 (Jayasuriya, 2013). More broadly, numerous army officers implicated in violations were appointed to diplomatic posts after the end of the war (Höglund and Orjuela, 2011: 28). These examples demonstrate how the Commission's deliberate obfuscation of state violence contributed to preserving patterns of impunity that would extend through the final phase of the war and the post-war period.

In its mandate and investigations, the Commission largely excluded Tamil suffering from its account of violence. The selective attention it gave to violence against Muslims, together with the anonymisation and de-ethnicisation of Tamil victims, concealed the ethno-political nature of state violence. This hierarchy of victimhood buttressed the government's conflict narrative – one that marginalised Tamil victimhood and rationalised abuses against Tamil civilians under the guise of counter-terrorism. It also worked to exclude Tamils as legitimate political agents from the post-settlement status quo. Using a similar discursive strategy as the Tilakaratne Commission, its narrative of victimhood echoed the GWOT logic, which enabled the government to reframe mass violence as necessary and legitimise counter-insurgent operations (Parasram, 2012). The estimated killing of 40,000 Tamil civilians between December 2008 and

May 2009 (UN, 2011: 41) illustrates how this narrative contributed to a climate of impunity in which state forces could perpetrate mass abuses without fear of legal or political repercussions.

In addition, the Udalagama Commission's narrative supported a wider discursive framework that normalised militarisation as a mode of governance in Tamil-majority areas. Through its portrayal of the LTTE as the primary perpetrator of abuses and its virtual exoneration of state forces, the Commission echoed the government's claim that an expanded military presence in the North-East was necessary to stabilise spaces marked by the LTTE's 'terrorist' legacy. Its heavy focus on abuses in these regions, alongside its attribution of responsibility to the LTTE in nearly all cases investigated, constructed Tamil-majority regions as inherently unstable and in need of military oversight. This constituted the narrative basis to legitimise the expanding securitisation of Tamil territories between 2006 and 2009, framed as a necessary response to terrorism (Bradley, 2023; Barnes, 2013). During this period, rights organisations documented thousands of arbitrary arrests, enforced disappearances, and extrajudicial killings made possible by the permissive environment created by the 2006 counter-terrorism laws and reinforced by the Udalagama Commission's narrative (Minority Rights Group, 2007; Amnesty International, 2009; HRW, 2008a).

But far from a temporary wartime measure, this securitisation became institutionalised in the post-war period. In 2008, there was an estimated force density of one soldier per 16 civilians across the entire Northern Province, with further military expansion continuing beyond the end of the war (Colombo Telegraph, 2012). By 2011, an estimated 180,000 security personnel were stationed in this province, equivalent to one soldier for every five civilians (Ibid.). In the Jaffna

peninsula alone, over 50,000 army and police personnel were under a single regional command (Rajasingham-Senanayake, 2011: 29). The implication was a highly militarised status quo in which the armed forces regulated civic space, governance, land administration, and development projects (Ibid.; ICG, 2012a; Goodhand, 2010) Land grabs, forced displacement of entire communities, and Tamil cultural erasure – including the destruction of cemeteries and the imposition of Sinhala-Buddhist symbolism – became key features of this militarised order (Colombo Telegraph, 2012; Haviland, 2011; Fonseka and Raheem, 2011). Under the premise of preserving national security and unity, these measures gradually (re)ordered Tamil-majority regions in favour of Sinhala-Buddhist dominance (Mittal, 2015: 3; ICG, 2012b: 17). The Commission thus helped lay the narrative groundwork for a transitional and post-settlement order structured around militarised statebuilding and ethno-political hegemony.

Lastly, the Commission contributed to institutionalising a political order in which the pursuit of truth became subordinated to security interests. Its framing of accountability as a moral – and not legal – issue privileged national unity and stability over justice. This was evident in its recommendation that those responsible for the Trincomalee killings should simply issue a public apology as a 'catharsis for reconciliation'. Such reasoning effectively institutionalised impunity as a legitimate policy stance. The IIGEP's repeated concerns about the Commission's lack of independence and transparency, and its decision to terminate its oversight in 2008, gave early indications that it was not a mechanism designed to deliver truth and justice, but to perform it. This performance rendered state violence incidental and acceptable insofar as perpetrators issued an apology. Based on this discursive framework, the prioritisation of security over truth

became a defining feature of Sri Lanka's conflict, transition, and post-settlement trajectory (Seoighe, 2017; Pararajasingham, 2019).

Peacebuilding

The narrative of victimhood produced by the Udalagama Commission served to undermine the possibility of a meaningful and inclusive peace in Sri Lanka. Far from promoting truth or justice, the Commission's mandate and findings espoused the wartime discourses of Rajapaksa's administration, which redefined peace as the restoration of national unity and stability through the elimination of terrorism (Barnes, 2013: 345-346). Its victim narrative legitimised coercion as a means to resolve the conflict and conflated the pursuit of peace with security consolidation. In the process, it marginalised Tamil communities by constructing them not as rightful participants in the conflict and post-settlement order, but as populations to be surveilled, contained, and governed.

Downplaying the abuses of state actors and emphasising those of the LTTE, the Commission's narrative fostered impunity and militarised modes of governance. Its framings helped legitimise the government's counterinsurgency campaign, ramped up after 2006, and emboldened the state to disavow any obligation to address the human cost of its actions. Between 2006 and 2009, the conflict entered its most violent phase, with widespread civilian casualties, abductions, indiscriminate shelling, and mass displacement (Soysa, 2009; Pararajasingham, 2019). The Commission's silence on state-perpetrated abuses in 2006, particularly in emblematic cases implicating state actors, helped frame the all-out military campaign to end the conflict as both

legitimate and essential. This weakened domestic and international demands for restraint or accountability, instead normalising extrajudicial violence and collective punishment in the name of counter-terrorism. These legitimising narratives reverberated beyond Sri Lanka, with the UN Human Rights Council (2009: 1-2) passing a resolution in May 2009 commending the government's defeat of the LTTE. The myriad violations that characterised this period were hence effaced from the Udalagama Commission's account of violence – either blamed on the LTTE or reframed as incidental but necessary outcomes of the war against terrorism.

This narrative also had important implications for peacebuilding in the aftermath of May 2009. Beyond being largely excluded from post-war governance structures, Sri Lankan Tamils became subject to criminalisation and securitisation as potential insurgents (Thiranagama, 2013: 99). The Udalagama Commission played a role in fuelling this suspicion, since it portrayed Tamil-majority areas as spaces of instability and potential insurgency. Its finding that the state was justified in killing of 51 Tamil schoolgirls in an LTTE-controlled area, in particular, gave force to the idea that Tamil territories and civilians – including children – could be construed as legitimate targets of state violence. In doing so, the Commission justified the state's deepening securitisation and militarisation of the North-East. It also elevated Sinhala-Buddhist narratives of triumphalism and unity, and disqualified minority claims, grievances, and nationalism as threatening (Gaul, 2016: 153; Schubert, 2013: 10). The vast post-war military presence in these regions, discussed above, was naturalised not as occupation, but as a sort of peacekeeping.

These developments marginalised and alienated Tamil communities across the island even further. In the highly asymmetric post-settlement that took shape, Tamil victims – excluded or

anonymised in the Udalagama Commission's narrative of victimhood – found little space to seek redress or make their voices heard in state-led peacebuilding and reconstruction efforts. That their suffering was justified or made invisible dehumanised Tamil communities as perpetual threats. For the Tamil people, 'peace' did not take the form of truth, justice, or non-repetition, but of military occupation, surveillance, land appropriation, and cultural erasure (Colombo Telegraph, 2012; Fonseka and Raheem, 2011). Although the militarisation of Tamil-majority areas sought to "protect against the renewal of violent militancy", it "[deepened] the alienation and anger of northern Tamils" (ICG, 2012b: i). After the war ended, nearly 300,000 Tamil civilians were detained in militarised settlement camps "under appalling conditions" for over a year (Höglund and Orjuela, 2011, 30). The narratives institutionalised by the Commission propelled the very patterns of exclusion and identity-based grievances underpinning the conflict, and set discursive foundations for a post-settlement 'peace' defined in terms of oppression and further marginalisation.

The Commission also operationalised a vision of TJ rooted in moral appeasement and symbolic reconciliation. Its call for perpetrators of violence to issue a public apology for reconciliation pointed to a model of justice in which legal accountability was unnecessary, and the mere acknowledgement of wrongdoing was sufficient. Whilst earlier truth-seeking mechanisms also avoided the thorny issue of prosecutions, the Udalagama Commission narrowed the scope of justice even further by embedding truth-telling within the state's counter-terrorism agenda. Victims were expected to reconcile without meaningful redress, and their suffering was acknowledged only insofar as it did not implicate state actors. This approach sustained a long-entrenched culture of impunity and signalled to state actors that violence could continue – or

indeed, intensify – unchecked. The Commission appears to have been deliberately instrumentalised to produce discursive closure, precluding new claims to justice whilst upholding the image of institutional responsiveness to allegations of abuse. This further undermined public confidence in truth-seeking mechanisms and exacerbated societal cleavages (OHCHR, 2015: 98; Höglund and Orjuela, 2013: 30).

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis suggests that the Udalagama Commission was not just a flawed truth-seeking mechanism, but a tool designed and co-opted by Rajapaksa's government to advance a Sinhala-Buddhist statebuilding agenda during wartime. The Commission's exclusionary narrative of victimhood, marked by a politics of silence and invisibilised Tamil suffering, legitimised the government's escalating counterinsurgency as an appropriate and necessary course of action to eliminate LTTE terrorism. Its narrative elevated state forces as the rightful protectors of national unity and stability, whilst portraying Tamil populations and territories as existential threats to the integrity of the Sri Lankan nation. These dehumanising framings helped enable the hyper-militarisation of the Northern and Eastern Provinces and, crucially, the perpetration of mass violations in the latter stages of the war. In the post-war period, the Commission's victim narrative supported the expansion of a securitised 'peace' built on oppression, state violence, and Sinhala-Buddhist hegemony. The Udalagama Commission hence contributed to the consolidation of a transitional and post-settlement order rooted in impunity and ethno-nationalist, militarised governance, whilst precluding the construction of a just and inclusive peace. As will become evident, the Commission sowed early discursive seeds

of the post-2009 peacebuilding landscape, where TJ was repeatedly instrumentalised for strategic legitimation and structured around plausible deniability.

3.8. Lessons Learnt and Reconciliation Commission (2010)

3.8.i. Overview

The LTTE was defeated by the Sri Lankan armed forces in May 2009. The sustained military campaign that decimated the group, led by President Rajapaksa, was by multiple accounts "replete with massacres, rights abuses, mass displacement and humanitarian suffering" (Laffey and Nadarajah, 2012: 409; see also Rasaratnam, 2017: 198; UN, 2011; Soysa, 2009). According to a UN investigation, there is significant evidence to conclude that during 2008 and 2009, security forces perpetrated a "widespread and systematic attack against the civilian population" (OHCHR, 2015: 222).

In the wake of these allegations and global pressure for accountability over the events surrounding the end of the conflict, Rajapaksa appointed the Lessons Learnt and Reconciliation Commission (LLRC) in May 2010 (Kadirgamar, 2012: 27). Its mandate was to inquire into "the facts and circumstances which led to the failure of the ceasefire agreement operationalized on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009"; "whether any person, group or institution directly or indirectly bear responsibility in this regard"; and "the lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence", as well as to make recommendations on restitution to victims (LLRC, 2011: iii-iv). Its final report was published in December 2011.

3.8.ii. Genealogy

Theme 1: Hierarchies of victimhood and the presupposition of LTTE culpability

The LLRC constructed a classificatory scheme that divided experiences of harm into "victims of conflict" and "victims of LTTE terrorism" (LLRC, 2011: 164). This binary created a hierarchy of victimhood grounded in blame. LTTE victims were rendered legible and unambiguous, whilst 'victims of conflict', including those harmed by state forces, were cast as an abstract and ambiguous category. Although the Commission claimed to recognise victims "from all communities, from all walks of life and from all strata of society irrespective of ethnicity, religion, caste or creed" (Ibid.: 290), it offered no legal or conceptual definition of victimhood. This homogenising language implied that all communities suffered equally, obscuring asymmetries harm and sustaining a logic of mutual, equalised blame.

Its mandate centred on Sri Lanka's "experience in dealing with terrorism" and tasked the Commission with investigating the LTTE's "strategy of using human shields" and its "conscription of children" (Ibid.: 2-3). This presupposed that LTTE violence was the foremost perpetrator of violence. Civilian casualties, which the Commission recognised did occur "in the course of the crossfire", were attributed to land mines, to "the perils inherent" to escaping conflict zones, and to "the LTTE targeting and killing of civilians who attempted to flee the conflict into safe areas" (Ibid.: 328). Even when Tamil victimhood was acknowledged, it was framed through LTTE culpability. Structural discrimination and systematic state violence were excluded as sources of harm.

Theme 2: Sanitising state violence through selective attribution

The LLRC's victimhood narrative was built on a stark asymmetry in its treatment of LTTE-perpetrated and state-perpetrated violence. The LTTE was described as a "widely condemned terrorist group" responsible for "atrocities", "violent killings", "indiscriminate bomb attacks", and "ethnic cleansing" (Ibid.: 151, 156, 208, 295). Its actions were labelled "abhorrent", "deplorable", "inhumane", and "ruthless" (Ibid.: 29, 130, 152, 174). Civilians in LTTE-controlled areas were portrayed as victims of "severe security risks" and "fractured livelihoods" (Ibid.: 297).

In contrast, state forces were praised for acting with "honour", "restraint", and "professionalism" (Ibid.: 18, 151). Their conduct was portrayed as "exemplary", with soldiers depicted as showing "no hatred or rancour against the LTTE combatants who attacked them" (Ibid.: 129, 290). Civilian protection was described as the state's "highest priority" (Ibid.: 115), and the military was said to have operated under a "zero civilian casualty" policy (Ibid.: 75). Where allegations of state misconduct arose, they were referred to with distancing or minimising verbs, such as "alleged", "purported", and "claimed" (Ibid.: 73, 109, 147-148). In the few instances where violations by security personnel were acknowledged, they were characterised as isolated episodes, and described using neutral or conditional constructions – "Offences, if any, of a few cannot be allowed to tarnish the honour of the many who upheld the finest traditions of service" (Ibid.: 152). This discrepancy between the Commission's vivid condemnation of the LTTE and the praiseworthy account of state forces' actions vilified the

former and vindicated the latter, insulating the military from systemic blame and reframing its role as heroic and necessary.

Theme 3: Uneven subject positioning and the marginalisation of Tamil voices

Although the LLRC claimed to have listened to perspectives "from all corners of the country and from all strata of society" (Ibid.: 1), its account of harm was deeply uneven. Sinhala and Muslim victims were represented as innocent and distressed, subjected to "the LTTE stranglehold" (Ibid.: 152). Sinhalese civilians were described as murdered in "cold blood" (Ibid.: 29), and Muslims were portrayed as victims of "ethnic cleansing (…) done at gun point by the LTTE" (Ibid.: 295). The report concluded that "Sinhalese and Muslim brothers were in the same plight" (Ibid.: 295), which reinforced their privileged position in the Commission's narrative.

The suffering of Tamil people was attributed almost entirely to the LTTE's actions (Ibid.: 74). When attribution to the LTTE proved impossible, their victimhood was obfuscated by narrative strategies that rendered their experiences ambiguous, anonymous, or misconstrued. Tamil civilians were "caught up in the theatre of conflict" or "in the cross fire" (Ibid.: 65, 74), and were even described as "collateral damage" (Ibid.: 116). In some cases, testimony of harm was framed as a possible exaggeration or misperception (Ibid.: 138). Through these discursive tropes, the Commission reduced Tamil suffering to fragments of testimony set apart from the narrative weight granted to Sinhala and Muslim victims.

For the LLRC, reconciliation hinged on promoting a common Sri Lankan identity rooted in "oneness" (Ibid.: 306). This conciliatory and seemingly inclusive language implied that reconciliation required overcoming identitarian divisions, indirectly attributing blame for the conflict to those who articulated ethno-political grievances or called attention to structural inequalities. This recharacterised minority demands for self-determination and the recognition of harm as threatening to national unity. It also denied identity-based grievances, particularly Tamil victimhood, and shifted the burden of reconciliation to those most affected by the conflict. Sinhala and Muslim suffering was amplified, and state forces were vindicated as guardians of the nation's integrity.

Intertextuality

The LLRC's narrative of victimhood was embedded within – and was responsive to – the wider discursive landscape of TJ in Sri Lanka. The LLRC was the first TJ mechanism established after the LTTE's defeat, which likely shaped the production of its victim narrative. Whereas earlier mechanisms had to navigate the tensions and balance of power between the state and non-state armed groups, the LLRC was devised and implemented at a moment of unchallenged state dominance. This asymmetry may have enabled the Commission to frame state violence as reactive and heroic, whilst condemning LTTE violence as senseless and inhumane. The Commission's narrative therefore excluded the possibility – espoused by the Zonal and All-Island Commissions, the 2001 Commission, and the Committee on Disappearances – that the state may have been responsible for war crimes. The LLRC replicated and amplified the

Udalagama Commission's narrative, which exonerated state forces, individualised blame for alleged state abuses, and portrayed the LTTE as the sole perpetrator of systemic brutality.

Although the LLRC borrowed procedural legitimacy from international norms and TJ principles, its implementation served to resist international scrutiny. In the immediate aftermath of May 2009, the government faced intense pressure from the UN, foreign governments, and rights organisations to address the conflict's legacies, and particularly its final phase. Faced with strong evidence of mass violations, including a documentary by British broadcaster Channel 4 (2011) with footage of war crimes, Rajapaksa sought to appear responsive to this pressure and display Sri Lanka's "adherence to the framework of liberal transition" (Seoighe, 2016a: 359). In practice, however, the LLRC constituted an attempt to dispel these allegations. For instance, it raised "troubling technical and forensic questions of a serious nature that cast significant doubts about the authenticity of [the Channel 4] video" and insisted that there was no deliberate targeting of civilians (LLRC, 2011: 151). These narrative strategies suggest that the LLRC appropriated the language of human rights and TJ to offset pressure for accountability, whilst simultaneously emptying these principles of any political content that could challenge the government's narrative.

This approach mirrored the island's changing political landscape. Because Rajapaksa had emerged from the war with overwhelming Sinhala-Buddhist support and was pursuing a nationalist development agenda under a victor's peace, the government had little incentive to address Tamil claims or grievances (Schubert, 2013: 7; Goodhand, 2010). The LLRC provided his administration with an opening to take ownership of the narrative of the final stages of the

war and to craft a vision of Sri Lanka's 'peaceful' future in its own terms. The Commission's emphasis on a common identity, its omission of structural minority grievances, and its portrayal of state forces as protectors of the country's territorial integrity must therefore be read against this backdrop of political transition. As Seoighe (2017) contends, the LLRC's denialist narrative was a key cornerstone of Rajapaksa's post-war nation-building project.

Domestic reception to the LLRC's report varied along political and ethnic lines. Sinhala-Buddhist nationalist actors largely welcomed its findings, though some public figures expressed concern that it downplayed Sinhalese suffering and could lead to minority concessions (Wedagedara, 2012: 5-7). Muslim communities reportedly valued the LLRC "for finally being a state mechanism that acknowledged their experiences" (Haniffa, 2015: 12). Tamil political representatives, in contrast, denounced the report as a "serious assault on the dignity of the victims of war", arguing that "the LLRC has reinforced the fact that those most responsible for the commission of crimes would never be held accountable" (Dias, 2012). These critiques were echoed by Tamil civil society actors and diaspora, who viewed the Commission's findings as "whitewashing" state violence, and as part of the state's continued refusal to address Tamil suffering or political claims (Thiranagama, 2013: 102). They also gave force to long-standing Tamil demands for an international accountability mechanism (Dias, 2012).

Internationally, the LLRC was met with cautious praise for its forward-looking recommendations. Several governments, including the US, UK, and India, welcomed the report as a promising step towards reconciliation, but stressed need for a "credible and independent mechanism" to investigate alleged war crimes (Wedagedara, 2012: 6). Rights organisations

publicly declined the Commission's invitation to participate in its hearings, citing concerns about the Commission's independence and lack of investigative powers (Anonymous, 2011: 41). Some observers viewed the timing and mandate of the LLRC as a pre-emptive strategy to divert attention from the establishment of the UN Panel of Experts on Accountability in Sri Lanka in June 2010 (HRW, 2010b). Upon publication, critics cast doubt over the report's impartiality and investigative rigour (Amnesty International, 2011; ICG, 2011).

Synthesis – Genealogy

The genealogy suggests that the LLRC was both designed and implemented to shore up a narrative of denial for state-perpetrated war crimes during the last stages of the conflict with the LTTE. Its selective portrayal of conflict victims, laying blame for violence almost exclusively on the insurgency, established a sharp dualism between Sinhala and – to a lesser degree – Muslim victims and LTTE perpetrators. The unequal space created in the Commission's report for experiences and memories of suffering imposed a narrative of conflict that not only obscured the diversity and complexity of victimisation patterns during the war, but actively refuted claims that state forces systematically violated human rights. Although the Commission embraced the language of TJ, human rights, and international law, its effort to sanitise evidence of state atrocities can be read as an attempt to provide discursive closure and deflect international pressure for accountability. The result was an exclusionary and hierarchical narrative of victimhood, in which Tamil suffering was recognised only when attributed to the LTTE, state violence was construed as principled and heroic, and the root causes of conflict were either ignored or recast as obstacles to national unity.

3.8.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The LLRC's narrative of victimhood played a vital role in consolidating a post-settlement order in Sri Lanka, not merely by exonerating state actors of systematic abuses, but also by reinvesting a politics of blame into the very framework of reconciliation. Its naturalisation of a selective account of wartime violence, which contrasted LTTE brutality with the professionalism of state forces, (re)produced a discursive economy that affirmed a majoritarian state- and nation-building project. It also shielded state institutions from accountability and obviated the need for victim recognition or redress in post-war governance.

At the heart of the LLRC's victim narrative was the portrayal of state agents as virtuous and benevolent. This account reinscribed the state as the nation's wartime protector, and as the central actor in post-war reconstruction. It also justified the continued military presence in the North-East after the end of active hostilities. Despite a reported 30% reduction in troop levels in Jaffna between 2009 and 2013, 15,000 personnel remained in the peninsula in 2015, equivalent to one soldier per 40 civilians – a remarkably high figure for a region with no active conflict (Verité Research, 2014b: Demilitarisation Annex). Widespread military involvement in civilian governance, schooling, commercial activity, and land administration reportedly continued during this period, as well as surveillance and electoral interference (Ibid.; Seoighe, 2016a: 6-7; Brady, 2013; HRW, 2014a). Discrepancies in official figures, including a 2013 government communication placing troop numbers in the Northern Province close to 80,000

(Colombo Telegraph, 2014), also pointed to the institutional entrenchment of militarism in Tamil-majority spaces. The LLRC's victim narrative, which glorified the military and framed the war as a necessary response to terrorism, helped naturalise this enduring military presence as a legitimate and stabilising force, extending the logic of wartime containment into the post-war order.

Although the report's universalist portrayal of victimhood appeared conciliatory and inclusive, it masked asymmetries of power and violence that defined the conflict. The Commission's language of victimhood fixed a reductive conflict narrative that positioned righteous state actors in radical opposition to evil LTTE terrorists, an account that depoliticised the conflict's violence as a terrorist problem. This framing found support in the distinct categories created for 'victims of LTTE terrorism' and 'victims of conflict', which denied the specificity of Tamil suffering at the state's hands and sustained the war-as-counterterrorism narrative. The virtual erasure of Tamil suffering construed Tamils not as legitimate political subjects, but as a defeated enemy. This effectively disqualified claims for justice and self-determination as threats to national unity (Gowing, 2013: 17; Seoighe, 2016a: 360). Reports of intimidation and obstructions to peaceful assemblies in Tamil-majority areas between 2011 and 2014, including 84 violations of freedom of assembly in 2014 alone (Gunatilleke, 2015: 13), show how the LLRC's narrative legitimised practices that suppressed Tamil voices from meaningful participation in post-war political life. The LLRC's characterisation of minority grievances behind the veil of terrorism, then, closed the discursive space for articulating alternative accounts of conflict and operated to exclude Tamil subjectivities from the post-settlement order.

Its victim narrative also helped structure the post-2009 status quo around Sinhala-Buddhist nationalism. The report's emphasis on a common Sri Lankan identity and the rhetoric of 'oneness', in particular, interpreted ethnic difference as a problem to be overcome rather than a political issue to be addressed. In upholding national unity, the LLRC ignored the "significant power asymmetry" between Sinhalese victors and defeated Tamils, and rejected pluralism in the post-war nation-building project (Höglund and Orjuela, 2011: 20). This enabled the further marginalisation of minority groups and reasserted the primacy of Sinhala-Buddhism as the ideological foundation of post-settlement governance. Crucially, it provided the government with discursive cover to sidestep questions of legal and political reform, including power-sharing arrangements, and oppose international accountability mechanisms (Cronin-Furman, 2020: 135-136; Thiranagama, 2013: 99).

It also lent support to the government's agenda of 'Sinhalisation' in the North-East, which was pursued under an ideal of order and stability. This strategy included resettling Sinhalese families to these provinces and renaming roads and areas in the Sinhalese language (Seoighe, 2016b: 448). It also included the 'Buddhicisation' of sacred sites, which involved "building Buddhist *stupas* in traditionally Hindu or Christian areas" or reconfiguring ancient spaces as "Buddhist-only sites" (Ibid.: 455; see also de Silva, 2013).

Lastly, the Commission's appropriation of the language of TJ and human rights ultimately favoured the encroachment of systemic impunity for mass abuses in the post-2009 order. Whilst the Commission invoked international standards, and even called for investigations into individual allegations, its recommendations were procedurally vague and selectively

implemented. Legal accountability was repeatedly deferred to military-led inquiries, which lacked independence and, in keeping with the LLRC's narrative, wholly absolved state agents of wrongdoing.

For example, Army and Navy Boards of Inquiry established in 2012 concluded that the shelling of civilian targets attributed to government forces had not occurred, despite significant evidence of the contrary (Verité Research, 2014a: 3; HRW, 2014a). Equally, although the military detained thousands of suspected LTTE militants in 2009, no formal demobilisation accompanied these detentions and many disappeared in custody or were released without trial (Höglund and Orjuela, 2013: 308). In 2011, the government blocked a UN attempt to mandate an international investigative body, invoking the LLRC as a "homegrown" process to deflect demands for accountability (Cronin-Furman, 2020: 143-144). The LLRC repurposed TJ from a meaningful process aimed at truth, justice, reparations, and non-repetition into a tool of governance and statebuilding – one that cemented the government's account of wartime violence and redrew the parameters of post-settlement political legitimacy in favour of the Sinhalese majority and in detriment of the Tamil minority.

Peacebuilding

Through its narrative of victimhood, the LLRC advanced a vision of peace as a return to national unity and stability under a strong, sovereign state. Far from meaningfully reckoning with past atrocities, the Commission's framework of reconciliation centred symbolic gestures and closure, achievable through apologies and a shared commitment to non-recurrence. Its

recommendations, which included a joint apology by political and religious leaders "of all sides" (LLRC, 2011: 387), suggested a deliberate equalisation of suffering across communities. These tropes reconfigured peacebuilding into a process of mutual forgetting rather than collective confrontation of harm. They also narrowed the discursive space for participatory or transformative peacebuilding shaped by plural narratives and claims. Instead, they supported a politics of universal commemoration and solidarity that, despite appearing inclusive, served to elude accountability for war crimes and consolidate an oppressive post-war status quo, widening inter-communal fractures in the process.

This narrative depoliticised the conflict by representing it as a shared national tragedy, fought by principled state forces against ruthless terrorists. It obscured the structural drivers of war and silenced Tamil demands for justice and autonomy. State violence, however severe, was rationalised as incidental or necessary, whereas Tamil political mobilisation was cast as either extremist or obstructionist. The Commission's emphasis on 'oneness' as the foundation of peace equated national unity and harmony with "the elimination of difference", which helped naturalise a post-settlement order premised on Sinhala-Buddhist hegemony (Gowing, 2013: 15). Reconciliation therefore became a project of assimilation into a unifying, state-imposed national imaginary (Ibid.; Seoighe, 2017), contingent on "the recognition of the Sri Lankan government as the victor and the Sinhalese armed forces as heroes" (Höglund and Orjuela, 2011: 31). This vision delegitimised dissenting narratives of the post-settlement future and precluded the construction of a plural and inclusive peace.

Reports of post-2009 violations suggest that the LLRC's victimhood narrative fed into continued practices of state surveillance and oppression, particularly in Tamil-majority areas. The mass internment of nearly 300,000 Tamils in militarised camps for displaced civilians immediately after the war's end illustrated the state's punitive approach to post-war governance (Höglund and Orjuela, 2011: 30). From 2010 to 2015, civil society groups, journalists, and international observers documented a resurgence of state-perpetrated abuses affecting minority communities, including killings, arbitrary detention, torture, forced displacement, sexual violence, and enforced disappearances (Gunatilleke, 2015: 13; Seoighe, 2016b: 454; HRW, 2014a).

State violence during this period often targeted Tamil activists. In March 2014, two prominent Tamil human rights defenders were arrested whilst investigating the detention of an activist working on enforced disappearances (HRW, 2015a). Shortly after, the government warned that anyone cooperating with UN war crimes investigations could be arrested for treason (Ibid.). That same year, the government issued an executive order freezing the assets of organisations allegedly linked to the LTTE, including non-violent Tamil diaspora groups, and threatened legal action against anyone maintaining ties with them (Ibid.). This effectively criminalised Tamil political activism at home and abroad.

Restrictions on civil liberties were also common in the war's aftermath. Mourning and commemoration ceremonies for LTTE cadres were consistently disrupted, Tamils and Muslims were denied access to sacred sites, peaceful assemblies were obstructed, and Tamil journalists and civil society actors were frequently surveilled and threatened (Verité Research, 2014b: Poor

Progress Annex; Seoighe, 2016b: 455-456; HRW, 2013a). Military personnel continued to intervene in civilian life, including in land administration, education, and electoral campaigns, with surging reports of sexual violence and harassment by security forces (Seoighe, 2016a: 6-7; HRW, 2014a; Brady, 2013). Despite the LLRC's rhetorical commitments to civil rights and reconciliation, the state's peacebuilding interventions relied on the securitisation of difference and the containment of dissent. This was facilitated by the climate of impunity and militarism that the Commission's victim narrative helped legitimise. Therefore, the LLRC naturalised wartime security logics into the post-2009 peacebuilding process, and contributed to creating a permissive environment in which violence could persist with little consequence.

This made the policing and disciplining of difference a cornerstone of reconciliation. The transformation of war-torn spaces, from the 'Buddhicisation' of sacred sites to the disruption of Tamil mourning rituals, signalled the state's intention to build peace through the spatial inscription of Sinhala-Buddhist hegemony, rather than through inclusion and pluralism (Seoighe, 2016b). The LLRC's failure to recognise Tamil structural experiences of harm made it possible to rework peacebuilding as a technocratic exercise of development. The 'Neganahira Navodaya', and 'Uthuru Wasanthaya' reconstruction programmes, for instance, mobilised infrastructure projects and resettlement schemes, among other economic stabilisation measures, as tools of reconciliation in the North-East (Wakkumbura and Wijegoonawardana, 2017: 32). Framed as neutral and apolitical, these interventions enabled the state to consolidate control over Tamil-majority areas without addressing underlying grievances (Rajasingham-Senanayake, 2011: 28). But in the absence of structural transformations, this development-as-peace model, legitimised by the LLRC's narrative, exacerbated the marginalisation of Sri

Lanka's minorities by extending wartime logics into peacetime (Subedi and Bulathsinghala, 2018). Within the framework of state-imposed reconciliation, everyday insecurities faced by the island's most vulnerable populations were invisibilised and reproduced.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis shows how the LLRC's narrative of victimhood helped institutionalise a post-war order that privileged unity over justice, and state-led economic recovery over structural reforms. Its portrayal of state agents as the nation's protectors, and of the Tamil people as either victims of LTTE terrorism or an ongoing threat to national unity, provided the discursive and political grounds for continued coercion, exclusion, and impunity. At the same time, its equalisation of suffering and emphasis on closure sidestepped questions of accountability and drew attention away from the structural causes of conflict. The LLRC did not simply misrepresent past abuses, but also contributed to a novel post-war social contract structured around erasure and assimilation into a majoritarian, state-authored narrative of unity. What emerged was a vision of peace that construed difference and dissent as threatening, and consolidated Sinhala-Buddhist hegemony as the basis of post-settlement governance. This vision also extended wartime logics of securitised – indeed, militarised – containment into the everyday life of Sri Lanka's minorities in the North-East. The LLRC's legacy, then, was not one of inclusion or transformation, but of oppression: a strategy of closure and denial that rendered pluralism illegible in the language of reconciliation, and allowed the victors alone to inscribe and enforce the terms of peacebuilding.

3.9. Secretary-General's Panel of Experts on Accountability in Sri Lanka (2010)

3.9.i. Overview

In response to growing international concern over war crimes committed during the final stages of the war, UN Secretary-General Ban Ki-moon appointed a Panel of Experts (PoE) in June 2010 to advise him on the promotion of accountability in Sri Lanka (UN, 2011: i). The Panel's mandate was not investigative in nature, but instead focused on assessing the "nature and scope of alleged violations" of International Humanitarian and Human Rights Law, and evaluating the effectiveness of existing domestic mechanisms in addressing accountability (Ibid.: i, viii). The three-person panel drew on written submissions and documentary and photographic evidence to determine the credibility of allegations of serious violations (Ibid.: ii, viii). The Panel's final report was submitted to the Secretary-General in April 2011 and made public shortly after.[3]

3.9.ii. Genealogy

Theme 1: Accountability through international legalism

The PoE framed its narrative of victimhood through a universalist commitment to international law. It presupposed that all conduct during the final stages of the war should be assessed against

[3] Although various UN bodies set up inquiries into war crimes in Sri Lanka, including an OHCHR investigation mandated by the Human Rights Council, the PoE remains the only centralised truth-seeking mechanism created by a supra-state actor. Appointed by the Secretary-General himself and positioned outside the authority of any single UN organ, it is the only supra-state TJ mechanism included in my case analysis of Sri Lanka.

International Humanitarian and Human Rights Law, and that credible allegations of violations demanded investigation and prosecution (UN, 2011: i-iii, 65). Victimhood was defined through "credible allegations" of abuses, based on evidence that provided "a reasonable basis to believe that the underlying act or event occurred" (Ibid.: 14). This legal framing narrowed the threshold of legible suffering, privileging direct and documentable harm, such as shelling, disappearances, and detention, over structural or historical violence.

Although the report condemned LTTE violations, it presupposed that the state bore a higher legal and moral responsibility to protect civilians during wartime, and that its failure constituted "a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace" (Ibid.: ii). Victims were largely anonymised, represented through statistics, imagery, and documentary evidence rather than in their own voices, which positioned the Panel as narrator and interpreter of their suffering (Ibid.: ii-iii).

Theme 2: Tamil suffering and state culpability

The Panel's account centred Tamil civilians in the Vanni as the primary victims of atrocities. It claimed that "hundreds of thousands of Tamil civilians became trapped between two highly determined warring factions", and that most were "caught by shelling on the Government side" (Ibid.: 1). State forces were accused of "systematically" and "deliberately" shelling known civilian areas, repeatedly striking hospitals, and denying humanitarian assistance "with calculated intent" to bring about widespread suffering (Ibid.: ii-iii, 42, 57-59, 69). These actions

were described as “intentional”, “indiscriminate”, “disproportional”, and “systematic” (Ibid.: 67-68), all terms associated with crimes against humanity.

LTTE violence was also condemned. The insurgency “deliberately shot and killed civilians, “[refused] to allow civilians to leave the combat zone”, and “forcibly recruited” children (Ibid.: iii, 47, 65). Its conduct was frequently portrayed as “brutal”, but the language often veered towards descriptors of despair as state forces advanced through the Vanni, presenting the LTTE’s actions as predictable responses from an insurgency facing imminent defeat (Ibid.: 18, 34). The report claimed that the LTTE resorted to forced recruitment because it faced a “hopeless military situation” and was “desperate for new troops” (Ibid.: 34, 50). This introduced a subtle value judgement of the LTTE’s violence as responsive and nihilistic, which contrasted with the Panel’s portrayal of the government’s conduct as orchestrated and methodical.

Sporadically, the report acknowledged that Sinhalese and Muslim civilians were victimised by the LTTE, and noted the historical marginalisation experienced by both Tamils and Muslims (Ibid.: 9, 111-12). Yet, these acknowledgements often featured as contextual details and were eclipsed by the predominance of Tamil victimhood in the Vanni, which was depicted as emblematic of both the war’s excesses and the state’s failure to fulfil its legal obligations.

Theme 3: Unequal standards for state and non-state actors

Building on the presupposition of uneven responsibility, the PoE depicted state and LTTE violence differently. Both were condemned, but the government was held to a higher legal

standard as the sovereign guarantor of civilian protection. Alongside accusations of war crimes, the state was portrayed as an agent of discursive erasure and impunity, systematically attempting to suppress evidence of abuses. The government was faulted for censoring media coverage, restricting humanitarian access, manipulating casualty figures, and refusing to investigate or acknowledge wrongdoing (Ibid.: 11, 22, 40, 99). The report explicitly rejected the government's depiction of the war as a "humanitarian rescue operation" and contrasted its findings with the LLRC, which it framed as an instrument of distortion (Ibid.: 115).

Unlike the LLRC, the PoE identified senior military and government officials as potentially liable for crimes against humanity, and called for an independent international mechanism to investigate abuses on both sides (Ibid.: iv, vii). The report also criticised the UN itself, questioning its political organs for failing to act in ways "that might have protected civilians" and for choosing "not to provide specific [casualty] figures" (Ibid.: vi, 41). The Panel hence positioned itself as a corrective voice within the UN system, reclaiming the international community's responsibility to promote truth and accountability (Ibid.: vii).

Intertextuality

The PoE's report constituted a significant discursive rupture in Sri Lanka's TJ landscape, as it directly challenged the legitimacy and normative architecture of prior truth-seeking initiatives, particularly the LLRC. The PoE's narrative rejected the state's account of violence, and centred international law as the discursive frame through which to articulate truth and justice. The report purported to act as both a counter-narrative and a corrective, introducing a new victim narrative

in response to the LLRC's, which it identified as a "deeply flawed" accountability mechanism that was neither independent nor impartial (Ibid.: v). Questioning the LLRC's claim that civilian casualties occurred as unfortunate by-products of a humanitarian rescue operation, the PoE framed these deaths as the result of deliberate, systematic state violence (Ibid.: ii-iii).

The PoE's victimhood narrative must also be read against the backdrop of evolving international attention to Sri Lanka after 2009. By the time the report was published, Rajapaksa had spent two years promoting his own account of the war as a model of counterinsurgency success, including through the Tilakaratne and Udalagama Commissions and the LLRC (Keethaponcalan, 2022: 272). In May 2009, Rajapaksa claimed that his "troops went to this operation carrying a gun in one hand, [and] the Human Rights Charter in the other" (Ibid.). The LLRC's appointment had served to pre-empt international pressure, and its findings bolstered the government's discourse of 'zero civilian casualties' and the military offensive as a clean rescue operation. The PoE's normative stance challenged the very foundations of the post-2009 statebuilding project, exposing its truth-seeking efforts as a façade to conceal mass atrocity and institutionalise impunity in the name of national reconciliation.

Unsurprisingly, the reception of the PoE report by government and state actors was hostile and defensive. The government initially sought to "prevent the public dissemination of the report, claiming its release would damage reconciliation, and then proceeded to denigrate it, referring to the panel as a non-panel and denouncing the report as flawed and biased" (Sriram, 2013: 82). State media, Sinhala political parties, and government statements all discredited the Panel as an instrument of neo-imperial interference, accusing it of undermining Sri Lanka's sovereignty

(Cronin-Furman, 2020: 136; Sultana, 2011). The Tamil National Alliance (2011), meanwhile, welcomed the report as "an irrefutable confirmation" of Tamil collective suffering.

Internationally, Western governments and multilateral organisations – including the US, UK, EU, and various UN bodies – welcomed the report and echoed its call for an international war crimes inquiry (Wanigasuriya, 2021: 243). Rights organisations praised the report for exposing the LLRC's biases and demanded a formal investigative body into atrocities (Amnesty International, 2011b; HRW, 2011a). China and Russia, in contrast, expressed support for Rajapaksa, alluding to the importance of national sovereignty and non-interference (Silva, 2010). The PoE became a focal point in international debates over the meaning, legitimacy, and ownership of TJ, amplifying calls for accountability among rights groups and Western governments, whilst provoking rejection from states defending Sri Lanka's sovereignty.

Synthesis – Genealogy

The PoE constructed a victim narrative that emphasised the suffering of Tamil civilians in the Vanni and pointed to the state as the primary perpetrator of abuses during the conflict's final stages. Framed through the lens of international accountability, the report interpreted harm through legal standards that privileged visible and documented violations, including shelling, disappearances, abductions, and deprivation of basic human needs. Whilst both the state and the LTTE were held responsible for serious violations, culpability was unevenly distributed: the state was depicted as an agent of orchestrated and systematic violence and denial, whereas the LTTE's violence was portrayed as brutal but desperate and reactive. The report also emphasised

the UN's failure to protect civilians, but positioned itself as a corrective voice. In this sense, it represented an attempt by the UN to write an alternative victim narrative that promoted meaningful accountability for war crimes. Accordingly, the PoE directly challenged the Rajapaksa government's self-justifying narrative of the conflict, and particularly the LLRC's efforts to cement that narrative through a state-led reconciliation framework. In the process, it sought to reclaim international law and legal accountability as the normative basis guiding Sri Lanka's post-war TJ process.

3.9.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The PoE constituted an important attempt to challenge and recalibrate entrenched modalities of power in Sri Lanka's post-war status quo. It disrupted the state's hegemony over TJ narratives and reordered notions of legitimate victimhood, including whose truth counted and which actors could determine that truth. The Panel's emphasis on Tamil civilian victims and state culpability for mass atrocities validated the suffering of Tamils as emblematic of state violence and ongoing impunity, unsettling the government's enduring narrative of a humanitarian operation guided by restraint and zero civilian casualties. This repositioned the Tamil community as rightful claimants to justice, recognition, and redress – claims that had been systematically refuted through state discourse and TJ mechanisms. The report also exposed how violence against

civilians was baked into the state's counter-insurgency strategy, which rebutted the official account that either justified mass violence or dismissed it as isolated misconduct.

The Panel's discursive shift also re-legitimised international law and humanitarian norms as the appropriate framework for interpreting the conflict and its legacies. Casting serious doubt over the state's credibility as a conflict narrator, the PoE defied the epistemic weight and integrity of Sri Lanka's homegrown truth-seeking mechanisms, which the Rajapaksa administration vigorously defended (Cronin-Furman, 2020: 143-144). The report's call for an international investigation into war crimes, alongside its rejection of the LLRC's findings, served to restore the UN as a legitimate – and maybe even indispensable – arbiter of post-war justice in the island. The PoE's account did more than describe the final stages of the war; it also attempted to redistribute narrative power and situate international actors and legal standards as the only viable pathway to truth and justice for war crimes.

The publication of the PoE's report marked a turning point in Sri Lanka's engagement with the international community, as it placed the government under unprecedented external scrutiny. International responses after the war ended had largely been congratulatory: the UN Human Rights Council, US, UK, India, Russia, and Japan had all praised the government's military success (Keethaponcalan, 2022: 271; Oette, 2011). Yet, the Panel's findings dislocated this consensus, and its documentation of credible war crimes allegations prompted a shift in the stance of international actors towards Sri Lanka.

To illustrate, successive resolutions of the UN Human Rights Council between 2012 and 2015 condemned “horrific levels of violations and abuse” by state and non-state actors alike and demanded accountability measures (Mathew, 2021). Foreign governments that had initially been supportive of the Rajapaksa administration “became increasingly sharp-toothed”, linking diplomatic engagement, development assistance, and trade agreements to progress on accountability and reconciliation (Gowing, 2013: 5; Höglund and Orjuela, 2011: 33-34). By 2012, disbursements from Sri Lanka’s ‘traditional’ development partners, including the US, Japan, European countries, and international development banks, had decreased by nearly 20% from 2009 (Cronin-Furman, 2020: 135). Citing rights concerns, the US reduced humanitarian assistance to Sri Lanka from USD$ 8 million to USD$6 million in 2013 (Ibid.).

Far from dissipating over time, the pressure generated by the PoE’s findings became a key feature of Sri Lanka’s post-war international relations. Five months after the report’s publication, the Sri Lankan Ministry of Defence admitted that its earlier claims of a zero-civilian-casualty rate were inaccurate, in an implicit concession that mass civilian harm had in fact occurred during the final stages of the war (Ibid.: 138). Although the government continued to deny war crimes allegations, this admission exposed the epistemic pressure exerted by the Panel’s findings and the emerging international consensus over the need for accountability. From 2012 onwards, scrutiny intensified through continued monitoring and criticism by UN organs, foreign governments, and donor agencies (Mathew, 2021). This suggests that the PoE’s victim narrative did not just fracture the state's monopoly over wartime memory, but also paved the way for internationalised accountability to re-enter Sri Lanka’s domestic political agenda, fundamentally altering the country’s international standing.

The PoE's victim narrative also helped delegitimise key pillars of Rajapaksa's post-war statebuilding project. The LLRC, designed to appease international pressure and promote a statist account of violence, was criticised for its lack of independence, and for its flawed mandate and methodology. In fact, the Panel exposed the government's entire discursive infrastructure as a regime of enforced invisibility, which legitimised those actors and institutions that had been marginalised in the highly asymmetric order that took shape after 2009. It empowered rights organisations whose advocacy had previously been dismissed by the government, and also advanced the claims and legitimacy of Tamils at home and abroad, whose experiences had long been marginalised by TJ (Haider, 2012: 164). According to Keethaponcalan (2019: 101), Tamils "hardly contemplated the idea of an investigation into war crimes" in the immediate aftermath of the war, but they "joined the bandwagon" following the Panel's demand for one.

This empowerment materialised in different ways. Internationally, the Tamil diaspora leveraged the Panel's findings to intensify its advocacy efforts, including through lobbying foreign governments and UN bodies for accountability and supporting calls for an international investigation (Cronin-Furman, 2020: 138). Some diaspora organisations even pursued universal jurisdiction cases against alleged perpetrators in Western countries (Gowing, 2013: 22). Diaspora groups also played a vital role in giving testimony and evidence to international bodies, particularly considering that domestic victims were consistently vulnerable to intimidation or harassment (Kalanadan, 2020: 1221; Buthpitiya, 2022: 121). Following sustained pressure from Tamils in Canada, the Canadian Parliament passed in 2019 a motion

calling for a UN investigation into ‘allegations of genocide’ against Tamils (Ibid.), which exemplifies the transnational political traction gained by diaspora groups over time. Domestically, however, victim empowerment was more limited, as Tamil voices continued to be marginalised through repression and political resistance to reform (Grewal, 2023: 325).

In the short term, the reallocation of legitimacy activated by the Panel failed to meaningfully change domestic power structures. As mentioned earlier, the report’s publication was met with an aggressive government campaign to reassert its sovereignty and discredit the report. Civil society organisations and individuals suspected of contributing to the Panel’s findings were intimidated, and the government publicly portrayed the report as a threat to national unity (Cronin-Furman, 2020: 151; Perera, 2016: 6). Sinhala political elites, state media, and security agents rallied around a narrative that painted the UN as hostile and antagonistic. They weaponised the report to preserve the post-war status quo and, in doing so, entrenched this order further by framing domestic calls for accountability as acts of betrayal (Keethaponcalan, 2022: 272).

Supported by the hyper-militarisation of former conflict zones, the government promoted “a vicious crackdown on domestic civil society” that saw journalists, NGOs, and international actors stigmatised as “traitors”, “terrorists”, or “shills for foreign powers”, effectively silencing domestic advocacy for accountability (Cronin-Furman, 2020: 150). In 2014, the government proscribed sixteen Tamil diaspora organisations and more than 400 individuals, and also refused entry to a UN fact-finding delegation, demonstrating the extent to which the government sought

to control the flow of information to foreign audiences (Ibid.: 152). The PoE's call for justice paradoxically equipped the state with new grounds for repression and nationalist consolidation.

Nevertheless, the sustained scrutiny triggered by the Panel's findings contributed to the gradual erosion of Rajapaksa's political dominance. Although he had been re-elected in 2010 against the backdrop of post-war triumphalism, Rajapaksa lost the 2015 presidential election to Maithripala Sirisena, whose campaign promise to address international concerns over accountability and war crimes was reportedly decisive to his victory (Gulf Times, 2014). This shift suggests that, even as the state sought to reassert its narrative authority through repression and nationalist mobilisation, the epistemic rupture created by the PoE helped destabilise the post-war political settlement and opened new spaces for contestation and alternative narratives to emerge.

Peacebuilding

The PoE's victim narrative challenged the very foundations of the state's peacebuilding and reconciliation agenda. It made visible the extent to which systematic violence and war crimes were built into its counter-terrorism campaign, which fundamentally reoriented the vision of peace that could be imagined and actioned in Sri Lanka. This exposed the limits of the state's approach to reconciliation, which revolved around national unity, security, socio-economic development, and the erasure of ethno-political difference. It created a more enabling environment for other forms of post-war engagement, in which accountability and previously marginalised perspectives could be articulated in TJ.

Crucially, the PoE disputed the government's narrative that cast the military as heroic liberators and the war as a humanitarian operation. It also called into serious question the reliability of domestic TJ mechanisms, delegitimising the LLRC's attempt to conflate reconciliation with majoritarian hegemony. The report advanced a vision of peace contingent on genuine truth-telling and accountability. This complicated the victim narratives (re)produced by preceding TJ mechanisms and the government itself, which unsettled the state's control over collective memory and amplified counter-narratives long excluded from formal TJ. In the process, the PoE delegitimised the state's efforts to suppress victim testimony and maintain its denialist account of the war – an approach that became increasingly difficult to sustain following the Panel's discursive challenge (Gowing, 2013: 43).

The PoE's narrative set in motion a series of international responses that rewrote Sri Lanka's trajectory of TJ and peacebuilding. Beyond giving rise to the Human Rights Council resolutions that kept accountability in the international public eye, sustained external pressure prompted the government to establish Army and Navy Courts of Inquiry in 2012 and the Paranagama Commission in 2013 to investigate war crimes allegations (Cronin-Furman, 2020: 138; Wanigasuriya, 2021: 228). These institutional gestures reflected the disruptive materiality of the Panel's findings. In an effort to bolster the credibility of the Paranagama Commission, the government appointed an international advisory council of experts to oversee its work (Ibid.). Whilst the Commission and the Courts of Inquiry ultimately upheld the Rajapaksa's narrative of denial, their creation suggests that the LLRC's attempt at discursive closure was insufficient to contain international demands for accountability stimulated by the Panel.

Continued scrutiny eventually contributed to the adoption of Human Rights Council Resolution 30/1 in 2015, co-sponsored by the Sirisena government, which for the first time formally acknowledged the need for accountability mechanisms in Sri Lanka with international participation (Goodhand and Walton, 2017: 131). In January 2016, Sirisena established a Consultation Task Force on Reconciliation Mechanisms, a consultative body designed to gather victim voices to shape a novel TJ process (Kodikara, 2019: 200). This was followed by the creation of two TJ mechanisms: the Office on Missing Persons in August 2016 and the Office for Reparations in October 2018 (Ibid.). Although the post-2015 TJ process would prove partial and fragile, its emergence reflected the political opening to international norms and standards of justice made possible by the PoE. State denial could no longer operate uncontested, and victim-centred justice claims had gained new institutional and discursive weight.

However, the report's emphasis on Tamil suffering also brought its own set of challenges for inclusive peacebuilding. Its focus on violations during the war's final stages and its centring of Tamil civilian experiences rendered other forms of suffering peripheral, such as those of Sinhalese civilians in border villages and Muslims (Mihlar, 2024a: 1595). Though essential for accountability, narratives fixed on state-perpetrated violence against Tamils failed to capture diverse and complex experiences of harm across different communities (Grewal, 2023: 329). These omissions galvanised ethno-political division and polarisation within Sri Lanka's fragmented social fabric, particularly because it propped up Sinhalese perceptions of TJ as disproportionately focused on Tamil grievances (Ibid.).

As the government mobilised against the report, it affirmed a Sinhala-Buddhist nationalist discourse that framed international intervention as hostile and portrayed dissent as obstructive, biased, or outright threatening (Gowing, 2013: 45-46; Höglund and Orjuela, 2013: 301). This triggered intensified authoritarian consolidation at home. The regime instrumentalised the PoE's findings as a rallying point for nationalist mobilisation, deepening repression and entrenching majoritarian boundaries of political belonging (Keethaponcalan, 2022: 272; Cronin-Furman, 2020: 150). Although the report drew attention to grave patterns of state violence, it also became a tool for the state to reassert an exclusionary and militarised post-war order.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis reveals that the PoE marked a key rupture in Sri Lanka's TJ landscape. Its victim narrative contested and complexified the victim narratives of previous TJ mechanisms, re-legitimised international legal standards as a peacebuilding framework, and reconfigured who could legitimately speak and claim rights in the post-war order. The Panel helped unsettle the state's monopoly over memory and empowered marginalised actors, including civil society actors and Tamil communities at home and abroad, to dispute official narratives and advocate for accountability. Crucially, it prompted a cycle of sustained external scrutiny that redefined Sri Lanka's engagement with the international community and its future TJ processes. Although the PoE opened new spaces for victim-centred claims and internationalised accountability, it also generated nationalist backlash, which led to intensified repression and exacerbated ethno-political divisions. The PoE's victim narrative thus created

new possibilities for peace and justice, but its materiality remained entangled with the power asymmetries, unresolved grievances, and contestation over legitimacy that continued to shape the post-2009 peacebuilding environment.

3.10. Paranagama Commission (2013)

3.10.i. Overview

In August 2013, Rajapaksa established the Presidential Commission of Inquiry into Complaints of Abductions and Disappearances (hereafter Paranagama Commission). The Commission was initially mandated to inquire into enforced and involuntary disappearances in the Northern and Eastern Provinces between 1990 and 2009 (GoSL, 2013: 2A). In July 2014, this mandate was expanded to cover "the facts and circumstances surrounding civilian loss of life and the question of the responsibility of any individual, group or institution for violations of international law during the conflict" (Paranagama Commission, 2015: xii). The second mandate was introduced at a moment of heightened international scrutiny, including pressure from the UN Human Rights Council and the announcement of the OHCHR Investigation on Sri Lanka (Lassée and Anketell, 2019: 428). The Commission handed its report on the second mandate to newly elected President Maithripala Sirisena in August 2015, and it was made public two months later (Samarawickrama, 2015). Although the Commission continued to operate under its original mandate until 2016, it was disbanded and its files transferred to the Office on Missing Persons. No report of the investigations under the first mandate was made public. As such, the analysis below focuses on the report submitted under the second mandate.

3.10.ii. Genealogy

Theme 1: The LTTE as the primary cause of civilian suffering

The Paranagama Commission's mandate and findings presupposed that the LTTE's wartime conduct was the primary cause of civilian suffering. Five of its seven mandate points dealt directly with LTTE actions, whilst only one referred to the conduct of the armed forces (Paranagama Commission, 2015: xii-xiii). These assumptions underpinned the report's conclusion that "the principal reason for the loss of civilian life during the final phase of the war was the hostage taking and use of human shields by the LTTE" and that, "in the absence of these actions, there may have been a much reduced number of civilian casualties" (Ibid.: xxiv). These claims were presented as legal findings, yet they reflected the mandate's presupposition of LTTE culpability.

Active and emotive language described the LTTE as "using civilians as a strategic human buffer", "sacrificing countless civilian hostages", "forcing a great number of children to man the frontlines", and "shelling civilian hostages in order that the LTTE might assign those deaths to the [army] for media purposes" (Ibid.: xxiii-xxiv). This positioned the insurgency as a ruthless and calculating perpetrator, displacing blame for most civilian deaths onto the LTTE. The Commission also cast doubt on the impartiality of international investigations, such as the UN PoE and the OHCHR Investigation, claiming they took a "narrow and restricted view" of state obligations, whilst presenting itself as a more "balanced" domestic alternative (Ibid.: 2, xxvii). It further argued that IHL was ill-suited to the war's "unprecedented scenario", which

legitimised state conduct by suggesting that international norms required reinterpretation to permit the use of weapons such as cluster munitions, which it claimed "were not illegal per se at the time" (Ibid.: 8, 61, 121).

Theme 2: Sanitising state violence and elevating the military as liberators

Civilian casualties caused by state forces were consistently framed as lawful and proportional. Deaths from army shelling were described as a "tragic and unfortunate consequence of a campaign which was proportionate to the military objective sought" (Ibid.: 6). State forces were repeatedly said to have acted with "caution", "discipline", and was praised for "minimizing civilian losses" (Ibid.: xxiv, 1, 4). Where allegations of state misconduct were considered, they were often described in mitigating language and referred to as an "regrettable" and "tragic", but an "inevitable" consequence of LTTE activity (Ibid.: xxiv, 61). This linguistic softening of state violence, especially when contrasted with the emotionally charged descriptions of LTTE brutality, played a key role in constructing state forces as heroic and principled.

The report cast the army as a humanitarian actor. It claimed that 300,000 Tamil civilians who were "kept hostage" were "rescued" from LTTE captivity, and that the campaign had freed children from the "clutches of the LTTE" (Ibid.: xxii, 8, 16). The military offensive was depicted as a "humanitarian operation" and "a clear and understandable mission" to eliminate LTTE commander Prabhakaran, who was likened to Saddam Hussein and Osama bin Laden (Ibid.: 7). Where allegations of state crimes could not be fully dismissed, they were attributed to potential

"individual criminal responsibility" (Ibid.: xxv). This sustained a 'rotten apples' account that preserved the institutional integrity of the armed forces.

Theme 3: 'Hostagehood' and selective recognition of victims

Although the Commission gestured towards recognising "all victims of the conflict on all sides" (Ibid.: 150), its victim narrative overwhelmingly spotlighted the suffering of LTTE hostages. Tamil experiences of harm were made legible only through the lens of insurgent violence, with civilians depicted as passive captives "held by the LTTE and prevented from leaving the Vanni" (Ibid.: 26). This stripped them of agency and reduced their wartime experiences to collateral consequences of LTTE abuse. In contrast, individuals harmed by state forces were described ambiguously as potential victims whose claims required "independent judicial inquiry" (Ibid.: xxv-xxvi, 102). Such violations were deferred for future investigation or reframed as an inevitable consequence of operational contingency.

The Commission entrenched a hierarchy of victimhood in which Tamil civilians were recognised primarily as victims of LTTE coercion, whilst state violence was reframed as protective or humanitarian. It reinforced this logic by praising the armed forces as saviours who "in fact saved" the vast majority of civilians under LTTE control (Ibid.: 61). Although the report conceded that minorities had suffered long-term discrimination, it rejected allegations of genocide and denied "that the state of Sri Lanka could be considered a racist regime" (Ibid.: 97). This selective recognition of harm legitimised the state's wartime conduct whilst overtly discrediting competing accounts.

Intertextuality

Presented as an objective investigation, the Paranagama Commission constituted a rebuttal against the grave allegations made by the UN, rights organisations, and civil society groups that the Sri Lankan state was responsible for wartime atrocities. The Commission rejected international inquiries that criticised the state's conduct, arguing that these reports misinterpreted the government's legal obligations (Ibid.: xxvii). This framed external investigations as inherently flawed and biased. The Commission also validated and reproduced the LLRC's findings, particularly its attribution of primary responsibility for civilian deaths to the LTTE and the justification of state violence. Yet, it also positioned itself as a more legally grounded successor of the LLRC, incorporating international legal language and frameworks to bolster its credibility (Ibid.: xxiv). The Commission sought to reposition domestic TJ mechanisms as the most authentic and credible arbiters of the conflict's violence, and strengthen the continuity of a discourse of denial to resist external calls for accountability.

References to broader trends in IHL also played a significant role in the production of its a victim narrative. The report contended that IHL was inadequate for regulating asymmetrical conflicts, using Sri Lanka to illustrate the need for a "recalibration" of legal standards in light of battlefield realities (Ibid.: 5). This discursive move situated Sri Lanka's conflict within global debates on counter-terrorism and the laws of war, echoing GWOT narratives that called for greater flexibility in the application of international humanitarian standards (Lassée and Anketell, 2019: 437). In addition to justifying the state's conduct retrospectively, the

Commission contributed to a wider global scheme to weaken protections for civilians in conflict contexts.

Reception of the Commission's report illustrated the contested narrative field in which this mechanism operated. Domestically, it was received with considerable scepticism among civil society and victim collectives, many of whom boycotted the Commission's proceedings and criticised its biases (Sri Lanka Campaign, 2016; Tamil Guardian, 2015). Internationally, rights organisations challenged the report's findings, arguing that this was yet another attempt to whitewash violations and that it failed to meet basic standards of independence and credibility (Amnesty International, 2015; CHRD, 2015). The UN, too, rejected the Commission's findings as biased and wholly inadequate for promoting accountability (Ibid.: 106).

Synthesis – Genealogy

The genealogy suggests that the Paranagama Commission's victim narrative served to rationalise state violence during the final stages of the war. It emphasised the LTTE's culpability as the primary perpetrator of civilian casualties and undermined international criticism of state conduct, validating the LLRC's account. Although the Commission acknowledged that individual security personnel may have committed war crimes, its narrative absolved the state of systemic responsibility. Tamil civilians were positioned as passive hostages of the LTTE, whilst state violence was depicted as lawful, proportionate, and virtuous. The Commission constructed a hierarchy of suffering in which Tamil victimhood was made legible only through LTTE abuse, and harm inflicted by the state was either deferred for future investigation or

reframed as an inevitable consequence of operational contingency. This language of victimhood entrenched a simplistic conflict narrative that set heroic state agents in fundamental opposition to barbaric LTTE terrorists. In doing so, the Commission sought to discredit competing accounts, assert its own epistemic authority, and rearticulate the meaning of civilian harm through a domestically palatable and internationally defensible narrative.

3.10.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The Commission's victim narrative recharacterised the state's military victory as a political and ethical imperative. Its finding that the LTTE was primarily responsible for civilian deaths, coupled with its assertion that casualties caused by the security forces were unfortunate but lawful and proportional, absolved the state of systemic wrongdoing. This narrative rationalised state violence. The account of 300,000 Tamil civilians being 'rescued' by state forces mythologised the state as a saviour, effectively closing space for Tamil communities to claim rights and agency as victims of state violence. Their political subjectivity was overwritten by a narrative in which they were rendered passive hostages to be governed, not heard.

The acknowledgement that the army may have perpetrated war crimes opened space for investigations that could have led to wrongdoers being held accountable. However, of more than 20,000 complaints reportedly received by the Commission, only 150 cases were referred

for further investigation (UN Human Rights Council, 2016: 8). This figure was remarkably low given the scale of documented wartime violations. Far from signalling a credible attempt at truth and accountability, this reflected the materiality of the Commission's 'rotten apples' narrative, which framed abuses as isolated rather than symptomatic of institutional wrongdoing. In limiting referrals, the Commission helped to "decriminalize the perpetrators" and "absolve the political leadership of their international obligations", which perpetuated impunity patterns already entrenched in the island's post-war status quo (Vanhullebusch and Pushparajah, 2016: 1258). Like previous TJ mechanisms, the Paranagama Commission functioned as a "half measure": a symbolic gesture designed to deflect accountability and international scrutiny whilst evading the need to address oppressive power structures (Cronin-Furman, 2020: 121).

But beyond rationalising past abuses, the Commission's findings provided discursive cover to resist the implementation of a judicial TJ mechanism proposed in 2015 under Resolution 30/1. Its use of legal language, rooted in flawed and distorted interpretations of IHL, served to reject international involvement and to fend off demands for legal accountability as unnecessary and unwarranted (Lassée and Anketell, 2019: 433; Jayaprakash, 2020: 382). At the time of writing in April 2025, only two of the four TJ mechanisms proposed under the resolution – the Office on Missing Persons and the Office for Reparations – had been established, and no judicial mechanism had been set up. The Paranagama Commission's narrative may have contributed to delaying and diluting the judicial process, as it made resistance to meaningful accountability appear both legally justified and domestically legitimate.

Moreover, confining Tamil suffering to LTTE conduct alone delegitimised Tamil claims to justice and political agency. Even when Tamils participated in other state-led reconciliation efforts, such as the 2016 Consultation Task Force and the TJ mechanisms that followed, their demands were repeatedly obfuscated or ignored (Mihlar, 2024a: 1602). Although Sirisena pledged in 2016 to release the names of those detained by state forces and potentially disappeared in 2009, such information was never released (HRW, 2018). The continued denial of truth and justice constituted a form of epistemic violence, as Tamil voices and experiences were systematically silenced from TJ (Grewal, 2023: 334-335). This translated into continued impunity, the sidelining of victim demands in post-war policymaking, and a victim fatigue that eroded Tamil trust in state-backed TJ even further (Kapur, 2024: 264; Crawford, 2025). More broadly, it contributed to the enduring marginalisation of minorities from meaningful participation in the post-settlement order, deepening their subordination in post-war governance (Sri Lanka Campaign, 2016).

The Commission's narrative also justified the continued material inscription of state power across Tamil-majority territories. The discursive framing of the military as a protector overlapped with its pervasive post-war role in civilian life, including in land tenure, agriculture, education, and tourism (Verité Research, 2018: 6; Seoighe, 2016b). The persistence of militarism, sustained by the Commission's naturalisation of Sinhala-Buddhist governance as necessary and emancipatory, became increasingly ingrained in the socio-political fabric of the North-East.

Between 2015 and 2017, land grabs by the military continued. In January 2019, security forces controlled 30,000 acres of private land in the North-East, and plans for additional appropriations included 272 hectares in Mullaitivu and 600 acres in Nandikadal for new naval bases (Verité Research, 2019: 6; Amnesty International, 2019: 19). The military also expanded its role in civilian governance, surveilling and intimidating candidates in local elections, and increased its involvement in tourism (HRW, 2018b). According to Seoighe (2016b: 444), this constituted a form of "spatial authorship" of Tamil regions formerly under LTTE control – the (re)ordering of land and identity through occupation by the victor. This occurred alongside the expansion of economic liberalisation, which further disempowered minorities by subordinating their claims to state-imposed development and security agendas (Ibid.: 461; Ruwanpura, 2016: 3). The Paranagama Commission helped legitimise this authorship by narrating the war's end as a humanitarian intervention, and by portraying the Sinhala-Buddhist state as a righteous security provider in areas formerly under LTTE control.

Peacebuilding

Peacebuilding in post-2015 Sri Lanka was shaped by a logic of state-led reconciliation and permeated by Sinhala-Buddhist triumphalism. Through its victim narrative, the Paranagama Commission construed the state as the lawful protector of Tamil civilians from the persistent terrorist threat. This fed directly into the 'victor's peace' paradigm, in which the conflict's violence was depoliticised and the state retained full authority over the design and trajectory of peacebuilding (Arnmarker, 2017: 8-9; Kumari, 2024: 8303). Within this framework, reconciliation was understood as a means of preserving state power and legitimising the

continued subjugation of ethnic minorities, as opposed to a socio-political process of accountability and transformation (Guruparan, 2017: 180-181; Seoighe, 2016b: 448).

This narrative had important implications for the peacebuilding policies and practices that became conceivable and actionable in the post-settlement. Measures that bolstered state legitimacy, including military-led reconstruction, economic infrastructure projects, and symbolic gestures, became acceptable pathways to reconciliation (Ruwanpura, 2016: 7; Seoighe, 2016b: 453). Conversely, measures that promoted accountability or addressed the conflict's root causes were consistently discounted or deferred (Siampakou, 2024: 12; Lassée, 2019: 710-711). Although Resolution 30/1 committed the government to a comprehensive TJ agenda, implementation remained slow and fragmented. In practice, "there was no significant role or voice for the former combatants, war victims, civil society, or international organizations" in this process (Kumari, 2024: 8305). The implication was that key issues of justice, truth, and non-repetition became effectively stalled (HRW, 2018). The Paranagama Commission's narrative contributed to this outcome by making resistance to meaningful accountability, and to more transformative peacebuilding and reconciliation efforts, appear both warranted and principled.

Against this backdrop, the Commission's narrative also sustained the exclusionary character of post-war reconciliation. The framing of Tamil grievances as illegitimate, or as resolved with the LTTE's defeat, naturalised Sinhala-Buddhist spatial control over Tamil-majority territories and the dispossession of minorities. The Commission's discursive framework further legitimised the continuation of repressive security practices, such as the retention of the Prevention of

Terrorism Act (PTA). Despite committing to repeal the Act in 2015, the Sirisena administration continued to invoke it to suppress dissent, with a disproportionate impact on Tamil and Muslim communities (Kalanadan, 2020: 1225; Sri Lanka Campaign, 2021: 25). In 2018, the UN found that 80% of those arrested under the PTA were tortured, the vast majority being Tamils (Ibid.). The normalisation of such practices reflects the discursive economy that the Commission helped build, and which rationalised violence against minorities as necessary for national security and stability.

The materiality of this exclusionary order undermined Sirisena's attempts to foster reconciliation. Its emphasis on post-war reconstruction and symbolic gestures failed to build trust among affected communities, many of whom viewed TJ initiatives as disingenuous (Siampakou, 2024: 7-8; Kapur, 2024: 260). The Paranagama Commission's hegemonic and exclusionary victim narrative fed into the continuous erosion of inter-ethnic and inter-communal relations between 2015 and 2018. During that period, incidents of violence and harassment against Tamils and Muslims – including mob attacks in Kandy, Ampara, Vavuniya, and Galle – highlighted the persistence of societal tensions among Sri Lankans (Jayaprakash, 2020: 375; HRW, 2018; Johansson, 2018). Meanwhile, Sinhala-Buddhist nationalist rhetoric gained renewed prominence (Kapur, 2024: 267). Civil society organisations and international observers increasingly warned that the space for meaningful reconciliation was shrinking, as state-led initiatives failed to address patterns of oppression and, in many cases, exacerbated them (Deane, 2021: 19; HRW, 2018).

These deep-seated divisions and widespread mistrust were also reflected in public attitudes towards TJ. According to a 2016 survey, nearly 90% of Tamils demanded accountability for wartime abuses, whilst more than half of Sinhalese respondents opposed any such process (Jayaprakash, 2020: 376). Over 75% of Tamils rejected exclusive domestic justice mechanisms, whereas 70% of Sinhalese insisted on excluding international involvement in TJ (Ibid.). This highlighted the little legitimacy and support enjoyed by state-led TJ initiatives among Tamil survivors, and exposed important fault lines among Sri Lankans over post-war reconciliation that the Commission only widened. Far from fostering reconciliation, its victimhood narrative limited the scope of peace to a narrow, statist project of closure and coercive control.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis of the Paranagama Commission reveals how its victim narrative helped consolidate a post-settlement order that legitimised state dominance and marginalised Tamil claims to justice. In doing so, it preserved patterns of impunity and oppression. Although presented as a legally grounded, independent investigation, the Commission's findings served to (re)produce the state's political and epistemic authority, even when the Sirisena government appeared committed to a comprehensive TJ agenda. Its staunch defence of the military's wartime conduct validated modes of state coercion and simultaneously delegitimised accounts of victimhood implicating state actors. The report's framing of Tamil civilians as passive hostages of the LTTE reinforced this logic. Such characterisation of state violence as lawful and humanitarian supported a statist vision of reconciliation grounded in closure and majoritarian hegemony. The implication was a selective approach to TJ that maintained exclusionary policies

and perpetuated a victor's peace, closing off space for structural transformations capable of addressing the drivers of conflict. Instead of promoting inclusive reconciliation, the Commission's narrative helped reproduce oppressive forms of state power, erode minority agency further, and stall meaningful accountability in the post-war period.

3.11. Office for National Unity and Reconciliation (2015)

3.11.i. Overview

Sirisena's electoral victory over Rajapaksa in January 2015 raised hopes for more open and inclusive peacebuilding efforts, as his campaign was based on the principles of good governance and reconciliation (Burke and Perera, 2015). The new government's commitment to a durable solution to the ethnic question led to the creation of a novel TJ framework, comprising a Truth and Reconciliation Commission, a special hybrid court, an Office on Missing Persons and an Office for Reparations. However, at the time of writing in April 2025, only the two offices had been operationalised, alongside a separate Office for National Unity and Reconciliation (ONUR).

Sirisena established ONUR shortly after taking power "to promote and foster national unity, reconciliation and peaceful coexistence among all persons in Sri Lanka" (ONUR, 2024c: 1).[4] The Office was tasked with implementing "policies and programmes in relation to national unity and reconciliation that would help build understanding, harmony and unity among all communities" and "to recommend to the Government, measures to be taken to resolve matters causing tensions and conflicts" (Ibid.: 2). ONUR played an important role in shaping the state's post-2015 reconciliation agenda, producing key policy frameworks such as the National Policy on Reconciliation and Coexistence (ONUR, 2017) and the National Strategic Action Plan for Social Cohesion and Reconciliation (ONUR, 2023f). It has also led public initiatives to promote

[4] Initially constituted through a Presidential gazette, the Office was later made permanent and brought under the Parliament's oversight by the ONUR Act of 2024, under the same mandate.

interreligious and intercultural understanding, supporting peace education in schools, providing psychosocial assistance, and facilitating development projects in the North-East (ONUR, 2023e).

3.11.ii. Genealogy

Theme 1: Diversity as strength and exclusion as the root of conflict

ONUR formulated a narrative of victimhood premised on the idea that Sri Lanka's diversity was a strength to be celebrated. It framed the country's multi-ethnic, multi-religious, and multi-lingual character as "an asset rather than a source of division" (ONUR, n.d.a), and sought to "promote and catalyze a multi-stakeholder effort to create a society that respects fundamental rights, freedom, and rule of law, social obligations, mutual respect, non-discrimination, equity and diversity" (Ibid.). Conflict was attributed to political exclusion and the state's historical failure to distribute power and opportunity evenly. The 2017 Policy stated that "at the heart of the problem is the lack of an acceptable arrangement of shared political authority satisfactory to all communities", compounded by unequal access to education, employment, and justice (ONUR, 2017: 37).

Victimhood was expansive and intersectional, extending beyond ethnic or geographic categories. Its narrative encompassed "female heads of households, war widows, survivors of sexual and gender-based violence, children and youth, internally and externally displaced communities, families of the missing and disappeared, families of excombatants and soldiers

and differently-abled and resettled communities" (Ibid.: 42). ONUR thus rejected narrow, ethnicised victim categories and acknowledged that conflict-related harm was widespread across Sri Lankan society.

Theme 2: Victims as resilient rights-bearers

ONUR extended the definition of victimhood beyond direct violence, recognising that the denial of socio-economic rights and the erosion of social trust also constituted forms of harm. Social cohesion was defined as "strong social relations", "a shared vision for the future", and equitable access to opportunities (ONUR, 2023f: 3). Victims were described as "marginalized", "isolated", and "vulnerable", but also as "resilient", "empowered", and capable of "active participation" (ONUR, 2017: 42-44; 2023f: 6, 17-18). They were cast as "change agents" in reconciliation processes, positioned not only as sufferers but as rights-bearing citizens with the capacity to shape "social change and non-recurrence of violence" (ONUR, 2023f: 13, 22). This language dignified victimhood by tying the recognition of harm to future-oriented political agency. Victims were hence represented as central to reconciliation and social transformation.

Theme 3: Structural violence and the state as facilitator

ONUR consistently attributed responsibility for harm to systemic and institutional forces rather than to individuals or communities. It described "discriminatory", "exclusion[ary]" and "unequal" systems as root causes of violence, which caused political exclusion and socio-economic inequities (ONUR, 2017: 45; 2023f: 13, 24). Perpetrators were absent as discrete

subjects, which displaced questions of accountability for specific crimes. Instead, the terms "assist", "guide", "facilitate", "support", and "empower" were used consistently across ONUR's policies and strategic plans to describe the state's role in reconciliation (ONUR, 2024c, 2-10; 2017: 44; 2023f: 18). The state was not positioned as a perpetrator of violence, but as the convenor of a whole-of-society, participatory reconciliation process.

ONUR's initiatives included psychosocial support (ONUR, n.d.b); artistic and cultural expression (ONUR, n.d.c); resettlement of the displaced (ONUR, n.d.d); and development projects in war-torn areas. The latter, implemented as "affirmative action programs for the marginalized" (ONUR, 2017: 47), sought to fulfil the socio-economic and cultural rights of affected communities. Most programmes were concentrated in Tamil-majority areas, where normal life was "severely affected due to the 30-year long conflict", and "livelihood and other income generation activities were also disrupted and destroyed" (ONUR, n.d.d). ONUR worked in these districts to develop and promote "existing and new income generation activities and restoration and improvement of infrastructure" (Ibid.). Although this acknowledged the disproportionate suffering of Tamils, it also reinforced a framing in which minorities appeared as subjects to be reconciled, whilst majority communities were constructed as agents of reconciliation.

Theme 4: Reconciliation through national unity

ONUR embedded reconciliation within a nation-building project rooted in a shared Sri Lankan identity. The Office's stated aim was to "guide Sri Lanka into the future as a country in which

diversity and inclusion are inculcated as national values" (ONUR, 2017: 35-36). This vision equated reconciliation with the assimilation of minority identities into a singular national framework, privileging symbolic inclusion over structural reform or the recognition of plural sovereignties.

Public rituals celebrating diversity, including Ramadan dinners, intercultural exchanges in Trincomalee, Thaipongal festivals, and Christmas celebrations, were promoted as opportunities to foster "unity and harmony among all races" (ONUR, 2023a; 2023b, 2024a; 2024b). Victimhood was situated within a symbolic project of national unity, where all communities were cast as equally responsible for healing wartime wounds.

Intertextuality

ONUR's victim narrative reflected both continuity and change in Sri Lanka's TJ trajectory. The Office claimed to have drawn on the findings of previous TJ mechanisms, including the LLRC and the Udalagama and Paranagama Commissions (GoSL, 2017). ONUR partially retained the broad, undifferentiated victimhood categories of these mechanisms. Like the LLRC and Paranagama Commission, its work was grounded in the recognition that all communities had suffered. Yet, the Office also sought to shift the paradigm from the 2010-2013 TJ experience by rewriting Sri Lanka's narrative of war and peace around inclusion, diversity, equality, respect, and unity. It recognised the intersectionality of suffering by identifying a wide range of affected groups whose experiences had previously been marginalised or obscured behind ethnic

binaries. It also acknowledged political exclusion and structural inequality as drivers of conflict, moving beyond the individualised and ethnicised framings of previous mechanisms.

ONUR incorporated elements of international human rights and TJ discourses, including victim participation, socio-economic justice, and the importance of addressing structural causes of violence. Its policy and strategic documents were attuned to international norms and standards, as seen in the language of equality, human rights, inclusion, diversity, and – most significantly – in its centring of victims as the cornerstone of reconciliation (ONUR, 2017; n.d.b). This resonated with the TJ commitments of Resolution 30/1. Consequently, ONUR's establishment was welcomed by international actors as a positive step towards fulfilling the 2015 pledges. The UN and donor governments recognised the creation of ONUR and of its policy frameworks as evidence of progress towards justice and reconciliation (CEPA, 2018: 27; Perera, 2016: 6; Samantha, 2016). There is evidence that UN agencies, as well as the US and Japanese governments, funded and provided technical assistance to ONUR's projects (GoSL, 2019: 19; CEPA, 2018). International rights organisations, in contrast, criticised ONUR as an empty and ineffective body, noting its failure to deliver meaningful reconciliation and structural reform (Mohammed and Hampton, 2024: 2; Crawford, 2025). Tamil diaspora groups also rejected ONUR, citing their deep-seated mistrust towards domestic TJ mechanisms (Perera, 2016: 9).

Domestically, responses to ONUR were mixed and evolved over time. Sinhalese communities generally welcomed ONUR's vision of reconciliation, reflecting a degree of public goodwill towards Sirisena's good governance agenda (Zuhair, 2016: 4). However, nationalist factions expressed concern that ONUR's narrative of pluralism and diversity threatened the unitary

character of the state and the primacy of Sinhala-Buddhism (Ibid.). Tamil communities and civil society organisations were more sceptical from the beginning. Whilst some Tamil political and civic figures cautiously welcomed ONUR's inclusive rhetoric, many viewed its broad victim narrative as masking the disproportionate suffering endured by Tamils (Buthpitiya, 2022: 123; Ceylon Today, 2024). Critics argued that ONUR, like earlier TJ mechanisms, failed to acknowledge the specificities of past and ongoing Tamil victimisation (Keethaponcalan 2019: 101; Mihlar 2024b: 125). Despite some initial hope among Muslims that ONUR would contribute to greater inclusion, trust in the TJ process quickly eroded owing to the lack of tangible progress in addressing minority concerns, and the surge in Islamophobic violence after 2017 (Fernando, 2020: 114).

The 2019 Easter Sunday attacks – a series of coordinated suicide bombings by ISIS-inspired militants that targeted churches and hotels, killing over 250 people – marked a turning point in this discursive landscape (Mihlar, 2024b: 125). The attacks intensified Sinhala-Buddhist anxieties over minority threats and fuelled securitisation discourses, particularly against Muslim communities (Ibid.: Wettimuny 2024: 74). The resulting nationalist backlash undermined ONUR's pluralist vision.

This shift contributed to the political resurgence of Sinhala-Buddhist nationalism and militarism, culminating in the election of Gotabaya Rajapaksa in the 2019 presidential elections (Grewal, 2023: 326). As the brother of former President Mahinda Rajapaksa and a key architect of the war's final phase as Defence Secretary, Gotabaya "presented himself as the strongman who having defeated Tamil terrorists would deal with any threat from among Muslims" (Mihlar,

2024b: 125). His election signified a return to a nationalist governance agenda premised on national security (Buthpitiya, 2022: 123). Shortly after his coming into power, Sri Lanka formally withdrew its sponsorship of Resolution 30/1, marking the new government's retreat from Sirisena's reconciliation agenda (Kapur, 2024: 257).

Synthesis – Genealogy

The genealogy suggests that ONUR fostered a narrative of victimhood that was plural and expansive. It recognised the intersectional suffering of numerous groups during the conflict and even the structural marginalisation of minorities. Its account was underpinned by a transformative vision, which sought to bridge historical divides and forge a shared future grounded in a common identity. Victims were not only recognised for the harm they experienced, but dignified for their resilience and political agency. Responsibility for the conflict was displaced from individuals or communities to systemic and institutional failures, whilst the state was positioned as a facilitator of inclusion and reconciliation.

3.11.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

ONUR's victim narrative simultaneously reflected the reformist aspirations of the Sirisena administration and the institutional constraints of Sri Lanka's entrenched post-war order. The

narrative advanced an inclusive and intersectional understanding of victimhood, recognising the suffering of a wide spectrum of conflict-affected communities beyond ethnic binaries. Women, youth, disabled persons, families of former combatants, displaced communities, and survivors of sexual and gender-based violence were made legible as subjects of recognition and redress, and as active agents of reconciliation. This marked an important departure from earlier, ethnicised victim categories, and towards a vision of pluralism aligned with the global TJ norms of diversity and inclusion. ONUR's narrative also repositioned the state from a perpetrator of wartime abuses to an enabler of empowerment and participatory governance.

This expanded the discursive space for certain socio-political reforms. ONUR's pluralistic victim narrative contributed to legitimising initiatives such as the Constitutional Assembly process launched in 2016, which involved public consultations across 25 districts to gather proposals on power devolution for the Northern and Eastern Provinces (Keethaponcalan, 2019: 94; Gomez, 2017: 4). These discussions on constitutional reform even incorporated debates on the nature of the state and the status of Buddhism (Lassée, 2023: 208). That same year, the Sirisena government sung the national anthem in Tamil for the first time in an official event since 1949, following an "unofficial ban" on the Tamil version at official events by Rajapaksa (Ameen, 2016). The government also reportedly reduced the presence of the military in public spaces in Tamil-majority areas between 2015 and 2016, and delisted several Tamil diaspora groups, including the Global Tamil Forum and the Canadian Tamil Congress (Keethaponcalan, 2019: 94). These efforts signalled a degree of state willingness to address minority grievances and embrace pluralism and participatory reconciliation.

However, ONUR was not free from exclusions. Its attribution of responsibility for violence to systemic factors obviated truth-seeking and accountability discourses that focused on state and LTTE crimes alike. Minority political and civil society actors that sought recognition and accountability for specific victimisation patterns were sidelined, as were victim groups and diaspora organisations demanding justice and truth (Mihlar, 2024a: 1593; Deane, 2021: 19). Whilst the Office's narrative in principle encompassed Tamil, Muslim, and Sinhala experiences of harm, it reduced their experiences to a collective framework that obscured ethno-political grievances.

These exclusions limited ONUR's capacity to meaningfully confront nationalist resistance. Although its narrative rejected nationalist chauvinism, Sinhala-Buddhist influence persisted in policy and political discourse. For Keethaponcalan (2022: 276), "one of the main reasons why [Sirisena's] promises could not be delivered was the nationalist backlash. Sinhala nationalist groups opposed every single action promised to promote reconciliation". At the heart of this backlash was a commitment to maintaining the unitary state and resisting Tamil claims for autonomy. Sinhala-Buddhist nationalism thus gained renewed prominence throughout Sirisena's rule, and the anti-Muslim rhetoric and securitisation that followed the 2019 Easter bombings only empowered nationalist factions further (Kapur, 2024: 257; Grewal, 2023: 326). The reassertion of majoritarianism and militarism contributed to the return of the Rajapaksas in the 2019 presidential elections, which demonstrated the resilience of ethno-nationalist discourses that ONUR's victim narrative had sought to challenge.

The distribution of agency in the reconciliation process similarly entrenched power asymmetries in the post-2015 order. Although ONUR positioned victims as agents of change, it did so within a statist framework where the terms of participation could only be determined by the state. Its narrative justified a model where state elites retained control over agenda-setting and resource allocation, granting them the ability to set the parameters of acceptable victim participation and civil society engagement in reconciliation (Grewal, 2023: 331; CEPA, 2018). Victim-survivor groups and grassroots organisations, though incorporated as stakeholders and contributors, reportedly had little voice in decision-making (Kumari, 2024: 8305). Tamil and Muslim civil society organisations claimed that their input to ONUR's consultations was consistently sidelined in policy decisions (Ceylon Today, 2024).

The narrative's emphasis on shared suffering and collective reconciliation also contributed to delegitimising more adversarial forms of victim agency. Land rights and accountability campaigns, for instance, were often portrayed by state officials and media as divisive or an obstacle to national unity (Fernando, 2020: 118; HRW, 2023a). Minority victims were thus construed as 'targets' of reconciliation, but not as equal agents of structural change. This limited their inclusion to largely symbolic reconciliation initiatives that could not meaningfully unsettle the asymmetric post-war status quo.

Relatedly, the Office's narrative of victimhood presupposed that reconciliation required integrating minority experiences into a singular Sri Lankan identity. By this measure, successful reconciliation meant assimilation into a socio-political order dominated by Sinhala-Buddhist nationalism. This assimilationist logic, disguised as a forward-looking, collective process of

reconciliation, constrained the possibilities for a deeper renegotiation of post-war political authority or the recognition of self-determination claims. This was evident in the Constitutional Assembly process, where some space was created for dialogue on devolution, but where federalism was quickly excluded as an option and constitutional reform ultimately stalled under Sirisena (Keethaponcalan, 2019: 94).

These structural constraints exposed the limited discursive space that ONUR could create for meaningful reform. Its openings coexisted with, and did not disrupt, the spatial authorship and militarisation already naturalised in Tamil-majority areas. Although Sirisena issued a directive in October 2018 ordering the release of all civilian land in the North-East by the end of 2018, more than 30,000 acres remained under military control by January 2019, and most released land was state-owned rather than private land (Verité Research, 2019: 6). Sinhala settlements in Tamil territories also continued as part of long-term security schemes, and the government reportedly used the Department of Forests to facilitate land grabs (Amnesty International, 2019b: 19; Keethaponcalan, 2019: 101). Vigorous Tamil protests in Keppapilavu, Mullaitivu, and Kilinochchi in 2017 and 2018 uncovered the ongoing struggle for land restitution and demilitarisation in these regions (Ibid.: 94; Buthpitiya, 2022: 123). Moreover, the PTA's continued disproportionate application to suppress Tamil and Muslim dissent revealed the persistence of minority securitisation dynamics that ONUR's inclusive rhetoric could not dislocate (Kalanadan, 2020: 1225, HRW, 2023a).

The materiality of ONUR's narrative also translated into the economic realm. Presented as 'affirmative action' efforts conducive to inter-ethnic reconciliation, the Office initiated several

infrastructure and development programmes in the North-East. Yet, these were largely state-led projects oriented towards market-driven growth, and provided little space for minority voices (Wakkumbura and Wijegoonawardana 2017: 29). A recurrent pattern since the war's end, development projects operated as a means to reassert majoritarian control over Tamil-majority areas, prioritising state-centred reconstruction and economic liberalisation over participatory decision-making (Seoighe, 2016b: 461; Ruwanpura, 2016: 3). Socio-economic inequalities remained largely unaddressed, and the military retained significant economic influence in these regions (Verité Research, 2019: 6; Seoighe, 2016b). This helped sustain the economic and socio-political dispossession of minorities in the North-East (Mihlar, 2024a: 1600).

Peacebuilding

ONUR's victimhood narrative animated a series of policies and practices aimed at implementing reconciliation as an inclusive, participatory process that could address the social effects of violence and its structural drivers. Its emphasis on fulfilling the social, political, economic, and cultural rights of both direct and indirect victims constituted a significant attempt to situate reconciliation within a social justice agenda, with some positive outcomes. A 2020 study of ONUR's school-based programmes found that these initiatives led to improved social attitudes towards cross-cultural exchange among beneficiaries (Millawithanachichi, 2020). Psychosocial support workshops and training for social service officers also reportedly produced tangible benefits in addressing victim trauma and building resilience (IPID, 2021: v). Yet, these efforts focused on welfare considerations and symbolic gestures, at the expense of politically contentious but fundamental aspects of reconciliation, including accountability,

demilitarisation, and the reconfiguration of majoritarian power structures (Keethaponcalan, 2019: 100; Lassée, 2023: 212).

The reconciliation model that emerged from ONUR's discursive architecture promoted national unity over plural justice. Its emphasis on harmony and coexistence was premised on the integration of Tamil, Muslim, and Sinhala experiences into a depoliticised narrative of collective suffering. Masked in the language of diversity and inclusion, this approach imposed a statist, assimilationist vision of peace, which served to "erase Tamil history and to denigrate and depoliticise the Tamil nationalist movement" (Seoighe, 2016b: 461).

Politically, ONUR's narrative supported victim-centric policy frameworks that codified the principles of inclusion and diversity. These included the National Policy on Reconciliation (ONUR, 2017) and the Strategic Action Plan for Social Cohesion and Reconciliation (ONUR, 2023f). Such policies informed the implementation of some of Sirisena's reconciliation gestures discussed above, including the singing of the national anthem in Tamil, the delisting of Tamil diaspora organisations, and the partial release of occupied land. Still, meaningful progress on devolution and accountability was consistently sidestepped, revealing how ONUR's reconciliation discourse left deeper ethno-political grievances unaddressed. As former President Kumaratunga, Chairperson of ONUR between 2015 and 2019, argued in 2017, "[reconciliation] is successfully carried out", and therefore "there would not be any necessity to have courts to probe war crimes" (Colombo Telegraph, 2017). This illustrates how ONUR's narrative advanced a minimalist vision of reconciliation, which avoided meaningfully confronting legacies of mass violence and rendered justice and structural transformation unnecessary.

The 2019 presidential elections were a turning point in this process. Gotabaya Rajapaksa secured a sweeping victory with overwhelming Sinhala-Buddhist support, whilst his main opponent, Sajith Premasada, won the vast majority of Tamil and Muslim votes (Uyangoda, 2019). This electoral distribution "re-affirmed the continuity, and not the weakening, of ethnic polarization in shaping the political destinies of Sri Lankan society" (Ibid.). The elections revealed the limited reach of ONUR's reconciliation discourse and also the deepening of Sri Lanka's majority-minority divide. The narrative ONUR institutionalised offered space for victim engagement and pluralism, but only within the parameters of a unitarian national identity. It thus gave rise to a 'peace' that was neither transformative nor emancipatory. It incorporated diversity without challenging the oppressive structures of the post-war order, enabling its preservation under the guise of reconciliation. These limitations may help explain the resurgence of Sinhala-Buddhist nationalism after 2019 and the persistence of unresolved inter-ethnic and inter-communal tensions, which continue to define Sri Lanka's social fabric today (see HRW, 2025).

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis suggests that, although ONUR did take meaningful steps to address legacies of mass violence, its victim narrative ultimately reproduced the post-war status quo and upheld the patterns of oppression that defined it. For one, the Office's practices of victim representation recognised a broad range of victimised groups, challenging narrow hierarchies of suffering along ethnic lines. It enabled limited socio-political reforms, promoted

some constructive inter-communal engagement, and espoused an inclusive rhetoric rooted in the appreciation of diversity and pluralism. Its narrative advanced a vision of reconciliation through social justice and victim-centrism – a significant development in Sri Lanka's TJ trajectory. However, these discursive shifts were underpinned by a statist and assimilationist logic that submitted minority political claims to a unitary national identity grounded in majoritarianism. Victim participation and redress were fostered, but only within processes that preserved Sinhala-Buddhist authority and discounted more contentious victim demands, including accountability or power-sharing. Overall, whilst ONUR's narrative did challenge some exclusionary practices of the wartime and post-war orders, it repackaged Sinhala-Buddhist hegemony in the language of reconciliation and unity. The outcome was a nation-building process that expanded the boundaries of inclusion but reasserted existing inequalities, carrying forward uneven socio-political and epistemic structures into the post-settlement.

3.12. Office on Missing Persons (2016) and Office for Reparations (2018)

3.12.i. Overview

Under the TJ framework pledged in Resolution 30/1, the Sirisena administration established the Office on Missing Persons (OMP) in August 2016 and the Office for Reparations (OfR) in October 2018. The OMP was mandated with "searching and tracing missing persons, and to clarify the circumstances in which such persons went missing", "to protect the rights and interests of missing persons and their relatives", and "to identify proper avenues of redress to which such missing persons or their relatives may have recourse" (GoSL, 2016: 2). The OfR was designed to "identify aggrieved persons eligible for reparations" and to provide "individual and collective reparations to such persons" (GoSL, 2018: 1). This section analyses the narratives of victimhood produced by these two Offices and their implications.[5]

3.12.ii. Genealogy

Theme 1: Expansive but contained recognition

The mandates of the OMP and OfR presupposed long-standing, systemic harms arising from different manifestations of violence. The OMP defined a missing person as one "whose fate or

[5] Although the OMP and OfR advanced distinct victim narratives based on different mandates, they are analysed together because they were designed under a unified TJ framework.

whereabouts are reasonably believed to be unknown (…) in connection with conflict, political unrest or civil disturbances or as a result of an enforced disappearance" (OMP, 2020a). The OfR adopted an even broader category of 'aggrieved persons', extending recognition to those who had suffered death, injury, property damage, displacement, and psychosocial harm, and to their spouses, children, parents, siblings, in-laws, grandchildren, and grandparents (GoSL, 2018: 22-24). Both Offices repeatedly emphasised the need for "special measures for vulnerable aggrieved persons including women, children, and persons with disabilities" (OfR, 2021a: 9; GoSL, 2018: 11). Their mandates encompassed disappearances from the armed conflict in the North-East, the JVP insurrections, and other political disturbances, acknowledging "many thousands of people belonging to all communities [who] were disappeared over several decades" (OMP, 2018: 17).

Yet, inclusivity was carefully disciplined. The OfR required relatives of the disappeared to certify that the deceased "was not involved in terrorist activities" (OfR, 2024d), whilst its memorialisation policy excluded "the commemoration in any manner of terrorists or separatists" (OfR, 2021a: 24-25). Moreover, the OfR's victim narrative produced a hierarchy of visibility, where victims of the Easter Sunday attacks were named and individualised through a dedicated fund (OfR, 2024c), whilst wartime victims remained anonymised.

Theme 2: The bureaucratisation of harm and technocratic redress

The OMP and OfR rarely applied descriptive language to represent victims and perpetrators. Rather, they affirmed a technocratic and depoliticised approach to harm. The OMP's work was

described as one of "searching" and "tracing", as well as to "clarify", "safeguard", and "protect" (OMP, 2023: 2-4; OMP, 2022: 11; OMP, 2020: 4). Its mandate and reports referred to the Office's duty to "collate" data, "verify" complaints, and "document" cases, all of which demonstrated a bureaucratic commitment to information production and procedural recognition (Ibid.: 8; OMP, 2023: 13; OMP, 2020: 8). The OMP's language situated victimhood in bureaucratic processes and official documentation, detached from political and historical reckoning.

In contrast, the OfR employed active descriptors, including "train", "empower", "rehabilitate", "capacitate", and "strengthen" (GoSL, 2018: 1; OfR, 2022: 7-8; 2023a: 11; 2023b: 1). Its reparations framework went beyond monetary payments to include training, education, loans, psychosocial support, housing, land restitution, memorialisation, and infrastructure projects (GoSL, 2018: 23-24). Between 2022 and 2024, it piloted at least thirteen "economic empowerment" programmes, most of them directed at internally displaced women or female-headed families of the disappeared (OfR, 2022; 2023a; 2024b). Across both Offices, potentially contentious demands for truth and justice were bureaucratised into requests for certification and eligibility, filtering recognition through technocratic categories.

Theme 3: Victims as beneficiaries rather than agents

The OMP represented victims primarily as relatives of the disappeared (GoSL, 2016: 21-22). Although its public meetings and exhumations were concentrated in Tamil-majority areas

(OMP, 2018: 5; 2019: 19-20; 2024a), the Office omitted ethnic or political identifiers, producing a national list of missing persons (OMP, n.d.) that depoliticised experiences of harm.

The OfR articulated a broader victim identity, but one organised around technocratic hierarchies of harm. Reparations were tied to the "seriousness" and "impact" of violations (OfR, 2021a: 9). Female-headed households were repeatedly spotlighted as emblematic victims, with livelihood schemes prioritising "internally displaced women" and "female-headed families with a missing relative" (OfR, 2023a: 4-6; 2024b). In both narratives, victims were positioned as passive recipients of benefits, and their agency defined by eligibility for welfare assistance rather than their participation in truth or justice processes.

Theme 4: The state as humanitarian convenor

Both Offices consistently framed the state as a benevolent provider of redress. The OMP described it as a "coordinator of information, an intermediary with legal actors, and an observer of exhumations" (OMP, 2022: 72; 2023: iii). The OfR portrayed it as "responsible for granting reparation payments and implementing livelihood and psychosocial programmes" (OfR, 2023a: 4-6; 2024b). The use of the terms "facilitate", "collaborate", and "support" depicted the state as a neutral guarantor of victims' rights (OfR, 2021b: 2-3; OMP, 2020: 25; OMP, 2023: 7, 14). In the OfR's narrative, it was even recast as a virtuous developmental actor helping victims to "rebuild" and "restore" their lives (OfR, 2025; GoSL, 2018: 23-24). The absence of perpetrators from their narratives supported this positioning, enabling the state to appear as a humanitarian facilitator of redress rather than an actor implicated in atrocities.

Intertextuality

The victim narratives of the OMP and OfR were shaped and contested by a range of domestic and international discourses. UN agencies and the Human Rights Council initially welcomed their establishment as positive steps in fulfilment of Sri Lanka's TJ agenda (UN Human Rights Council, 2016: 9; 2019: 2). Foreign governments, too, publicly welcomed the creation of these mechanisms, with the UK calling the OMP "a significant step forward on the path to reconciliation" (British High Commission Colombo, 2016; Perera, 2016: 6). Yet, this endorsement was tempered by continued international scepticism, and different actors voiced concerns about the slow progress of both Offices after they became operational (AJAR, 2018: 4; OHCHR, 2024). Following Sri Lanka's withdrawal in 2020 from Resolution 30/1, the Human Rights Council shifted responsibility for preserving evidence of past crimes to the OHCHR and established the Sri Lanka Accountability Project, citing the failure of the OMP and OfR to deliver accountability or earn victims' trust (Crawford, 2025).

Victim collectives and civil society organisations were more critical and expressed increasing disillusionment with both mechanisms. Whilst some Tamil victim groups and political representatives cautiously supported the OMP's establishment, many condemned the lack of consultation in its design, the hurried and opaque passage of its legislation, and the institution's limited powers (Samantha, 2016: 3; HRW, 2017). Victims and rights defenders criticised that the OMP's findings could not give rise to criminal or civil liability, making it fundamentally unable to provide truth or justice (Amnesty International, 2019b: 11). As the OMP's work

commenced, families of the disappeared and their advocates expressed frustration with its slow progress and lack of concrete outcomes (Ibid.; Keethaponcalan, 2019: 99). Many boycotted its proceedings or protested its ineffectiveness, whilst others appealed directly to international bodies for justice (PEARL, 2020).

The OfR attracted even greater scepticism. Domestic and international civil society and rights organisations noted that the Office lacked decision-making autonomy, with its policies and guidelines subject to Cabinet and Parliamentary approval (Amnesty International, 2019b: 18; Lassée, 2019: 710; MAP, 2018). Tamil families and activists saw the OfR as a politicised and exclusionary body, fearing that they would be "expected to settle without proper accountability for conflict-related abuses" (HRW, 2018c; MAP, 2018).

Domestic political and security actors, particularly those associated with the military and Sinhala-Buddhist nationalist sectors, undermined Sirisena's attempts to establish both Offices. The OMP, for instance, faced pressure from nationalist and military constituencies who opposed any process that might implicate state forces or open space for accountability (Gomez, 2017: 4). This pressure led to significant delays in drafting the OfR bill, and also delayed the operationalisation of the OMP (Ibid.). In May 2017, an amendment to the OMP Act removed the Office's power to enter into agreements with external entities, limiting its autonomy and ability to engage with international expertise or victims' representatives abroad (Amnesty International, 2019b: 11).

As Sri Lanka's political landscape evolved beyond 2019, both the OMP and OfR were increasingly viewed by critics as tools for diverting international pressure. Civil society organisations and victim collectives argued that these TJ mechanisms merely masked the state's – particularly the Rajapaksa government's – unwillingness to confront the past or address minority grievances (Mohammed and Hampton, 2024: 2; Buthpitiya, 2022a: 123). Although the new administration did not disband the OMP or OfR, it weakened both institutions, including by cutting their funding and reducing their operational autonomy (Raheem, 2024: 5).

Synthesis – Genealogy

Together, the OMP and OfR (re)produced narratives of victimhood rooted in procedural inclusion and institutional support for individuals and communities affected by myriad forms of harm. The OMP's narrative, centred the suffering of families of the disappeared, with little reference to the type or degree of harm experienced, or the time period and place in which victimising acts occurred. Its language affirmed a commitment to bureaucratic truth-telling whilst avoiding any engagement with the identities of perpetrators or the structural causes of violence. This lack of specificity resulted in an ill-defined and depoliticised recognition of victims' lived experiences.

The OfR articulated a broader and more disaggregated category of victims, defined primarily by socio-economic vulnerability and the seriousness of the harm suffered. Its narrative prioritised empowerment and rehabilitation, and victims were constructed as recipients of state-led support schemes rather than as active participants in TJ. The OfR made victimhood

intelligible through technocratic assessments of eligibility, yielding hierarchies of harm that excluded those associated with terrorism or separatism – two terms that were left undefined. Both Offices, then, advanced a top-down, technocratic process of humanitarian TJ that treated victims as a largely undifferentiated monolith, and which glossed over the political conditions and actors responsible for the harm it claimed to address.

3.12.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The victim narratives institutionalised by the OMP and OfR helped extend and deepen Sri Lanka's post-war power structures. Far from confronting the structures and actors responsible for wartime violence, both mechanisms affirmed a post-settlement order in which the state was positioned as the primary provider of recognition and redress to affected communities, at the expense of addressing its role in causing that very harm. Their privileging of bureaucratic legibility over political grievance, and of technocratic support over accountability, contributed to consolidating state authority and marginalising alternative and dissenting accounts of violence.

A defining feature of both mechanisms was their representation of the state as a neutral, responsive actor committed to victim welfare and restoration. This propped up its role as a humanitarian benefactor, tasked with fulfilling the rights of victims. However, beneath this

language lay a bureaucratic apparatus designed to discipline the claims that could be made by affected populations and assert the state's monopoly over wartime memories. Both Offices transformed potentially confrontational demands for truth and justice into bureaucratic requests, and reduced recognition to an administrative process. They appeared responsive to victim concerns, but ultimately diffused pressure for systemic transformations as they regulated and depoliticised victim demands (Kodikara, 2023: 169).

These dynamics perpetuated a statist model of TJ that trivialised accountability and institutionalised impunity for past and ongoing abuses. They added a new line of defence around current and former state actors implicated in war crimes, on top of the LLRC and Paranagama Commission. This protection enabled the continued veneration of the armed forces in Sri Lanka, with both Sirisena and Gotabaya Rajapaksa publicly referring to security forces as "war heroes" and pledging to shield them from prosecution (HRW, 2018c; HRW, 2022a). For many affected individuals, the Offices were deeply revictimizing, leading to victim fatigue and prompting boycotts and protests against their work (PEARL, 2020).

Uneven power relations were also reified through the limits of victimhood drawn by both mechanisms. The OMP's practices of victim recognition reduced different experiences of harm into a universal narrative of absence and loss. For Grewal (2023: 322), this abstraction of suffering into technical categories constituted a form of "epistemic violence" that homogenised difference and effaced power asymmetries. Such exclusions were also institutionalised by the OfR, though more explicitly by denying reparations to those associated with 'terrorism' or 'separatism'. The ambiguity of these categories facilitated their application to a wide range of

political activity and expression, potentially silencing multiple forms of dissent. Laffey and Nadarajah (2012: 413) contend that the terrorism narrative limited Tamil political action, as it disqualified Tamil voices and grievances based on their stance towards the LTTE and independent statehood. This association between separatism and terrorism denied many Tamil victims their right to reparations and reproduced one-sided perceptions of blame centred on Tamil militancy, whilst maintaining Sinhalese claims to privileged victimhood. These exclusionary practices also facilitated the state's continued refusal to share power or engage meaningfully with minority claims (Klem, 2024: 125).

One implication of this discursive infrastructure was the heightened surveillance and suppression of Tamil commemorative practices after 2018. In 2020, public commemorations of 'Maaveerar Naal' (Tamil Remembrance Day) were banned, and military deployments in Tamil-majority regions reportedly intensified ahead of the commemoration each year (Verité Research, 2022: 8). In January 2021, authorities bulldozed a memorial at Jaffna University honouring Tamil wartime victims, justifying the act by stating that “no one will and should be allowed to commemorate dead terrorists” (Al Jazeera, 2021). These disruptions mirrored a post-war order in which remembrance was heavily policed and disciplined by the state. Meanwhile, “the North-East is covered in State-constructed memorials paying tribute to the Sri Lankan military for ‘rescuing the Tamil people in a humanitarian operation’” (Adayaalam Centre, 2017). Whilst the OfR presented its exclusions as neutral, its victim narrative reaffirmed a wartime distinction between lives worthy and unworthy of commemoration. This construed Tamil survivors as a defeated enemy undeserving of justice. But beyond erasing particular

subjectivities from the post-settlement order, these exclusions upheld the hierarchies and epistemic control underpinning majoritarian hegemony (Lassée, 2023; Mihlar, 2024b).

An additional implication was the naturalisation of a socio-political order in which legitimate victimhood was made legible through state-defined, technocratic criteria. Lived experiences falling outside the official narrative were invisibilised, which both reflected and reinforced uneven post-war relations of domination. The OfR's differential treatment of Easter Sunday victims, who were identified and allocated a dedicated fund, contrasts with the anonymity of 'wartime' victims, whose suffering was recognised only insofar as it conformed to bureaucratic frameworks. Following the 2019 attacks, Sri Lankan Muslims became the new targets of state securitisation, resulting in arbitrary arrests under anti-terror legislation, surveillance, and state-enabled communal violence (Mihlar, 2024b: 125-126; Wettimuny, 2024: 74). This suggests that the state's control over political space was not confined to Tamil peoples and territories, but formed part of a wider post-settlement culture – sustained by both the OMP and OfR – in which minority voices were silenced and disciplined through a counter-terrorist logic (Siampakou, 2024: 10-11).

This discursive regulation contributed to intensified surveillance and suppression of dissent. Tamil families of the disappeared, particularly women-led collectives, faced threats and harassment from security forces since launching a multi-site roadside protest movement in 2017 (Raheem, 2024: 5; Adayaalam Centre, 2022: 3-5). Peaceful Tamil gatherings across the North-East were disrupted by police, and organisers reported being intimidated and often arrested without charge (Ibid.: 4-5). Activists described an atmosphere of fear, where attending

remembrance events or sharing images online could lead to detention under the PTA (Verité Research, 2022: 8; HRW, 2022a). Although amended in 2022, the PTA retained its most repressive provisions, and was increasingly used to target political opponents, journalists, and minority civil society actors (Ibid.; HRW, 2024). These practices coincided with the OMP's and OfR's outreach to victim collectives. Yet, their narratives of depoliticised harm narrowed the space for political mobilisation, with claims that challenged dominant power structures rendered illegitimate or unlawful. The Offices therefore helped naturalise a mode of governance in which opposition was criminalised and repression defended as necessary for stability, effectively marginalising voices of dissent from the post-settlement order.

Like the LLRC and Paranagama Commission before them, the OMP and OfR operated as discursive shields in Sri Lanka's international relations. Both institutions were created following the country's co-sponsorship of Resolution 30/1 and were repeatedly invoked by the government as evidence of progress towards fulfilling such commitments (Mihlar, 2024b: 125; Crawford, 2025). Even after Rajapaksa's withdrawal from the resolution in 2020, both Offices were preserved, albeit with reduced autonomy and support (Raheem, 2024: 5). Their continued existence allowed the state to claim that reconciliation continued underway – a discourse frequently echoed by Sri Lankan authorities in multilateral fora, even as accountability was systematically sidestepped and victim protests intensified (Kodikara, 2023: 169). From this perspective, these TJ mechanisms emerged more as tools of reputational management and strategic legitimation than as mechanisms of meaningful redress for affected communities.

Peacebuilding

The OMP and OfR took steps to address some claims of affected populations, and the formal inclusivity of their victim narratives had some positive implications for peacebuilding. First, the OMP played a role in facilitating exhumations and compiling information that, though limited in scope, may have offered some families a degree of recognition. Second, the Sirisena administration took some measures to bring Sri Lanka closer to international human rights norms, including ratifying the International Convention on Enforced Disappearances in 2016, and formally criminalising enforced disappearances in 2018 (Verité Research, 2019: 7; OHCHR, 2024). The introduction of Certificates of Absence in 2016, an unprecedented step recognising the legal ambiguity surrounding missing persons, allowed some families to access social services and manage property without having to declare their relatives deceased (Yusuf, 2017: 5). Finally, there is evidence that the OfR has provided reparations to thousands of people, offering a measure of material relief and symbolic recognition to some individuals and communities (OfR, 2022; OfR 2024b).

However, these mechanisms sustained the underlying architecture of impunity, exclusion, and militarisation that continued to define Sri Lanka's post-settlement order. Their victim narratives gave institutional shape to a state-imposed vision of justice and peace divorced from accountability and fundamentally incapable of recognising – let alone reconfiguring – an enduring, oppressive majoritarian order. Their peacebuilding agenda, articulated through the language of truth and redress, recast peace as a technocratic process that homogenised conflict experiences under a universalising umbrella. Indeed, the OMP's lack of an ethnic peacebuilding

component for a conflict fought primarily on ethnic terms is highly problematic. Only the OfR appreciated some degree of diversity in victims' contexts and needs, but in practice this acknowledgement was confined to women, children, and persons with disabilities. The implication was a form of depoliticised victim assistance entirely silent on questions of responsibility. No perpetrators were identified, and the root causes of abuses were steadily glossed over. Both Offices helped entrench and stabilise a post-settlement order that denied substantive justice to affected populations and widened ethno-political fault lines.

Between 2018 and 2024, the militarisation of Tamil-majority areas remained one of the most visible legacies of the armed conflict. Although the government claimed that 90% of military-held land in 2009 had been returned by 2019, civil society groups and affected communities contested these figures, citing selective releases and new occupations (Sri Lanka Campaign, 2021: 21). There is evidence that many released lands were inaccessible or surveilled, and that land was often re-appropriated through legal or religious encroachments (Ibid.: Kapur, 2024: 267; Verité Research, 2023: 12). In 2022, the army reportedly maintained one soldier for every two civilians in the Mullaitivu district in the Northern province, making it one of the most militarised areas in the world (Maher, 2024: 184). Across the North-East, the military continued to run farms, schools, hotels, and restaurants (Sri Lanka Campaign, 2021: 21; Amnesty International, 2019b: 19). Ongoing militarisation and land occupation thus served as a form of spatial control to (re)assert state authority. Tamil communities continued to protest these oppressive conditions, though their mobilisation was frequently met with state violence (Ibid.; Adayaalam Centre, 2021: 4).

Yet, the OMP and OfR overlooked such coercive dynamics. Neither mechanism addressed ongoing militarisation, nor did they recognise land return as a political or justice-based claim – a particularly serious omission in the OfR's case. Instead, their victim narratives constructed suffering as a humanitarian problem to be tackled through procedural recognition and welfare assistance. Affected individuals were not viewed as political agents contesting oppression, but as vulnerable populations in need of development support. This approach made peacebuilding compatible with persistent coercion and spatial control, enabling both Offices to implement their programmes in heavily militarised spaces without recognising or confronting structures of violence and occupation.

Moreover, that eligibility for reparations was conditional on demonstrating non-involvement in terrorism or separatism inscribed a logic of securitisation onto the OfR's framework itself. According to Wettimuny (2024: 75), unrecognised claims of victimhood and legitimacy among Sri Lankan ethnic communities entrenched intransigent positions and exacerbated ethno-religious conflict. In the case of Muslim youth, such exclusions have been linked to processes of radicalisation (Imtiyaz, 2020: 7). Wartime modes of territorial control and violence were therefore reproduced by the very TJ mechanisms tasked with providing justice and redress to victims (Mihlar, 2024a).

Meanwhile, the construction of victims as bureaucratic subjects of institutional care fundamentally shaped how recognition was experienced. Many families reported feeling retraumatised following their engagement with the OMP and OfR, not only due to delays or lack of follow-up, but because their suffering was mediated by administrative procedures that

created uneven space for political grievances and memorialisation (Fonseka and Naples-Mitchell, 2017: 5; PEARL, 2020). That both Offices narrowed the terms in which victim identities could be seen and heard, despite their seemingly inclusive narratives, also made it possible to erase some experiences of wartime violence from institutional memory. These exclusions enabled successive governments to renege on the Sirisena-era promise to publish the register of people who surrendered or were detained in the final stages of the war, which remained a source of deep frustration for many families of the disappeared (Buthpitiya, 2022a: 123; Rudrakumaran, 2025). They also facilitated the state's suppression of commemorative practices and intimidation of victims' relatives seeking answers, as well as the continued enforcement of the PTA, all of which sharpened ethno-political divisions further.

The post-2019 political shift also exposed the material implications of these victim narratives. Both Offices upheld a post-settlement order in which accountability could be eluded and dissent framed as threatening. Yet, these practices extended beyond minorities in the North-East. The 2022 Aragalaya mass protest, led by civil society across ethnic and religious lines, was met with similar patterns of repression. Ranil Wickremesinghe, appointed president by Parliament following Rajapaksa's resignation, violently disbanded the movement and arrested several of its leaders (Mihlar, 2024b: 120). As Buthpitiya (2022b) argues, the government's crackdown of Aragalaya echoed long-standing practices of dissent containment, facilitated by the portrayal of protest as destabilising and the criminalisation of political mobilisation. Hence, in addition to eschewing questions of justice, the vision of peace advanced by the OMP and OfR enabled patterns of state violence and repression to continue.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis suggests that the OMP's and OfR's victim narratives perpetuated post-2009 logics of impunity and oppression under the language of redress. Despite presenting themselves as neutral and inclusive humanitarian mechanisms, both Offices codified discursive frameworks that depoliticised wartime violence and marginalised accounts of harm that diverged from the state's. Their technocratic approach to peace homogenised diverse conflict experiences and obscured the disproportionate suffering of ethnic minorities. Their narratives affirmed the state as a benevolent provider of remedy without confronting its role in past and ongoing abuses, leaving the drivers of conflict unaddressed. They also redrew the boundaries of acceptable grievance and participation, rendering certain forms of political action illegitimate and even criminal.

In doing so, OMP and OfR legitimised a post-settlement order rooted in coercion and the containment of pluralism and dissent. Their victim narratives helped sustain repressive practices, including the policing of remembrance, the suppression of political opposition, the preservation of the PTA, and the militarisation of the North-East. What these Offices enabled, then, was not a reckoning with past violence, but its continuation through different means; a protracted cycle in which unresolved grievances and competing victim narratives continued to reproduce the very societal fractures that these TJ mechanisms were designed to mend.

Chapter Four: Case Analysis – Colombia

4.1. Chapter Overview

Research on TJ in Colombia has been extensive, but has generally concentrated on individual processes and mechanisms rather than on their interrelations. Scholars have thoroughly unpicked the Justice and Peace Law (see Laplante and Theidon, 2006; Aranguren, 2012; Jaramillo-Marín, 2010; Suárez-González, 2023), the Victims' Law (see Foringer, 2023; Angulo, 2014; Summers, 2012; Delgado-Barón, 2015), and the Comprehensive System for Truth, Justice, Reparations, and Non-Repetition (Cruz, 2024; Bakiner, 2019; Vargas, 2022), though these mechanisms have most often been analysed in isolation from one another. Other studies have taken a thematic focus to issues such as reparations or land restitution (see Sikkik et al., 2021; Marín et al., 2021; García-Godos and Wiig, 2018). A small number of works have traced the evolution of Colombia's TJ frameworks (see Triana et al., 2022; Williams and Duque, 2019; Capone, 2017), but to my knowledge none have systematically examined how narratives of victimhood were constructed across different TJ processes and periods. In what follows, I dissect the range of TJ systems and mechanisms set up in Colombia through the prism of victimhood.

The chapter opens with a background on Colombia's armed conflict to provide context for the analysis. It then turns to the TJ mechanisms created between 2005 and 2017, beginning with the Justice and Peace Law, followed by Law 1424, the Victims' Law, and concluding with the Comprehensive System for Truth, Justice, Reparations, and Non-Repetition. As I did in the Sri

Lanka case analysis, each mechanism is examined using the analytical framework and research methods outlined in Chapter One and Chapter Two.

4.2. Background

Colombia has experienced one of the world's longest-running internal armed conflicts, stretching over six decades and imprinting overlapping cycles of violence into the country's political, economic, cultural, and social life (Capone, 2017: 126; Laplante and Theidon, 2006: 53). Whilst the conflict has manifested in different ways over time, common threads of political exclusion, inequality in wealth and land tenure, and state weakness run through its history (Ahumada, 2020: 26). Scholars frequently trace the origins of the contemporary conflict to *La Violencia* (1948-1964), a period of partisan violence between Liberal and Conservative factions that saw an estimated 200,000 killings (Palacios and Safford, 2012: 494; Ríos, 2017: 26). The bloodshed of this period would profoundly shape the use of violence to advance political goals for decades to come (González and Molinares, 2010: 356-357; Jaramillo-Marín, 2015: 248).

From the 1960s, leftist guerrilla groups such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and later the M-19, emerged from the struggles of peasant farmers in rural peripheries. These movements were rooted in the unequal distribution of land and other socio-political and economic grievances (Angulo, 2014: 176). The 1980s and 1990s marked the consolidation of these insurgent movements and, in response, of the state's counterinsurgency apparatus (Camargo, 2019: 814). Right-wing paramilitary militias also proliferated during this period, evolving from local self-defence groups into national

structures allied with land and business owners, political elites, and drug cartels, often with the complicity of state actors (Palacios and Safford, 2012: 519-520). The growing pervasiveness of illicit economies, particularly drug trafficking, fuelled the armed conflict and made territorial control one of its central drivers (Summers, 2012: 219; Montalvo et al., 2023: 53).

The humanitarian toll of the violence has been considerable. Patterns of harm have included massacres, enforced disappearances, kidnappings, forced displacement, land dispossession, and sexual violence, with civilians bearing the greatest brunt of the violence and rural and ethnic communities being disproportionately affected (García-Godos and Lid, 2010: 491; Braconnier et al., 2023: 125). By the early 2000s, Colombia had one of the world's largest internally displaced populations (Sandvik and Lemaitre, 2015: 251). According to estimates by the National Centre for Historical Memory (CNMH), between 1958 and 2018 the conflict caused more than 260,000 deaths, 82% of them civilians, and by 2015 nearly 6.5 million people had been forcibly displaced (CNMH, 2015: 16; Romero, 2018). Although data about the scale of the conflict remains a subject of contestation among scholars and institutions (Krystalli, 2023: 129), these figures provide a sense of the magnitude of its human cost.

Successive governments have attempted to bring the conflict to an end, alternating between military campaigns and peace negotiations. Peacemaking initiatives in the 1980s and early 1990s granted amnesties to insurgent groups such as the M-19, the Quintín Lame, the Popular Liberation Army (EPL), and the Workers' Revolutionary Party (PRT), leading to the demobilisation of thousands of combatants (Melamed, 2014: 64; Montalvo et al., 2023: 53). These settlements set important precedents for the more ambitious TJ frameworks that would

follow in the 2000s and 2010s, as the state sought new ways to address and transform the legacies of protracted violence in the country (Williams and Duque, 2019: 139).

4.3. Justice and Peace Law (2005)

4.3.i. Overview

In July 2003, the Colombian government under President Álvaro Uribe (2002-2010) reached an agreement with the paramilitary group United Self-Defence Forces of Colombia (AUC) to initiate the collective demobilisation of nearly 30,000 combatants (Capone, 2017: 136). Most demobilised AUC members were rank-and-file combatants not accused of serious crimes, and were thus processed under the Public Order Law, an ordinary legal mechanism not analysed here (Williams and Duque, 2019: 140). Law 975 of 2005, known as the Justice and Peace Law (JPL), provided the legal framework for investigating and prosecuting those suspected or accused of the most serious crimes (Sánchez-León et al., 2016: 255). The Law, a TJ mechanism attuned to international standards of justice, offered reduced and alternative sentences to perpetrators of the most serious crimes in exchange for confessions, reparations, and guarantees of non-repetition (Uprimny and Saffon, 2006: 176).[1]

4.3.ii. Genealogy

This section conducts a genealogy of the victim narrative institutionalised by the JPL. Although the Law was passed in July 2005, its narrative was not immediately fixed. Instead, it was shaped

[1] Prior to 2005, the Colombian state had deployed TJ mechanisms to grant amnesties to demobilised members of armed groups, including the M-19, the Quintín Lame, and the PRT. These processes were carried out through a combination of executive decrees and legislative acts between 1982 and 1991. However, these amnesties fall outside the scope of my criteria for inclusion into the empirical landscape and are therefore not analysed.

by a series of Constitutional and Supreme Court rulings in 2006 and 2007, which revised aspects of its legal framework, and by the evolving jurisprudence of the Justice and Peace Chambers tasked with its implementation.[2] Although the Chambers were established between 2006 and 2008, it was only after 2013, when verdicts, decisions, and other communications began to be issued, that discursive patterns of legitimate victimhood became visible. This corpus of primary data from the Chambers retroactively codified the narrative that had been informing legal practices and institutional responses during the Law's initial implementation.[3] The complete Colombia genealogies, including the detailed analytical steps informing the key themes below, can be found in Appendix D.

Theme 1: A selective politics of victimhood centred on victims of illegal armed groups

The JPL defined victims as persons who "individually or collectively have suffered direct harm" but specified that "the damages must be the consequence of actions that have transgressed criminal legislation, carried out by organised illegal armed groups" (Ley 975, 2005: 2). It also extended recognition to partners and first-degree relatives of those killed or disappeared, and to members of the armed forces harmed by illegal armed groups (Ibid.). This restrictive

[2] In 2012, the JPL was amended by Law 1592, with procedural reforms aimed at improving the efficiency of its implementation. Whilst this law strengthened provisions related to collective victimisation, it did not fundamentally change the categories, assumptions, or narrative framework that defined victimhood under the original 2005 legislation (Sánchez-León et al., 2016: 259).

[3] The JPL created the Comisión Nacional de Reparación y Reconciliación (CNRR), which included a public memory component through its Grupo de Memoria Histórica (GMH). The GMH produced several reports between 2008 and 2011 and was absorbed by the CNMH, established under Law 1448 of 2011 (the Victims' Law). Whilst these outputs could be considered discursive monuments under my methodological framework, they were not included in this genealogy, as this chapter focuses on the narrative institutionalised through the Law's design and its implementation via the Justice and Peace Chambers. Although the GMH's early memory work laid important foundations for later truth-telling initiatives, it engaged a broader historical framing that diverged from the JPL's discursive structure and became more closely aligned with the approach later adopted by the Victims' Law.

understanding of harm was centred on the perpetrator and excluded violence committed or sponsored by state actors, as well as those affected by more diffuse or indirect forms of violence. Victims of paramilitary successor groups and of former members of illegal groups were also excluded, a logic stabilised through the requirement that violations be attributed to individuals and channelled through judicial processes (Ibid.: 2-3). Even among recognised victims, hierarchies were introduced: initially only first-degree relatives were recognised, until Colombia's Constitutional Court extended recognition to other relatives who could prove "real, concrete, and specific harm" (Sentencia C-370, 2006: 16).

Theme 2: Violence as deviance; the state as victim and administrator of justice

The JPL's narrative was premised on the assumption that violence represented a deviation from state sovereignty, not a condition or enabler of it. The legal text and the Chambers framed organised violence as a disruption of public order that "displac[ed] state sovereignty" and "co-opt[ed] public functions" in certain regions (Salas de Justicia y Paz, 2022: 8). They also praised the state's counterinsurgency response, describing the Democratic Security policy as a necessary reassertion of the rule of law (Salas de Justicia y Paz, 2022: 8; 2016a: 7). The state was depicted as a passive, victimised agent that "retreated in the face of guerrilla advances" (Salas de Justicia y Paz, 2017a: 8). The Law itself was conceived to "recover the institutionality of the rule of law", especially in regions where the state lacked a monopoly of violence (Ley 975, 2005: 11).

Truth was produced through judicial procedures and the confessions of perpetrators. The Law offered legal benefits to *postulados* (demobilised combatants) who delivered a "free version" of

the "criminal acts committed on the occasion of their membership in these groups" (Ley 975, 2005: 5). These testimonies were deemed credible when corroborated by the General Attorney's Office (Ibid.). Truth was made individual, verifiable, and transactional: a commodity exchanged for reduced sentences.

The Chambers recognised 5,000 perpetrators as responsible for 20,000 acts of violence. The vast majority were members of paramilitary groups (86%), with smaller numbers from the FARC (10%) and ELN (3%) (Murcia and Moreno, 2025). The Law and Chambers did not grant victimisers voice as political actors, nor did it situate them within institutionalised systems of violence. Rather, they were positioned as individual wrongdoers who could be morally and legally rehabilitated if they complied with the Law's terms. This subject position stripped violence of its political content, and reduced accountability to a question of legal cooperation.

State actors and institutions, particularly the Chambers themselves, were depicted using terms that naturalised their authority and benevolence. The Chambers were said to "join with victims in their cry of Never Again", "participate in the search for tools that allow the reconstruction of their social and organisational fabric", and "allow those affected to recover (...) what legally belongs to them" (Salas de Justicia y Paz, 2014: 30; 2022: 10). The Law itself sought to "recover and promote the rights of citizens affected by acts of violence" and to "recognize and dignify victims" (Ley 975, 2005: 11).

The state was therefore an arbiter of justice rather than a party to the conflict. Even when the Chambers recognised that children were killed in combat by state forces, responsibility was

attributed to the illegal armed group that recruited them (Salas de Justicia y Paz, 2017a: 49-51). In one case, a former FARC combatant was found responsible for the death of children killed in combat by the armed forces, as they were "placed in danger and thereby causing their death" (Salas de Justicia y Paz, 2022: 28).

Theme 3: Innocent victims and redeemable perpetrators

Across rulings, victims were depicted as innocent, honourable civilians – "uninvolved in the armed conflict" – whose suffering was unjustified precisely because they had no part in the violence (Salas de Justicia y Paz, 2020: 18). This framing extended into legal decisions, which purported to "restore the good name" of those who "were labelled as collaborators, supporters, or members of insurgent groups", and to "make clear that [victims] were civilians, honourable and hardworking people" (Ibid.: 19-20). They were described as farmers, construction workers, students, teachers, market vendors, harmed in "arbitrary, absurd, and despicable" ways (Salas de Justicia y Paz, 2017a: 17, 39; 2018: 379). Predicates portrayed them as passive and "vulnerable" recipients of violence, "snatched away", "stripped", and "rendered defenceless" (Salas de Justicia y Paz, 2017a: 21; 2019: 32; 2022: 4, 28).

Perpetrators, in contrast, were depicted as inhumane agents of calculated and systematic violence. Their cruelty and excess were emphasised, including through descriptors of the "ferocity" of their actions and their "barbaric" strategies "sustained by terror" (Salas de Justicia y Paz, 2016a: 50; 2017a: 2; 2017b: 4; 2022: 7). This "bloodthirsty violence" was said to affect individual victims and "society as a whole" (Salas de Justicia y Paz, 2016a: 50; 2021: 6).

Yet, these portrayals of irrational and excessive violence were tempered by the language of regret and redemption. Perpetrators who complied with the JPL's procedures were described as having "confessed their acts and assumed responsibility", "accepted the charges", "asked forgiveness from the victims for the harm caused", and "contributed to turning the page on past violations" (Salas de Justicia y Paz, 2017a: 25; 2017b: 13, 17; Ministerio de Justicia, 2015: 44). This vocabulary buttressed a narrative in which perpetrators were not intrinsically unredeemable but could be morally rehabilitated by performing remorse. As one perpetrator stated in a public hearing, "I have stood face to face with Mrs. Teresita (...) I have been able to tell her that yes, I made a mistake, but I want society to give me an opportunity" (Salas de Justicia y Paz, 2013: 3).

Theme 4: Relational victimhood and moral hierarchies

By June 2025, the Chambers had recognised over 255,000 victims, including 42,000 direct victims, most having suffered displacement, murder, or disappearance (Salas de Justicia y Paz, 2025; Murcia and Moreno, 2025). Victims were frequently represented through familial relations, with accounts of "families disintegrated" as a result of victimising acts, and perpetrators regularly issuing apologies to family members "for the harm caused to all these families" (Salas de Justicia y Paz, 2015b: 6; 2017b: 16). This emphasised the impact of violence in victims' familial and community environment, all of whom "suffered a marked uprooting in their family, social, educational, and cultural aspects" (Salas de Justicia y Paz, 2020: 18). The Chambers' choice to frequently spotlight the experiences of harm of students whose "life

projects" and community networks were ruptured buttressed these portrayals (Salas de Justicia y Paz, 2014: 14; 2017a: 45, 55; 2018: 413-14).

The JPL was built on a clear-cut distinction between innocent victims and guilty perpetrators, leaving little space for more complex identities that transcended this binary. Children recruited by illegal armed groups were recognised as victims only until 18, after which they were to be held criminally liable (Salas de Justicia y Paz, 2018: 27). The experiences of women combatants who suffered sexual violence or forced abortion within armed groups were occasionally acknowledged, but these women were construed as "victims of their own condition" (Salas de Justicia y Paz, 2020: 22), implying that their suffering was self-inflicted through their choice to join an illegal group.

Intertextuality

The JPL was introduced against the backdrop of Uribe's Democratic Security policy, a security doctrine aimed at reasserting state authority over territories controlled by illegal armed groups across Colombia (Burbridge, 2008: 563). Its enactment followed the 2003 Santa Fé de Ralito agreement, which sought to dismantle the AUC and led to the demobilisation of over 30,000 paramilitary combatants between 2003 and 2006 (Capone, 2017: 136). Although the Law formally applied to all non-state armed groups, its content and timing suggest that it was designed to facilitate the legal reintegration of paramilitary combatants, rather than to establish a comprehensive TJ framework. Early drafts offered blanket amnesties and excluded victims entirely, reflecting a logic that from the outset privileged legal whitewashing over accountability

(Aranguren, 2012: 120). State officials justified the exclusion of state victims from the JPL on the grounds that recognising state crimes would "generate a demoralising effect in the Army" and undermine the ongoing military campaign against insurgent groups (Ibid.).

This approach resonated with post-2001 GWOT discourses. Since taking power in 2002, Uribe refused to characterise Colombia's violence as an internal armed conflict, and instead described it as "a case of terrorist threats and terrorist attacks" (Gómez-Sánchez, 2011: 70). The language of terrorism proved problematic for initiating peace negotiations with the AUC, since state officials often referred to paramilitaries as terrorist actors (Ibid.: 71). Yet, the Uribe administration justified the peace talks by reframing paramilitary groups as a political group whose demobilisation could be negotiated, unlike the FARC and ELN, who remained fixed in a counterinsurgency logic (Grajales, 2011: 155).

Colombia's ratification of the Rome Statute in 2002 and its commitments under the Inter-American human rights system limited the government's ability to grant amnesties, as they demanded minimal procedural guarantees for victims. Owing to the pressure exerted by external actors, the original JPL bill was amended to make legal benefits conditional on truth-telling, reparations, non-repetition, and victims' participation in the process (Uprimny and Saffon, 2006: 176). Yet, the Law's core exclusions were not disturbed, as state agents remained outside the scope of culpability and truth could only be established through individualised judicial processes.

Reception to the JPL was shaped by these tensions. Foreign governments, including the US and EU, expressed cautious support for the Law, treating it as a benchmark for disarmament and a first step towards peace (Castañeda, 2012: 31). However, they also raised concerns about the persistence of paramilitary networks and the Law's leniency towards perpetrators (EU Council, 2005: 1; US Senate, 2005). The UN and the Inter-American Commission of Human Rights (IACHR), in addition to international rights organisations, criticised the JPL (Laplante and Theidon, 2006: 81). They warned that the JPL's emphasis on reintegration eclipsed the need for accountability, and argued that the Law failed to dismantle criminal structures and promote truth and non-repetition (HRW, 2005: 1-3; IACHR, 2006; OHCHR, 2006).

Domestically, the JPL's initial provisions prompted widespread backlash. Shortly after its enactment, the National Movement of Victims of State Crimes (MOVICE) was created and quickly became a key actor mobilising against the Law's exclusions (Vera-Lugo, 2015: 33). Multiple legal challenges followed. A collective of 105 human rights and victims' organisations filed a constitutional lawsuit challenging half of the Law's articles (Laplante and Theidon, 2006: 81). These interventions contributed to the Constitutional Court's rulings of 2006 and 2007, which extended recognition to non-immediate relatives of victims and mandated the expansion of victims' participation in proceedings. They also infused the Law with TJ vocabulary, introducing formal provisions for truth-telling, victim participation, and reparations.

Although some civil society and victims' organisations welcomed these reforms, several others rejected them. Critics argued that the changes did not fundamentally challenge the Law's presuppositions about the nature of the conflict or the limits of accountability for violations

(Ibid.: 82). They further noted that the judicial process still relied on ex-combatants' cooperation, since the state lacked independent information to investigate crimes, yielding a "sort of hidden amnesty" for those who chose not to confess (Sánchez-León et al., 2016: 256).

Synthesis – Genealogy

The genealogy of the JPL reveals a limited and exclusionary construction of legitimate victimhood, rooted in judicial recognition and centred on the violence of non-state armed actors. Though the Law emerged from the demobilisation of paramilitary groups, it produced a narrative that stripped violence of its political meaning and individualised accountability. It also positioned the state as both a victim and a neutral – even benevolent – administrator of justice. Recognition hinged on legal categories of harm, which effaced structural and state-sponsored violence and introduced hierarchies of victimhood among conflict-affected populations. Perpetrators were cast as deviant wrongdoers, whose compliance with legal procedures could earn them judicial benefits and societal reintegration. Justice became a project of confession and remorse, rather than a deeper reckoning with underlying structures of violence. The JPL formulated a discursive framework in which truth could be recovered through legal processes and in which the state was neither a party to the conflict nor a perpetrator of violence.

4.3.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The JPL helped shape a socio-political order that affirmed state authority and upheld the interests and power of Colombia's political and economic elites. Its narrative of victimhood constructed the state as a neutral provider of justice and a virtuous agent of societal repair, drawing attention away from its role in violence. Victims were framed as innocent civilians harmed by deviant non-state actors, which restricted the discursive space of legitimate suffering and rendered structural, institutional, and collective forms of violence illegible, particularly when implicating state agents. This moralised and individual narrative of harm, centred on perpetrators rather than victims, enabled the reintegration of demobilised paramilitaries into the post-settlement order. It did so, however, by preserving the political and economic networks that produced and sustained paramilitary violence. Far from addressing the relationship between paramilitary groups and state and corporate elites, the JPL deployed the language of TJ to achieve judicial closure for past abuses, but without dislocating the power relations that made those very abuses possible.

The JPL's erasure of the state as a party to the conflict, along with its positioning of state agents as victims of illegal armed groups, legitimised a sovereign post-settlement order and the state's power within it. Its presupposition that violence constituted an exceptional disruption of public order and a threat to state sovereignty reified the state's monopoly over legitimate violence and precluded accountability for its wartime conduct. Even when confessions from demobilised paramilitaries implicated military and police officials in abuses, including senior officials such

as Mario Montoya, Alejandro Navas, Rito Alejo del Río, and Mauricio Santoyo, investigations were not pursued (Gómez-Sánchez, 2011: 65; HRW, 2008b: Ch.IV). The Attorney General's Office, tasked with investigating and corroborating the information given by *postulados*, closed or failed to pursue the vast majority of cases implicating police and military officials (Ibid.; Verdad Abierta, 2015). As a result, over 1,200 security personnel implicated in confessions continued to serve in the armed forces throughout the JPL's period of implementation, with many even receiving promotions and diplomatic appointments, demonstrating how legal inaction was shaped by the Law's narrative exclusions (Ibid.; Yepes, 2013; 98).

This requirement for the Attorney General's Office to investigate paramilitary confessions did, however, create discursive openings to investigate political and economic collaborators through ordinary judicial proceedings. The confessions of *postulados* exposed important linkages between politicians and paramilitary groups, and the 'parapolitics' scandal that followed led to the conviction of over 60 congressmen, 8 governors, and over 50 mayors between 2006 and 2012 (Verdad Abierta, 2015). But partly because the Law produced an individualised and depoliticised victim narrative, this space ultimately proved too narrow to disrupt the political and economic networks that sustained paramilitarism.

Indeed, these convictions represented only a fraction of the scale of the problem. By 2015, the Justice and Peace Chambers had referred over 1,300 cases of politicians implicated in confessions to the Attorney General's Office, and evidence suggests that more than 35% of Congress members elected in 2002 had ties to paramilitary groups (Restrepo, 2022: 6; Verdad Abierta, 2015). Rights organisations also reported that many convicted political figures retained

their influence and wealth, even whilst serving prison sentences, and that most had been released by 2015 (HRW, 2010d: 27-28, Verdad Abierta, 2015). A 2007 legislative proposal by President Uribe to release all politicians convicted of colluding with paramilitaries, withdrawn only after pressure over its potential impact on the US-Colombia Free Trade Agreement negotiations, evidenced that even formal convictions failed to challenge entrenched elite-paramilitary power relations (HRW, 2008b: 111). These dynamics suggest that accountability was partial and largely performative, which helped leave the underlying systems of paramilitarism fundamentally unaltered in the post-settlement.

Corporate accountability also remained elusive, despite repeated testimonies in the Chambers' proceedings implicating private actors in financing paramilitary violence. Among those named by *postulados* were emerald dealer Víctor Carranza, businessman William Vélez, and cattle rancher Santiago Uribe – President Uribe's brother (Verdad Abierta, 2015). Large corporations including Postobón, Ecopetrol, the National Federation of Cattle Ranchers, Del Monte, and Chiquita Brands and its subsidiaries Banadex and Banacol were also implicated (HRW, 2008b: 46; Verdad Abierta, 2015). These confessions exposed a web of financial ties between business elites and paramilitary leaders, detailing the systematic funding of violence between 1997 and 2004 (Wesche, 2019: 486). In 2024, a US court found Chiquita guilty of funding paramilitarism in Colombia and ordered $38.3 million in compensation to victims (Chappell, 2024).

Yet, domestically, these findings did not translate into sanctions. Investigations against Chiquita and its subsidiaries were closed, and a civil criminal case against ten former executives of Chiquita subsidiaries is set to expire in September 2025 due to procedural delays denounced by

rights organisations as deliberate stalling tactics (Caro, 2025; Guarnizo, 2025). Because the JPL construed paramilitarism as the work of deviant individuals rather than an elite-sponsored system of violence, it offered no conceptual or legal mechanisms to prosecute corporate accomplices. Its narrative also justified avoiding, delaying, and eventually closing legal proceedings against business actors implicated in paramilitary violence. This ultimately prevented a meaningful disruption of the political economy of paramilitary violence.

The JPL's victim narrative also animated a politics of denial for violations perpetrated or enabled by state agents. Experiences of violence that unsettled the Law's portrayal of the state as an innocent actor under siege by illegal armed groups were delegitimised and disbelieved. These included claims by human rights defenders and families of victims of 'false positives' – individuals executed by the armed forces and falsely presented as insurgents. Victims of these extrajudicial killings were met with silence or suspicion, and their claims were frequently dismissed as politically motivated or unpatriotic (Vera-Lugo, 2016: 30; Gómez-Sánchez, 2011: 132). Relatives of these victims, rights defenders, opposition politicians, and trade unionists often reported being intimidated and threatened, and many were injured or killed (Aranguren, 2012: 28; Jaramillo-Marín, 2010: 39; HRW, 2009c). The Law's narrative framework helped ensure that such violence remained institutionally invisible. In particular, the JPL's framing of the conflict as a war against terrorism made these experiences of harm incompatible with legitimate victimhood. This silenced such claims to justice and helped sustain the conditions under which such violence could be repeated with impunity.

The Law also allowed for the social and political reintegration of paramilitaries without dismantling their coercive structures. Whilst the government claimed to have demobilised 30,000 paramilitary combatants by 2006, only 115 had been convicted under the JPL by 2015 (Ministerio de Justicia, 2015a: 4). Many demobilised commanders reportedly retained their wealth and regional influence, and others reorganised into new armed groups that continued to exert territorial control and profit from illicit economies (García-Godos and Lid, 2010: 498; HRW, 2007).

The vast majority of paramilitaries demobilised under ordinary legal frameworks faced no judicial proceedings under the JPL (Williams and Duque, 2019: 140). This led to widespread impunity for thousands of perpetrators. By 2010, substantial portions of these groups had reorganised and remained active in areas formerly controlled by the AUC (Capone, 2017: 136; CITpax, 2010: 124-127). In many cases, the relatives or associates of former commanders took control of these new structures, preserving the socio-political and economic networks that underpinned violence (Ibid: 125; Lid, 2010: 204). Like demobilised paramilitaries, successor groups "engage in drug trafficking, actively recruit, and commit widespread abuses, including massacres, killings, rapes, and forced displacement" (HRW, 2011b). Such criminal activity was enabled by the continued toleration of state forces towards these groups (Ibid.). The Law's individualised framing of violence treated paramilitary combatants as isolated wrongdoers, which prevented reckoning with and addressing the systems of paramilitarism.

The JPL's narrative of individualised blame and reintegration also helped sustain the fiction that paramilitarism had ended. Because the JPL was designed to investigate past violence,

individuals and communities harmed by successor groups were invisible in its account. Instead of recognising the continuity of paramilitary violence, the Uribe administration rebranded these actors as BACRIM, an acronym for *Bandas Criminales* (criminal gangs), "to downplay their connections with paramilitaries" (Durán-Martínez, 2024: 14). In 2007, Uribe claimed that "there is no more paramilitarism" in Colombia, insisting that only the state had a monopoly over legitimate violence (Caracol Radio, 2007). This denial was made possible by the Law's situated and partial account of violence. There are even reports that state agencies frequently refused to register people as displaced if they identified BACRIM as their victimisers (HRW, 2011). This shows how the JPL's exclusions helped legitimise the state's denial of ongoing paramilitary violence and its victims.

Similarly, conflict-affected individuals whose experiences complicated the Law's binaries between victim and perpetrator, or resisted neat individualisation, were marginalised. Victims of state violence, forcibly recruited persons older than 18, and women combatants who suffered sexual violence were all rendered invisible under the Law's terms. The Chambers' judicial rulings and public documentation overwhelmingly focused on civilian victims of paramilitary violence, especially those deemed blameless and apolitical. It is telling that, although state agents could be recognised as victims under the Law, no publicly documented case featured armed forces personnel who had experienced harm. These moralised exclusions shaped institutional pathways to justice, filtering the kinds of claims that could access recognition and redress. The JPL thus consolidated a status quo in which the visibility of suffering was tied to innocence, and complex or politically inconvenient forms of harm were made illegible. Many of these exclusions grounded in blame and innocence were carried forward into later TJ

mechanisms, including the Victims' Law and the Special Jurisdiction for Peace (see Suárez-González, 2023; Capone, 2017).

The JPL also helped consolidate the ideological framework of Uribe's Democratic Security policy. Its depiction of the state as guarantor of order and justice legitimised a securitising logic that cast state authority as essential to restoring public order in areas with influence of illegal armed groups. This framing enabled the deepening militarisation of civilian life, and also justified surveillance and repression under the guise of recovering the rule of law across Colombia (Ríos and Zapata, 2019: 140; Gómez-Sánchez, 2011: 42). Between 2002 and 2010, the number of police and military personnel grew by 40%, an unprecedented expansion that strengthened an increasingly repressive security apparatus and curtailed civic space (Camargo, 2010). And, between 2005 and 2009, the Administrative Department of State Security conducted extensive illegal wiretapping of rights defenders, journalists, magistrates, and government opponents (Martínez-Cortés, 2013: 6; HRW, 2010c). These examples reflected the encroachment of repressive and counterinsurgent practices into the country's socio-political structures. Civil society collectives, including the José Alvear Restrepo Lawyers' Collective and MOVICE, were publicly stigmatised by government officials as guerilla collaborators, undermining their credibility and exposing them to threats and judicial persecution (Borda, 2012: 129; Vera-Lugo, 2016: 30). The JPL narrative helped naturalise this climate of suspicion and securitised governance into the post-2005 order.

The extradition in 2008 of 14 paramilitary commanders to the US following their submission to the JPL was one of the most visible material implications of the Law's victim narrative. Framed

by Uribe as a gesture of international cooperation in the fight against drug trafficking, these extraditions removed key perpetrators from the Justice and Peace process before they could fulfil their truth-telling obligations (Lid, 2010: 203; ICG, 2008b: 3). Because the JPL individualised blame and depoliticised paramilitary violence, it offered no legal safeguard against such removals. Civil society organisations denounced the move as a deliberate effort to silence confessions that might have revealed the entanglement of political, military, and economic actors with paramilitary violence (Ibid.; Gómez-Sánchez, 2011: 254). More than a break in the process, the extradition of these commanders was an outcome made possible by the Law's failure to account for the wider structures and institutions of paramilitarism.

Peacebuilding

The JPL's victim narrative promoted a thin vision of justice that precluded more transformative courses of action for building peace in the post-2005 period. Its framing of violence as the product of deviant individuals, rather than entrenched networks, deflected attention from the political and economic systems that had enabled paramilitarism to flourish. The Justice and Peace process seemed oriented less towards dismantling the root causes of conflict and more towards staging a performance of legal closure. Its narrative materialised in a demobilisation process that left the paramilitary project largely intact, a reparations framework that prioritised individual over structural redress, and reintegration pathways that centred remorse and truth-telling in the place of meaningful accountability. The implication was a peacebuilding agenda that sought to contain paramilitary violence without addressing its foundations, whilst enabling continued state violence on the premise of restoring public order.

That the JPL failed to dislocate the networks that produced and sustained paramilitary violence had far-reaching implications for peacebuilding. Successor groups continued to exert territorial control, infiltrate state agencies, threaten journalists and trade unionists, and reproduce systems of coercion in former AUC strongholds (HRW, 2007; ICG, 2008b). As of March 2025, only 1,507 *postulados* remained active in the Justice and Peace process – just 30% of those who initially submitted to the JPL – whilst most others had either returned to armed groups of been expelled for continued criminal activity (Capone, 2017: 136; Murcia and Moreno, 2025). This is not to mention the 25,000 demobilised paramilitaries whose crimes were left unpunished and whose victims' rights went unaddressed by the Justice and Peace process.

Importantly, the Law's narrative failed to recognise land dispossession as a key driver of systemic violence in Colombia. This limited restitution efforts to individualised claims and avoided deeper questions of land concentration and rural inequality. An implication of this omission is that only a "negligible fraction of the millions of acres of land that paramilitaries seized" had been recovered or restituted by the end of Uribe's government (HRW, 2011). Beyond implementation problems, these patterns further highlight how the JPL's narrow focus on individual demobilisation and accountability failed to dismantle the political and economic project of paramilitarism, and instead made possible its reorganisation under new legal and political forms.

The exclusions embedded in the JPL's narrative also reshaped the politics and terms of victim participation in the TJ process. The Law's selective construction of victimhood privileged those

who could be framed as innocent, apolitical, and individually harmed by paramilitary violence. Other forms of suffering, including structural and state violence, as well as ambiguous subject positions, were glossed over. For instance, the Law overlooked how paramilitary violence disproportionately affected Afro-Colombian and indigenous communities (see HRW, 2008b), which echoed a broader failure to apply differential approaches to justice and reparation. And, although victim participation formally expanded in 2006 and 2007, many victims who took part in proceedings reported feeling like "onlookers to, not actors" in the process (ICG, 2008b: i). As Suárez-González (2023: 214-215) points out, the JPL articulated memories of the violent past almost exclusively from the perspective of perpetrators, whilst subordinating victims to the state's regulation of discursive space.

Perpetrators' confessions, however partial or self-serving, were construed as the main pathway to truth. An implication of this was that displays of remorse often carried more institutional weight than victims' demands for truth and accountability (Aranguren, 2012: 45). Beyond obscuring structural and institutional modes of violence, the JPL enacted a technocratic model of peace in which justice and reconciliation could be performed through confession and regret. It did not require confronting the root causes of conflict or dismantling the systems that sustained violent practices, such as unequal land tenure, wealth distribution, dispossession, displacement, and impunity (Suárez-González, 2023: 215). In many cases, "perpetrators did not apologise out of genuine repentance for the harm inflicted on victims", but to access legal benefits (Lefkaditis and Ordóñez, 2014: 117). The state, for its part, often acted "thinking less about the victims than about fulfilling the obligations of legal verdicts" (Ibid.). This weakened

the legitimacy of the TJ process in the eyes of many victims, and eroded the transformative potential of TJ to dismantle violent infrastructures and build an inclusive peace.

That said, the JPL's victim narrative did make possible certain openings for meaningful peacebuilding. Based on information provided by *postulados*, a search unit created under the Law recovered 8,736 bodies of paramilitary victims and returned the remains of 5,029 individuals to their families (Quevedo, 2025). In terms of reparations, 29,000 victims had reportedly received some form of compensation as of March 2025, possibly offering a measure of justice and recognition to these individuals (Murcia and Moreno, 2025). The narrative's recognition of societal harm inflicted by illegal armed groups also enabled the provision of collective reparations, and several communities – including sites of emblematic paramilitary massacres such as Mampuján and San Cayetano – were formally recognised as subjects of collective redress (Salas de Justicia y Paz, 2010). In these cases, the state implemented collective reparation initiatives aimed at facilitating the return of displaced populations, including land restitution, infrastructure reconstruction, and memorialisation initiatives (Lefkaditis and Ordóñez, 2014: 115-118; Tarazona, 2024). These interventions were institutional efforts to respond to violence through legal redress, and for some communities, they were symbolically and materially meaningful.

Still, the overall contribution of these openings remained limited. Collective reparations were unevenly implemented, and affected populations continued to report the absence of viable livelihoods and security guarantees (Verdad Abierta, 2012). Returned communities were frequently targeted by successor groups and subjected to intimidation, killings, or repeated

displacement (Garzón-Martínez, 2019: 27). This was particularly true of land claimants and rights defenders (Ibid.). Victims often described state-led commemorative events as exercises of state self-congratulation rather than spaces for recognising and dignifying their experiences (Lefkaditis and Ordóñez, 2014: 116). Individual reparations, meanwhile, were often detached from broader processes of truth and accountability, and excluded a range of conflict-affected populations whose experiences did not fit the official narrative (García-Godos and Lid, 2010: 508-512; ICG, 2008b: 1). In the absence of the transformations needed to guarantee non-repetition, reparative measures amounted to little more than showpiece gestures. Overall, the JPL appeared to prioritise the demobilisation and neutralisation of non-state armed groups over lasting peace and the fulfilment of victims' rights (Aranguren, 2012: 16).

Lastly, the JPL's victim narrative legitimised the intensification of state violence under Uribe's Democratic Security policy. The narrative that portrayed the state as a victim of non-state armed groups helped give state agents broad licence to pursue an aggressive counterinsurgency campaign, justified as necessary to reassert the rule of law across Colombia. It also helped shield them from accountability, since state abuses were not cast as violations to be investigated, but as necessary responses to terrorism. Although the policy's implementation led to a significant decrease in general indicators of violence across Colombia, practices of state repression intensified (Ríos and Zapata, 2019: 140). Between 2005 and 2010, reports surged of systematic enforced disappearances, arbitrary detentions, torture, and intimidation against journalists and rights defenders (HRW, 2009c, 2010d). During this period, at least 2,662 extrajudicial executions perpetrated by security forces were documented, although the actual number is likely far higher (Yepes, 2013: 96). Victims who denounced such abuses, such as the Mothers of

Soacha and MOVICE, were stigmatised as insurgent sympathisers and often subjected to abuses (Vera-Lugo, 2016: 30; Jaramillo-Marín, 2010: 39). The implication was a peacebuilding landscape in which justice was divorced from accountability, and where the consolidation of public order took precedence over confronting state misconduct.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis of the JPL's victim narrative suggests that this TJ process served to preserve the interests and power of Colombia's state institutions and political and economic elites. Its selective account of violence promoted impunity for state crimes and enabled the reintegration of members of illegal armed groups – overwhelmingly paramilitary combatants – without confronting the systems that sustained their coercive power. Even though the Law did provide openings for accountability and reparations, these were bounded by a one-sided narrative that cast paramilitaries as deviant individuals and the state as a neutral, blameless guarantor of order and repair.

This discursive framework institutionalised a technocratic model of justice grounded in individual confession and judicial performance, rather than structural transformation. It excluded conflict-affected individuals whose experiences unsettled the Law's moral binaries and those victimised by state actors, whose claims and suffering were made illegible. Together, these omissions and exclusions foreclosed a deeper reckoning with the socio-political and economic networks of paramilitarism, including the state's complicity in sustaining violence. This, in turn, enabled the reconfiguration of paramilitary power through new legal and political

forms. It also reified the state's authority and its monopoly of violence in the post-settlement period, which legitimised the escalation of repressive practices under the Democratic Security policy and the intensification of Uribe's counterinsurgency agenda.

4.4. Law 1424 of 2010 (2010)

4.4.i. Overview

In 2010, President Uribe was succeeded by Juan Manuel Santos, his former Minister of Defence, who campaigned on a platform of continuity with Uribe's security policies. Upon taking office, Santos inherited an unresolved issue concerning the legal status of nearly 25,000 demobilised AUC paramilitaries who had not entered the Justice and Peace process, either because they were not considered 'most responsible' parties or because they were not charged with serious crimes. Whilst many of these individuals had joined state-led reintegration programmes under earlier legislation (Law 782 of 2002), they remained in a legal limbo following a series of rulings by Colombia's Constitutional and Supreme Courts. In 2007, the Supreme Court ruled that paramilitarism could not be treated as a political offence but instead constituted aggravated conspiracy to break the law, a crime it reclassified as a crime against humanity the following year (Pfeiffer, 2015: 2). And, in 2010, the Constitutional Court denied the application of the Principle of Opportunity to members of illegal armed groups (Ibid.). These decisions ruled out the possibility of amnesties or pardons and placed low-ranking demobilised combatants at risk of prosecution under ordinary criminal law.

Passed four months into Santos's presidency, Law 1424 emerged as the government's response to this legal impasse. It offered judicial benefits to rank-and-file paramilitaries not responsible for serious crimes, and was conditional on their participation in reintegration programmes and their contribution to historical truth through a non-judicial mechanism.

4.4.ii. Genealogy

This genealogy examines how Law 1424 constructed a narrative of victimhood through its legal text and operational design. Although the Law gave rise to a body of reports based on the testimonies of demobilised combatants, produced after 2014 by the CNMH, these outputs fall outside the scope of the analysis. Instead, the genealogy is restricted to the discursive framework of the legal text and its implementation. In contrast to the JPL, whose truth-seeking function was primarily judicial, Law 1424 operationalised a non-judicial model of historical clarification centred on 'Truth Agreements'. My aim here is not to assess the later narrative outputs of these Agreements, but rather to trace how the Law's narrative architecture defined who counted as a victim, what counted as truth, and how justice was conceived in the absence of criminal accountability.[4]

Theme 1: Narrow victimhood and abstract harm

Law 1424 reproduced the exclusions of the JPL, reaffirming a restrictive understanding of victimhood tied only to harms caused by illegal armed groups. Its objective was to "enact transitional justice provisions that guarantee truth, justice and reparation to the victims of demobilised members of groups operating outside the law" (Ley 1424, 2010: 1), which reified the JPL's narrow definition of harm.

[4] This follows the same approach adopted in the analysis of the JPL, which focused on the mechanism's legal and operational design, including the discourse of the Justice and Peace Chambers as part of the judicial process. The CNMH reports, though derived from testimonies gathered under Law 1424's Truth Agreements, were produced by an institution external to the Law's core procedural framework and are therefore not treated as part of its narrative architecture.

The Law applied to demobilised individuals who committed "only" a narrow set of crimes: conspiracy, illegal use of military uniforms and insignias, unauthorised possession of firearms, and illegal use of communications equipment (Ley 1424, 2010: 1). These acts must have been perpetrated "as a consequence of their membership" to illegal armed groups (Ibid.). The legal framing of these offences treated them as expressions of group membership or logistical support, rather than as acts that generated identifiable victims. This reclassified violence as organisational behaviour and invisibilised experiences of harm from the Law's account of paramilitary violence. As one source noted, "the crimes contemplated by the Law do not involve identifiable victims (due to their abstract nature)" (ACR, 2015a: 18). Harm was thus defined through legal legibility, rather than through victims' lived experience.

Theme 2: Truth as non-judicial, bureaucratic clarification

The Law established a "non-judicial mechanism for contributing to truth and historical memory", stipulating that information provided "may not, under any circumstances, be used as evidence in a judicial proceeding" (Ley 1424, 2010: 1). Truth was thus constructed as something produced outside adversarial scrutiny, through bureaucratic procedures of "gathering, classifying, systematising, and analysing" perpetrators' accounts (ACR, 2015b: 56).

State institutions acted as gatekeepers of truth and memory, arbitrating compliance and authorising benefits (ACR, 2015b: 28). Although the Law promised to "guarantee the principle of victim participation with a gender perspective" (Ley 1424, 2010: 2), it created no mechanism

to include victims' accounts or to contest perpetrators' narratives. Implementation guidelines confirmed that interviews relied on the testimony of demobilised combatants (ACR, 2015b: 56).

Victims were thus largely absent: referenced only as beneficiaries "truth, justice and reparation" (Ley 1424, 2010: 1), or as passive contributors to "lasting peace" (Ibid.). One source noted that "any citizen", including victims, could contribute voluntarily to truth (Ministerio de Justicia, 2015b: 5). However, no mechanism was created to institutionalise this provision either. Perpetrators' unverified accounts were institutionalised as historical record, whereas victims were reduced to background figures and their voices procedurally silenced. This depoliticised the very act of truth-telling.

Theme 3: Perpetrators as redeemable agents

The Law's language centred demobilised combatants as reformable subjects. Former combatants were expected to "express their commitment to the process of reintegration into society", "contribute to the clarification" of truth, and "fully repair the harm caused" (Ley 1424, 2010: 2). Compliance through "community service activities", "good conduct", and signing Truth Agreements was the evidentiary basis for suspending or terminating sentences (Ley 1424, 2010: 2-3). These procedural performances of civility were assumed to be reparative acts in themselves, and nowhere was the sufficiency of these actions interrogated.

The Law's narrative sanitised the category of perpetration. The language employed to describe eligible crimes framed them as breaches of public order, as opposed to constituent elements of

broader systems of violence and control. The agents who committed them were not described as aggressors or violators, but as "demobilised individuals", "people in the process of reintegration", "individuals (...) who had committed" certain crimes, or "beneficiaries" of legal provisions (Ibid.: 1-2; ACR, 2015a: 7; 2015b: 16). These terms obscured the violence embedded in paramilitary organisations and instead constructed perpetrators' identities on the fact of their demobilisation, rather than on the actions that preceded it. This discursive move emphasised the personhood – indeed, humanity – of former combatants, depicting them as redeemable subjects defined less by their acts as members of illegal armed groups than by their conduct post-demobilisation.

Intertextuality

The victim narrative of Law 1424 was shaped by two key elements: first, the legal vacuum created by the Constitutional and Supreme Court rulings that ruled out pardons and amnesties for demobilised paramilitaries not covered by the JPL; and second, mounting domestic and international pressure on Colombia to address impunity for paramilitary crimes and comply with its international legal obligations. Although many of the over 20,000 rank-and-file paramilitaries left in a legal limbo had already joined reintegration programmes, they now faced the risk of ordinary criminal prosecution. Against this backdrop, Law 1424 simultaneously reproduced and reconfigured prior narratives of victimhood. It preserved the JPL's narrow frame of legitimate suffering, limited to harms committed by illegal armed groups, but moved away from the JPL's adversarial model by introducing innovations in truth-seeking. It also expanded the discursive mapping of paramilitary violence, replacing courtroom confession with

state-administered historical clarification. These tensions between continuity and rupture defined the Law's positioning in Colombia's TJ trajectory.

Law 1424 marked a shift from the JPL in how it pursued accountability. In place of criminal prosecutions, the Law constructed a pathway for demobilised individuals to provide an account of their involvement in illegal activities in exchange for legal benefits. Perpetrators were not expected to confess to specific crimes, but to offer insights into paramilitary structures and operations. These accounts, in turn, were "gathered, classified, systematised, and analysed" by state institutions (ACR, 2015b: 56). Whereas the JPL had situated truth and accountability within an adversarial legal framework, Law 1424 pursued them through a technocratic process that privileged bureaucratic compliance over legal consequences. This pointed to a discursive reorientation from courtrooms to reports as sites of truth production, and from confession to historical clarification as the mechanism for accountability.

In part, this shift responded to domestic and international pressure faced by the administrations of both Uribe and Santos. By 2009, the Justice and Peace process had drawn sustained criticism for enabling impunity and failing to deliver on its promise of truth, justice, reparation, and non-repetition for victims of the AUC (OHCHR, 2009b: 38-39; IACHR, 2006). Law 1424 was introduced to resolve the domestic legal impasse generated by the Constitutional and Supreme Court rulings, but also to demonstrate compliance with international norms. Its language and objectives echoed global TJ discourse, emphasising the centrality of victims' rights (Rincón and Freire-Kane, 2012: 183-184).

Yet, the Law did little to appease international scepticism. The IACHR (2013: 146), for instance, expressed concern about the extent to which the Law fulfilled the state's duty to punish the crimes of demobilised paramilitaries and redress victims, warning that it "could end up becoming a tool enabling impunity". International rights groups also criticised its design, noting that the exclusion of perpetrator testimonies from judicial processes undermined efforts to prosecute those most responsible for serious crimes and represented "an affront to the right to justice of the victims" (Avocats Sans Frontières, 2012: 15). Concerns about impunity and victims' rights were also echoed by the UN Human Rights Council (2012: 13). The Secretary General of the Organization of American States (OAS), for his part, highlighted "the progress made in resolving the legal limbo of demobilized combatants" and celebrated that as of December 2011, 90% of demobilised paramilitaries were participating in the reintegration process (OAS, 2012).

Domestically, the Law generated uncertainty and concern. Civil society organisations, victims, demobilised individuals, and even state institutions reportedly expressed worries over the Law's eligibility criteria, the scope and status of testimonies, and the absence of reparative and participatory mechanisms (Restrepo, 2017: 23; ODDR, 2012: 11). Legal professionals questioned the veracity of perpetrator testimonies, whilst some observers criticised the CNMH's role in certifying these narratives without independent verification and triangulation (Ibid.: 8). Victims' and human rights movements, including MOVICE and the José Alvear Restrepo Lawyers' Collective, argued that the Law undermined Colombia's international obligations by allowing impunity to persist, and even filed legal challenges to its constitutionality (Ibid.; Rincón and Freire-Kane, 2012: 186).

Synthesis – Genealogy

The victim narrative of Law 1424 reproduced the exclusions of the Justice and Peace framework whilst shifting the narrative structure through which truth and justice were pursued. It preserved the JPL's narrow construction of victimhood, limited to those harmed by illegal armed groups, as a self-evident and uncontested category. No new criteria for victim recognition was introduced, and no space was created for alternative victim identities to emerge.

At the same time, the Law's narrative expanded the understanding of perpetration beyond serious crimes to include the 25,000 demobilised individuals not covered by the JPL. These individuals were recharacterised as contributors to historical knowledge rather than perpetrators of violence to be prosecuted. The Law's legal and procedural apparatus centred the demobilised combatant as the sole narrator of truth, authorised to speak through statist mechanisms. Perpetrators were depicted as subjects with agency and voice, whose reintegration into society could be achieved through procedural compliance and good conduct. Victims, in contrast, were denied any formal role in narrating, verifying, or contesting these accounts. Even where the Law hinted at victim participation, it created no mechanism to support it. Victims were thus constructed as abstract, generalised beneficiaries of a process they had no voice in shaping.

4.4.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

The victim narrative of Law 1424 re-legitimised demobilised paramilitary combatants, transforming them into epistemic actors who could fulfil the state's TJ mandate through bureaucratic cooperation. It carried forward the JPL's perpetrator-centred architecture, and continued to limit accountability to non-state actors. But unlike the adversarial procedures of the JPL, Law 1424 divorced truth from confession and violence from criminal accountability. This redefined the figure of perpetrators. They were no longer aggressors to be judged, but reformed citizens whose reintegration into society could be administratively certified. This portrayal legitimised perpetrators on the basis of their willingness to cooperate with state institutions, regardless of the extent or gravity of their responsibility for violence.

The continued epistemic authority of the state was vital to this narrative. Institutions such as the Colombian Reintegration Agency (ACR), the CNMH, and the Attorney General's Office were positioned as arbiters of compliance, and also as certifiers of truth itself. They were empowered to decide whether testimonies met the Law's conditions for legal benefit. This structure excluded victims and civil society from any meaningful role in shaping the narrative. Victim participation became an abstract promise, whilst the process itself was closely managed by state bureaucracies. The Law created a regime of truth in which knowledge production in the post-settlement order was enforced by institutions that had no obligation to verify perpetrator accounts, and were only responsible for determining whether contributions met the Law's requirements. Affected communities, including victims recognised by the JPL, were marginalised and disempowered.

What emerged was an asymmetrical system of accountability. Whereas demobilised individuals were expected to adhere to reintegration procedures and could face exclusion from benefits if they failed to comply, state agents continued to be protected from scrutiny. The Law's narrative, like the JPL before it, treated state violence as structurally irrelevant. Even though state abuses continued to be documented between 2005 and 2010, and thousands of pre-2005 cases gained visibility during that period (Jaramillo-Marín, 2010: 38; HRW, 2009c), Law 1424 perpetuated the JPL's narrative that effaced such violations from accounts of violence. This asymmetry was buttressed by Law 1424's core premise that truth could be produced outside adversarial procedures, and that judicial accountability was not a necessary condition of the TJ process. The state hence protected itself from legal liability whilst demanding compliance from demobilised actors, replicating the pattern of impunity initiated by the JPL.

Crucially, the narrative architecture of Law 1424 was not designed to expose, and much less dismantle, the power structures underpinning paramilitary violence. Its legal and discursive framework was exclusively centred on minor crimes, framed as technical offences rather than acts implanted in violent political economies. This depoliticisation allowed the Law to construct a narrative where perpetrators were not architects of systemic terror, but ordinary men and women who had committed offences only by virtue of their group membership.

Paradoxically, theirs was the only authorised voice to explain the origin, evolution, criminal patterns, and consequences of paramilitary violence, which gave rise to problematic accounts. According to Restrepo (2017: 36, 69), many demobilised individuals were pressured by other

former combatants to limit their disclosures, and CNMH officials reportedly focused interviews on a narrow set of criminal activities, including massacres, child recruitment, and participation in killings, at the expense of deeper, more structural questions about the paramilitary phenomenon. Prosecutors, too, were said to strategically steer interviews away from sensitive issues to prevent former combatants from getting into trouble by their own testimonies (Ibid.: 56). These practices created a truth-telling environment oriented more towards risk management and self-preservation than an honest account of the past. This ultimately upheld a post-settlement status quo in which the paramilitary phenomenon remained fundamentally opaque, reducing the space for policies and practices to confront it or, at the very least, to meaningfully expose its inner workings.

The Law's distinction between 'most responsible' war criminals and rank-and-file members, who on paper had only engaged in minor wrongdoing, had two problematic implications. It homogenised complex roles within paramilitary structures and excluded the networks of command, funding, and collusion that enabled paramilitarism to thrive (Ibid.: 36). This yielded a narrow discursive space in which the contributions of perpetrators were assessed against strict institutional parameters, and not necessarily for exposing the internal structures and operations of an armed group. In doing so, the Law enabled the reintegration of demobilised individuals into society, though this time with legal security, in exchange for a depoliticised and decontextualised truth that protected the deeper architecture of paramilitary power from meaningful judicial scrutiny.

Like the JPL before it, Law 1424 was unable to prevent the reconfiguration of paramilitary groups in the post-settlement. By 2013, nearly 20% of all demobilised AUC members had joined BACRIM (Peña and Torres, 2013: 16). These individuals leveraged the AUC's criminal networks, giving new groups "considerable military (…), political and economic potential" (CNRR, 2010, cited in Rincón and Freire-Kane, 2012: 181). This trend continued throughout the following years. As of 2016, paramilitary successor groups remained active across Colombia, often commanded by former AUC members, and continued to commit widespread abuses such as killings, sexual violence, enforced disappearances, and forced displacement, often with the tolerance or support of state actors (HRW, 2016). The continuation of violence and institutional complicity suggests that the Law did little to disrupt the power structures that drove paramilitary violence.

Peacebuilding

A core limitation of the Law's approach to peace and justice was its failure to recognise and action the political subjectivity of victims. Although the Law referenced victims' rights and participation, its narrative stripped them of political agency, which legitimised their erasure from the TJ process. No procedure or mechanism was created for victims to narrate their lived experiences, verify or contest perpetrator accounts, or articulate demands for reparative action. They were reportedly even denied access to the CNMH's interview materials (Pfeiffer, 2015: 4). This structural marginalisation undermined the prospects for a more emancipatory justice and made its pursuit a formality – a "box-ticking exercise rather than a meaningful and strategic contribution to victims' rights" (Ibid.). The Law's victim narrative thus sustained a vision of

peace that privileged legal closure over a meaningful, reciprocal pursuit of justice. It reified a one-way framework in which the state and perpetrators defined the terms of justice, with victims left symbolically acknowledged but substantively excluded from the process.

These discursive exclusions were mirrored in the Law's approach to reparations. Despite being presented as a core objective of the Law, reparations were conceived and implemented as a form of community service to be undertaken by each beneficiary. To access the Law's benefits, demobilised combatants were required to complete 80 hours of service, with activities ranging from artistic, cultural, and sports initiatives to environmental beautification and support for local health brigades (ACR, 2015a: 8). These requirements were reportedly widely fulfilled by beneficiaries and formally certified by the ACR (Ibid.). But because the Law's narrative of victimhood was built on victim anonymity and indeterminacy, reparation schemes were not rooted in dialogue with affected populations nor oriented towards the specific harms they had endured.

At the same time, the narrative narrowed the space for more substantive reparations, such as financial compensation or land restitution. Service to the state became the benchmark of repair, the content and meaning of which victims were denied any meaningful role in shaping. As one victim noted, "cutting the grass of a park is useless, the grass grows back and we all remain the same" (Restrepo, 2017: 23). This example captures victims' disillusionment with the reparative measures devised in their name, and their frustration with a process that offered no guarantees for non-repetition. Reparation, like truth and justice under this narrative, became a technocratic

performance whose main function was to produce closure, rather than transform structures of harm or meaningfully support collective healing.

In the same vein, systems of impunity for paramilitary violence were carried forward into the post-2010 status quo. The Law's narrative helped naturalise a "logic of exception" in the administration of justice for paramilitary violence – a legal framework that institutionalised impunity for crimes associated with paramilitarism (Cabrales, 2012: 86). For many conflict-affected individuals, the absence of accountability was re-victimising. As one victim noted, "I always see someone who killed a neighbour's son on the corner consuming drugs, and happy with the money that [the state] gave him, this is a mockery of us" (Restrepo, 2017: 23).

Meanwhile, some state institutions sought to silence dissenting voices that called for greater accountability. In 2015, the Inspector General's Office continued an "unfounded" disciplinary investigation into Senator Iván Cepeda, a prominent victims' rights advocate, for collecting information on paramilitary abuses (HRW, 2016). This suggests that the Law's narrative did not only fall short of transformative peace, but it also entrenched a discursive framework that legitimised enduring impunity for paramilitarism.

Despite these shortcomings, the reintegration framework of Law 1424 achieved some of its intended objectives. As of 2015, nearly 25,000 demobilised individuals had availed themselves of the benefits of the Law (Ministerio de Justicia, 2015b: 13), and by 2018, over 21,000 demobilised individuals had fulfilled the requirements of the reintegration process (Triana et al., 2022: 88). Of all participants in the reintegration process, 76% had not reoffended by 2014,

a success rate 2.5 times higher than the ordinary criminal system (Ibid.: 85). These figures were often cited as evidence of the Law's institutional reach, and celebrated by state institutions as evidence of accountability. However, even these achievements must be read against a background of constrained legal possibility. Whilst early assessments predicted it would take 526 years to process all beneficiaries under the Law's proceedings (Sánchez-León et al., 2016: 258), the state reported completing most cases in less than a decade, raising questions about the depth and rigour of the judicial component.

Although the Law's peacebuilding vision hinged on the idea of reintegration as a cornerstone of reconciliation, many demobilised individuals experienced the process as a tokenistic and transactional legal obligation. Some beneficiaries reported perceiving the Law's truth-seeking component as "sort of exchange" to remain free and avoid legal difficulties, rather than a genuine reckoning with the past (Restrepo, 2017: 39). Some even viewed it as a way to get "easy money" through government subsidies (Ibid.: 26). This logic of exchange diminished the process' transformative potential. It did not prompt substantive transformations that could reduce the risk of recidivism, since reintegration was merely approached by beneficiaries as a formal requirement to fulfil bureaucratic provisions (FIP, 2014: 53). Reintegration became a technocratic ritual designed to meet administrative goals, and not a space to address the social and political legacies of violence or contribute to victims' rights. Its implementation mirrored the architecture of Law 1424 itself: a system legible to the state, but fundamentally disconnected from the communities and harms it claimed to redress.

Even as Law 1424 institutionalised a framework for historical clarification, the truths it produced were partial at best and distorted at worst. Beyond the role played by CNMH staff and prosecutors in influencing perpetrators' accounts, discussed earlier, former combatants often entered the truth-telling process under conditions of fear and self-censorship. Speaking about the Law's truth-seeking process, a former combatant claimed that "Don Darío worked with the Police and the Army (…), but here I shouldn't say anything about that or I'll get into trouble" (Restrepo, 2017: 42). Another claimed that he would never speak openly about the collusion between paramilitaries and state agents, since "they have money and lawyers and to save themselves, they go and pay a hitman to shut you up" (Ibid.). Not only was the production of truth bureaucratised and detached from accountability, but fundamentally shaped by the very networks of complicity that the Law was designed to unpick.

These conditions prevented an adequate reckoning with the architecture of paramilitary violence, past and present. They denied victims and society the comprehensive truth necessary for building a meaningful peace, and in doing so, helped enable the continuation of abuses by successor groups well into the post-settlement.

Synthesis – Post-Structuralist Analysis

The post-structuralist analysis reveals that Law 1424 deployed the language of TJ to deliver legal closure for perpetrators and facilitate their reintegration, at the expense of pursuing meaningful peace through the fulfilment of victims' rights. Its victim narrative re-legitimised demobilised paramilitaries as state-compliant contributors to historical clarification, whilst

sidelining victims from its vision of truth, justice, reparation, and peace. Together with state institutions, rank-and-file paramilitaries combatants became co-authors of an opaque historical record that framed violence as a series of depoliticised and decontextualised offences. This deflected attention from the political and economic structures that enabled it, reproducing the exclusions and legal biases first institutionalised by the JPL.

Reintegration became the primary metric of the Law's success. This replaced accountability with procedural compliance, and reduced justice to a technocratic exercise of bureaucratic discipline. Victims were acknowledged in principle but excluded in practice, denied the means to contest the narratives produced about their own suffering. Accordingly, Law 1424 entrenched a post-settlement status quo in which no meaningful reckoning with past – or ongoing – harms associated with paramilitary violence could take place. Although it did extend the reach of TJ to thousands of demobilised paramilitary combatants, it codified impunity into the very architecture of peace it sought to build. This framework helped preserve the oppressive power relations that sustained paramilitarism, ultimately diluting the transformative potential of the process.

4.5. Victims' Law (2011)

4.5.i. Overview

In May 2011, President Santos formally recognised the existence of an internal armed conflict in Colombia and the state's role in its preservation (Zuluaga-Aristizábal, 2019: 61). Less than a month later, he sanctioned Law 1448 of 2011, commonly known as the Victims' and Land Restitution Law (hereafter Victims' Law). Building on Santos' recognition of the conflict, the objective of the Law was "to establish measures of attention, assistance, and comprehensive reparation for victims of the internal armed conflict" (Ley 1448, 2011: 1). It introduced five core forms of reparation: land restitution, financial compensation, rehabilitation, recognition, and guarantees of non-repetition (Ibid.: 6). It also created three new institutions to implement its provisions: the Victims' Unit, the Land Restitution Unit, and the CNMH.

Although its passage marked an important political shift under Santos, the Law had been years in the making. An earlier version was introduced in 2007 and passed by Congress in 2009, but was vetoed by President Uribe on the grounds that acknowledging an internal armed conflict could expose the state to legal liability over rights violations (Vera-Lugo, 2017: 84). Its eventual approval was supported by sustained civil society advocacy and responded to domestic and international pressure to address the scale and consequences of the conflict (Summers, 2012: 224-225).

4.5.ii. Genealogy

This section conducts the genealogy of the victim narrative institutionalised by the Victims' Law.[5] It analyses the legal text, in addition to primary sources associated with its three implementing institutions.

Theme 1: Circumscribed victimhood and hierarchies of innocence and guilt

The Victims' Law presupposed that victimhood was a legal-administrative status tied to serious violations within the framework of the internal armed conflict. It defined victims as those who "individually or collectively have suffered harm as a consequence of violations of International Humanitarian Law or serious and flagrant breaches of international human rights norms that occurred in connection with the internal armed conflict", including spouses and first-degree relatives of direct victims (Ley 1448, 2011: 2). Structural violence and harms outside the conflict or not attributable to a recognised actor were excluded, including victims of BACRIM, who were classified as victims of "common crime" (Ibid.: 3; Delgado-Barón, 2015: 136).

Victimhood was also temporally bounded. Only harms after 1 January 1985 (and, for land restitution, after 1 January 1991) qualified, with cut-offs reportedly driven by fiscal sustainability (Ley 1448, 2011: 28; Mora-Gámez, 2016: 19). The Law further established a moral hierarchy of suffering: whilst members of the armed forces and their relatives were

[5] In August 2024, the Victims' Law was amended through Law 2421 of 2024, which introduced important changes to its scope and implementation. However, the data collection and a portion of the analysis for this research were completed prior to the amendment. Therefore, the analysis presented in this chapter is based on the original 2011 legal text.

eligible, members of illegal armed groups were explicitly excluded (Ley 1448, 2011: 2). Children recruited by such groups could be recognised only if they demobilised before 18, whilst family members of non-state combatants could only be acknowledged for their own direct harm, and not for violence inflicted on their insurgent relative (Ibid.).

Theme 2: Bureaucratised justice without accountability

The Victims' Law presupposed that victims acted in good faith and required only minimal proof to be recognised as such. The legal text established the "principle of good faith", under which the state "shall presume that what [the victim] claims is true" and accepted "summary evidence" to demonstrate harm (Ibid.: 5; Ministerio del Interior, 2011: 9). The principle was explicitly aimed at "relieving victims of the burden of proving their condition" and affirmed that "in case of doubt, it shall be the state's responsibility to prove otherwise" (Ibid.). Victims were not required to identify or implicate a perpetrator, nor was recognition contingent on a judicial ruling or the outcome of a criminal investigation (Ley 1448, 2011: 2). Instead, harm could be accredited "through any legally accepted means", and state institutions were instructed to facilitate, rather than obstruct, the recognition process (Ibid.).

Justice was framed as institutional recognition and reparation through a non-judicial TJ architecture. The Law established a national system of attention and a reparations programme grounded in bureaucratic delivery, which it explicitly described as a substitute for judicial proceedings. According to one source, "the establishment of an extrajudicial mechanism for reparation to victims responds (…) to the large number of victims and the difficulty of providing

reparations to all of them through the courts" (Ministerio del Interior, 2011: 10). This rendered justice a standardised, administrative service to be delivered from above by the state, but decoupled from adversarial contestation and accountability.

The Law positioned the state as both a source of harm and a credible guarantor of victims' rights. Its definition of victims "regardless of who was responsible for the crimes" implicitly acknowledged that the state was a party to the conflict and that state agents had committed violations (Ibid.: 5). Yet, the Law's narrative also shielded the state from systemic responsibility. Victims of state violence were entitled to recognition and reparation, but only when abuses were confirmed through state-controlled judicial or administrative proceedings. That the Law defined victim assistance as a set of measures "under the responsibility of the state" (Ibid.: 19) made the state the gatekeeper of recognition, even in cases where it had been the perpetrator. The Law also denied that recognising victims meant recognising the state's legal liability, affirming that such recognition "shall not be considered […] as proof of the responsibility of the state or its agents" (Ibid.). The Law rested on the assumption that the state could investigate, confirm, and repair past violence, including its own, through its bureaucratic mechanisms and without compromising its institutional legitimacy.

Reparations were articulated as comprehensive and differential. They included "restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition" with a differential approach for women, children, ethnic groups, LGBTQ+ people, and people with disabilities (Ley 1448, 2011: 6, 8). Even though collective suffering was recognised and collective reparations were envisaged, the legal subject of reparation was the individual victim (Ibid.: 2).

Theme 3: Moralised narratives of suffering and empowerment

Victims were constructed as innocent and virtuous individuals who endured undeserved harm. They were often described using passive verb forms – "having suffered harm", "having been displaced" (Ibid.: 2, 23) – that depicted them as recipients of violence. They were portrayed as having endured "the brutality of war" and marked by "their tragedy", but whose "memory of suffering also records the memory of dignity and resistance" (CNMH, 2013a: 27). Their "claims of innocence and injustice" were repeatedly emphasised, recognising the "merit of honourable individuals" who suffered "the injustices of a war they never asked to live through" (Ibid.: 332; CNMH, 2011: 218; Unidad de Restitución, 2022: 6; Unidad para las Víctimas, 2017, 2019). In one account, a widow of a man killed by the guerrillas sought to "clear her husband's name", describing him as "an innocent man who only wanted the best for his community and had nothing to do with such an act of violence" (Unidad de Restitución, 2022: 39).

Once recognised and awarded benefits, victims were commonly depicted as having "regained their hope, optimism, and strength to carry on" (Unidad para las Víctimas, 2015f). They were recast in active terms, as individuals who "rebuild their lives", show "tenacity in overcoming adversity", "grow stronger", and "mobilise for their rights and the memory of the disappeared" (Unidad para las Víctimas, 2015b; 2016a; 2016b). Following a commemorative event, one victim stated that "this act brings us relief, strengthens us, and repairs us", whilst restitution was celebrated for enabling victims to "move forward and grow" (Unidad de Restitución, 2022: 6; Unidad para las Víctimas, 2017).

Recovery was similarly tied to state accompaniment. Descriptors of the state included "recognises", "guides", "accompanies", "repairs", and "restitutes", which framed the state as a benevolent agent of redress fulfilling a "historic debt" to victims (Ley 1448, 2011: 5-6; Ministerio del Interior, 2011: 10; Unidad para las Víctimas, 2013: 13; Unidad de Restitución, 2023a: 4, 9). Psychosocial and commemorative actions featured victims expressing gratitude for state actions and crediting institutions for helping them heal (Unidad para las Víctimas, 2015a). According to a victim: "I can say my life is divided into before and after", adding that state support "made the difference because I'm making progress now" (Unidad para las Víctimas, 2015g). The state thus emerged as the primary redeemer of wartime suffering, with its actions portrayed as restoring victims' dignity, hope, and future.

Theme 4: The administrative production of civilian victims and the erasure of perpetrators

Victims were positioned as administrative subjects – "applicants" and "beneficiaries" – whose inclusion depended on procedural verification (Ley 1448, 2011: 30, 36; Unidad de Restitución, 2022: 41; 2023: 51). The Single Victims' Registry institutionalised this subject position. By May 2025, it had recognised 9.9 million people, including 8.9 million for displacement, over a million for homicide (283,000 direct; 850,000 indirect), and 180,000 for disappearance (Unidad para las Víctimas, 2025). The registry also acknowledged forms of victimisation less commonly addressed by TJ mechanisms, such as threats (788,000 victims), loss of property (136,000), and "personal psychological injuries" (15,000), reflecting an expansive understanding of harm under Law 1448 (Ibid.). Half were women, and more than two million identified as ethnic

minorities. Over three million were children or older adults, and nearly 7,000 identified as LGBTQ+ (Ibid.). These figures contributed to a civilian-centred narrative of victimhood, with displacement as the paradigmatic harm of the conflict.

Perpetrators were anonymised, most often as "illegal armed groups" (Ley 1448, 2011: 23). "State agents" were also identified as perpetrators, but featured far less frequently than non-state actors and appeared only in CNMH reports (CNMH, 2013a: 20; 2013b: 288). Implementing agencies seldom named state responsibility, and none of the sources analysed from the Victims' Unit or Land Restitution Unit named the armed forces as perpetrators. Yet, CNMH (2013a: 35-36) reports offered disaggregated perpetration estimates: paramilitaries were found responsible for over half of all documented massacres and most killings. Forced disappearances were attributed primarily to state agents (42%) and paramilitaries (41%), whilst guerrilla groups were overwhelmingly responsible for kidnappings (Ibid.). Joint operations between paramilitaries and state forces were also documented (Ibid.). Non-state actors, especially paramilitaries, were positioned as the primary perpetrators of harm across implementing agencies, whilst the state's specific responsibility in abuses was largely glossed over outside the CNMH's account.

Intertextuality

The Victims' Law was simultaneously a discursive rupture and a point of partial continuity in Colombia's TJ landscape. Introduced early in the first Santos administration by the government's Congressional coalition, the Law departed from the security-centred narrative

that had dominated the Uribe era. For the first time, the Colombian state formally recognised the existence of an internal armed conflict and acknowledged its own responsibility, by action and omission, for serious abuses. This shift was codified in the Law's language, which explicitly linked its provisions to international legal standards, including IHL. In doing so, the Law aligned itself with global TJ discourses, particularly the UN Principles and Guidelines on the Right to a Remedy and Reparation, whose victim definition reportedly inspired the Law's (Foringer, 2023: 230). The presence of UN officials at the Law's ratification ceremony, including Secretary-General Ban Ki-moon, signalled the extent of international support for this discursive shift (Ibid.: 219).

This reorientation contrasted with the narratives of the JPL and Law 1424. Whilst those mechanisms were perpetrator-centred and excluded state violence from their legal remit, the Victims' Law re-centred victims as the cornerstone of the TJ process and recognised the state as a conflict party responsible for abuses. The Law was described as "the most ambitious and comprehensive reparation programme the world has ever seen", and as "a legal framework without precedent" for recognising victims "regardless of who victimised them" (Ministerio del Interior, 2011: 7, 18). The Law even framed its work as an attempt to "confront denialism" surrounding the armed conflict (Unidad para las Víctimas, 2024: 5). Yet, it did not supersede Laws 975 or 1424, nor did it harmonise their narratives. Rather, it operated in parallel, resulting in a fragmented institutional domain with multiple and sometimes contradictory definitions of victimhood, accountability, reparations, and truth (Sandvik and Lemaitre, 2015: 260).

The Law's narrative shift was especially significant given the global discursive context in which it emerged. Under Uribe, the Colombian state had aligned itself discursively with the post-9/11 GWOT paradigm, framing its violence as a fight against terrorism rather than an armed confrontation governed by IHL. This had enabled the state to avoid addressing its role in the violence and sidestep victims' claims. The Victims' Law disrupted that canonical state narrative by formally recognising the armed conflict and positioning victims at the centre of the TJ process. This move echoed a broader global re-evaluation of counter-terrorism discourse during the early 2010s, particularly in the US under President Barack Obama, which created space for more nuanced, rights-based approaches to internal conflicts and state accountability (Vera-Lugo, 2017: 86).

However, the Law did not fully shed Colombia's reliance on counter-terrorist tropes. Its exclusion of non-state armed actors from the category of authentic victims signalled the persistence of a moral binary in which insurgents, regardless of their experiences of harm, remained outside the scope of reparation. This reproduced the logic of the GWOT era and of Colombia's earlier TJ mechanisms: that only apolitical, innocent civilians were deserving of victim status, whereas those associated with insurgency or armed resistance were fundamentally disqualified from recognition.

Although the Law formally espoused international norms and victim-centred discourses, it was not insulated from Colombia's domestic political constraints and fiscal problems. Concerns about the viability of its implementation, first voiced by Uribe in 2009, persisted during Santos' administration and ultimately shaped the Law's temporal and procedural limitations (Foringer,

2023: 229). The agreed cut-off points (1985 and 1991) were described by right-wing parties as ensuring "fiscal sustainability", whereas left-leaning parties denounced them as "amputating history" by "artificially, temporally limiting the scope of true victimhood within a conflict that in fact spanned more than five decades" (Ibid.: 229-230).

The Law's reception mirrored this ambivalence. Domestic and international actors broadly welcomed the Law's transformative potential and innovations, particularly its inclusion of state responsibility and its recognition of collective harm (García-Godos and Wiig, 2018: 43; Foringer, 2023: 230). However, some stakeholders expressed concerns. MOVICE criticised the Law's structural exclusions and its failure to consult victim groups in the legislative process (Delgado-Barón, 2015: 138–139). Amnesty International argued that the Law created a "hierarchy of victims" that privileged some experiences of violence over others (Amnesty International, 2012: 6). And the OHCHR (2012: 11) warned that the Law could "run the risk of legalizing illegal land appropriation" and promote impunity.

Synthesis – Genealogy

The Victims' Law institutionalised a nuanced and expansive narrative of victimhood structured around an innocent, virtuous, and apolitical victim as the subject of redress. It marked a clear break from the perpetrator-centred logics of the JPL and Law 1424 by placing victims at the centre of the TJ process and affirming their rights to truth, justice, reparation, and non-repetition regardless of the perpetrator. The Law widened the scope of admissible harm and formally

acknowledged state responsibility for abuses, introducing a more plural and complex vocabulary of suffering into Colombia's TJ landscape.

Victims were portrayed as vulnerable but dignified subjects whose suffering merited institutional recognition, and whose post-victimisation empowerment and life projects relied on state assistance. Their recognition was mediated through bureaucratic filters anchored in demographically defined and individually verifiable harms. The Law's narrative positioned civilians as the primary subjects of wartime violence and elevated forced displacement as the paradigmatic harm of Colombia's conflict. Perpetrators, in contrast, were anonymised and de-emphasised, whilst the state was cast as a restorer with the capacity – indeed, responsibility – to redress the very suffering it played a role in producing. Where culpability was assigned, implementing agencies portrayed non-state actors, especially paramilitaries, as the main perpetrators of harm, and only the CNMH explicitly acknowledged state responsibility in its more historically situated account of violence.

4.5.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding

Power Relations

In constructing victimhood as a condition to be verified through institutional procedures, the Victims' Law advanced a statebuilding agenda by reifying the state's role as the conflict's primary epistemic gatekeeper. Whilst the Law formally acknowledged that state agents had

committed abuses, recognition of this harm remained conditional on institutional procedure. And, even then, this recognition could not be used as evidence of state responsibility. The result was a cautious discursive framework that affirmed the state's capacity to deliver justice whilst limiting its exposure to accountability.

Whereas the CNMH's historical account documented state-paramilitary collusion, and assigned blame for state-sponsored atrocities, the Victims' Unit and Land Restitution Unit consistently de-emphasised or omitted references to state responsibility. Through their work and communications, these institutions legitimised the state as a redeemer capable of guiding victims towards healing and reconciliation. Victim testimonies across the Units' sources often echoed this narrative, presenting personal recovery and empowerment as a product of state accompaniment. The Law's victim narrative sought to rehabilitate the state's image, using discursive tropes to depict it as an agent of redress in no way comparable with non-state perpetrators of violence. The state was thus legitimised as the guarantor of justice through a carefully managed acknowledgement of its role in the conflict, which allowed it to retain epistemic and institutional control over the conflict's truths and memories.

This reordering appeared to expand participatory spaces for victim and civil society collectives, but absorbed more radical and counter-hegemonic claims into the state's discursive frameworks. According to Vera-Lugo (2017: 111), the Victims' Law increased the visibility and voice of victims' organisations, indigenous and Afro-Colombian groups, and civil society collectives, including women and youth, in Colombia's TJ discourse. This enabled their recognition as political agents and created new opportunities for mobilisation and organising, including

through state institutions (Ibid.; see also Sandvik and Lemaitre, 2015: 264). This political agency was formalised through the creation of Victims' Participation Forums and Transitional Justice Territorial Committees, which provided spaces for victims to participate in the design, implementation, and monitoring of public policy at the municipal, district, departmental, and national levels (Krystalli, 2023: 133; Castrellón et al., 2015: 5). Participation also extended into the Law's implementation, with reparations and commemorative events regularly involving consultations with affected communities, particularly indigenous and Afro-Colombian groups (Unidad de Restitución, 2022: 94; 2023: 151; Unidad para las Víctimas, 2013: 29; 2025: 12). These developments represented a "dramatic shift" from the Uribe administration's marginalisation and stigmatisation of these groups and movements (Vera-Lugo, 2017: 86).

However, inclusion was often contingent on alignment with the Law's institutional terms and vocabulary. More contentious political demands, such as those calling for wealth redistribution, alternative developmental models, demilitarisation, or the exposure of paramilitary collusion with state and corporate actors, were delegitimised or silenced (Sandvik and Lemaitre, 2015: 270; Uribe et al., 2023: 673). Victim collectives that had previously challenged official narratives and demanded accountability for state crimes were absorbed into bureaucratic processes. Although this did grant them access to greater state attention and resources, it also diluted the political intensity of their claims, transforming them into "techno-juridical narratives and problems" (Vera-Lugo, 2017: 289; see also Sandvik and Lemaitre, 2015: 270). In this discursive architecture, historically marginalised groups simultaneously became more visible and governable; their suffering was acknowledged and their agency championed, but their

demands were disciplined. Visibility and participation were thus enhanced by the Law's narrative, but in terms that reaffirmed rather than disrupted the status quo and state authority.

The Law's victim narrative also generated a hierarchy of suffering grounded in innocence and civilian victimhood. Whilst nearly 10 million individuals had been formally recognised as victims by May 2025, the narrative of the Victims' and Land Restitution Units frequently followed a linear script – one of undeserved harm followed by empowerment and gratitude once incorporated into victim assistance schemes. This privileged those civilians who suffered in politically recognisable ways, marginalising forms of suffering and subjectivities that did not fit this script. As Krystalli (2019) contends, individuals were often forced to box their stories and experiences into legible narratives to secure recognition and exercise political agency as legitimate victims thereafter. These hierarchies of victimhood conditioned access to formal and informal rights and benefits, rewarding "particular kinds of victim performances" (Ibid.: 20). 'Good' victims, Krystalli found, were "patient, pleasant, obedient and diligent" (Ibid.: 27). In particular, victims reported feeling the need to "present themselves as particularly poor, sick or vulnerable" to increase their chances of obtaining benefits (Uribe et al., 2023: 679).

But beyond this performative element, some victim identities were wholly excluded. These included victims of pre-1985 violence, of structural and more diffuse forms of violence, non-state combatants and their families and, those victimised by paramilitary successor groups. Other complex identities were similarly denied recognition, such as recruited children who demobilised as adults; former members of armed groups who were victimised post-demobilisation; and relatives of insurgents killed or disappeared by either state or non-state

actors. According to Krystalli (2021: 12), female former combatants reported having their suffering and political identity routinely disqualified, since they had been "contaminated by war". Revealingly, Krystalli also found that members of the Colombian armed forces who sought recognition as victims, although formally entitled to it, frequently faced rejection by civilian victims, who often called them "assassins" (Ibid). These examples illustrate how the Law institutionalised a narrow, moralised vision of victimhood that elevated innocence and apolitical victim identities, and excluded those whose suffering did not conform to its narrative.

This hierarchy extended to the spatial and socio-economic domains of TJ, where the promise of land restitution ran up against entrenched power structures. Although the Victims' Law presented land restitution as one of its most important goals, its success was limited, especially in cases involving powerful economic actors. By January 2016, the Land Restitution Unit had received over 87,000 applications, and only 1,500 rulings had been achieved to settle 3,000 claims, with many decisions delayed or blocked altogether (García-Godos and Wiig, 2018: 48). Large corporate actors, including cattle ranchers collectives and palm oil and mining companies, actively resisted restitution claims and utilised their political influence and legal mechanisms to protect their interests, even when courts ruled in claimants' favour (Ibid.: 51; Montoya and Vallejo, 2017: 351). Victims who attempted to reclaim land often faced threats, particularly when claims risked exposing paramilitary collusion with state or corporate actors, and many were attacked or killed (Sandvik and Lemaitre, 2015: 266; García-Godos and Wiig, 2018: 52; HRW, 2015b).

These problems with land restitution were symptomatic of deeper-level power asymmetries that the Victims' Law was unable to dismantle. Instead of recognising the continuity of paramilitarism as a core and persistent component of the conflict, the Santos government carried forward Uribe's designation of paramilitary successor groups as BACRIM, excluding their victims from the Victims' Law's protections (Amnesty International, 2012). Whilst the government sub-divided the BACRIM into the categories 'Organised Armed Groups' and 'Organised Criminal Groups' in 2016, this classification was based on a group's size and military capacities rather than their political character (Gagne, 2017). In fact, much like Uribe before him, Santos declared in 2018 that "today we do not have paramilitaries, the country is different now" (Manetto, 2018).

This reframing was at odds with on-the-ground realities. Paramilitary successor groups reportedly remained responsible for the largest source of organised violence in Colombia well into the 2010s (Maher and Thomson, 2018: 2157; HRW, 2012). Between 2011 and 2016, rights organisations continued to document state-paramilitary collusion, which helped maintain their power and territorial control (Delgado-Barón, 2015: 137-138; HRW, 2016). However, these allegations rarely translated into prosecutions or institutional reform (Jaramillo-Marín, 2017: 26; HRW, 2013b). In the Victims' Law's account of violence, certain harms received recognition and redress, but ongoing paramilitary violence, including with state complicity or support, was repackaged as common crime and placed outside the scope of TJ. As such, the Law's conflict-centric narrative did not meaningfully unsettle power structures associated with land tenure, systemic violence, and the political and socio-economic influence of rural elites.

Peacebuilding

The victim narrative codified by the Victims' Law constituted a significant departure from the securitised, counterinsurgent discourses of the Uribe era. The Law's discursive ruptures created an enabling environment for a new paradigm of peacebuilding and reconciliation to emerge in Colombia – one that recognised the armed conflict and acknowledged the suffering of a wide array of victims, regardless of who was responsible for the harm. For many victims, being recognised carried important symbolic weight, both as a starting point for healing and restoration, and as an affirmation of their rights, dignity, political subjectivity, and capacity for transformative agency (Uribe et al., 2023: 678; Delgado-Barón, 2015: 126; Mora-Gámez, 2016: 102).

These narrative moves created the discursive and political conditions for formal peace negotiations with the FARC to begin in 2012. This is because they broke with the earlier logic that had delegitimised dialogic courses of action on the grounds that the state could not negotiate with terrorists. Less than a year after the Law's enactment, the Colombian Congress passed the 2012 Legal Framework for Peace, a constitutional reform that would guide the negotiations with the FARC and inform the TJ system created under the 2016 Peace Agreement (Sánchez-León et al., 2016: 259). This legal framework enshrined victims' rights to truth, justice, reparation, and non-repetition in the Constitution for the first time, establishing these rights as fundamental principles in future peace and TJ processes (Ibid.; Williams and Duque, 2019: 143). The same year, the Congress reformed the JPL, incorporating several elements drawn directly from the Victims' Law. These included the recognition of collective harm and a restructured reparations

process led by the Victims' Unit, in accordance with the Victims' Law (ICTJ, n.d.). These developments helped redefine Colombia's official regime of truth, reframing the past from a story of terrorism and military heroism to one in which state and non-state actors alike had inflicted harm, and where victims' rights formed the normative foundation of reconciliation.

The Law's narrative translated into an ambitious reparations programme, and there is evidence that its implementation produced material improvements in the lives of many conflict-affected individuals and communities. Between 2011 and 2016, the government reported giving 676,000 victims monetary reparations (Government of Colombia, 2017: 26). Drawing on national survey data, Sikkink et al. (2021: 134) found that victims recognised and repaired under the Victims' Law expressed more positive perceptions of the state, suggesting that the Law contributed to restoring aspects of state-society relations. Similarly, Guarín et al. (2022) demonstrated that cash transfers substantially improved victims' well-being and reduced poverty, indicating that reparations may hold developmental and not simply symbolic value. Research by Marín et al. (2021) also documented a sustained reduction in poverty among rural communities that benefitted from land restitution measures. Indeed, the Law's approach to restitutive justice created a legal pathway for victims to reclaim their land and rights, with the potential to confront one of the structural causes of Colombia's conflict: the violent and unjust concentration of land (Bohórquez, 2025). These examples speak to the Law's potential to serve as a framework for more equitable development and rural recovery, contributing to building peace in war-torn regions of Colombia.

The inclusion of entire communities and territories as collective victims, too, expanded the peacebuilding remit of the TJ process. Between 2011 and 2016, the Victims' Unit recognised 550 subjects of collective reparation, including municipalities, community councils, social and political organisations, unions, and indigenous and Afro-Colombian communities (Government of Colombia, 2017: 28). Up until 2016, the Unit had implemented 121 collective reparation schemes, such as cultural rehabilitation measures, restitution, and compensation (Ibid.). For example, the Unit worked with Rrom communities in Antioquia, Córdoba, and Bogotá to revitalise cultural practices through language workshops and traditional culinary events (Ibid.: 30). These initiatives offered symbolic redress and opened space for place-based reconciliation strategies, particularly among groups historically excluded by the state.

However, this new peacebuilding paradigm was not without limits. At its core, the Law promoted a vision of peace grounded in bureaucratic processes, and governed by statist mechanisms for victim recognition and welfare support. Its apparatus recast victims as suffering subjects and rights-bearers, called to heal and reinsert themselves into the status quo through state channels. The official narrative emphasised resilience and empowerment, often presenting reparation as a means to restore dignity through the acceptance of state assistance, rather than through the disruption of structural violence. Initiatives by the Victims' and Land Restitution Units, which included commemorations, apologies, and psychosocial support programmes, produced a script in which forgiveness and forward-looking optimism were central themes of reconciliation. These scripts left little room for more radical political demands and counter-narratives that fell outside the technocratic and humanitarian logic of the TJ process.

Peace, in this account, was depoliticised as a process of state-facilitated healing rather than a contested political project aimed at shifting power asymmetries or addressing entrenched inequalities. Although the Law's land restitution framework recognised and sought to tackle land dispossession as a key driver of violence, its wider institutional apparatus did little more to confront root causes of past and ongoing victimisation. Without a challenge to the oppressive systems that sustained exclusion and impunity, the Law's contribution to sustainable peace was fundamentally limited (Montoya and Vallejo, 2017: 352-353). These shortcomings were compounded by the fact that the Law was implemented amid ongoing conflict, and many victims feared coming forward to claim their rights (Bakiner, 2019: 235). Therefore, the Victims' Law functioned more as a humanitarian mechanism aimed at compensatory justice than a transformative instrument for peacebuilding (Sandvik and Lemaitre, 2015: 264).

Additionally, its emphasis on symbolic recognition and the absence of an accountability component in the TJ process perpetuated impunity for abuses. Though acts of state apology and recognition, such as a 2014 ceremony in Segovia (El Heraldo, 2015), evidenced a historical departure in the state's acknowledgment of wrongdoing, these gestures were most often divorced from deeper institutional or judicial consequences. The Law enabled the state to perform remorse but evade systemic liability, as illustrated by the government's denial of state responsibility in atrocities before the Inter-American Court of Human Rights in 2012 and 2013, even in cases where national courts had already found state agents guilty (HRW, 2014b). Besides, the fact that the Victims' and Land Restitution Units only named illegal armed groups as perpetrators of violence drew attention away from state wrongdoing. The dominant framing of the Law yielded a form of selective justice that largely excluded political, military, and

corporate actors responsible for abuses (Montoya and Vallejo, 2017: 352-353). This limited the potential for TJ to contribute to institutional reform or structural accountability, and hence to sustainable peace.

The Law's exclusions also materialised in the kind of peace that became possible, as it generated new hierarchies of suffering and fostered competition among victims. In focus groups across multiple regions of Colombia, Uribe et al. (2023: 679) found that "[the reparations framework] generated more conflicts than it should have (…). People belittle themselves in front of public officials, saying in interviews that they have not been able to eat more than once a day (…), that they are peasants who don't know how to do anything" (Ibid.). Indeed, the process of obtaining recognition and redress under the Victims' Law was often more revictimising than restorative. For many, it was emotionally taxing experience that required them to relive trauma, repeatedly prove their pain and vulnerability, and wait months or years for benefits that were frequently delayed or denied (Ibid.: 678; Vásquez, 2024: 38; Angulo, 2014: 172). Research by Krystalli (2023: 12) and Ochoa (2019: 119) also documented dynamics of competitive victimhood among conflict-affected groups and individuals, which in many contexts undermined efforts to promote peace and reconciliation. These dynamics reproduced hierarchical divisions within the very TJ mechanisms intended to dismantle them.

Finally, the Law's inability to disrupt the power structures that generated and sustained conflict had important implications for post-2011 peacebuilding. Continued violence caused 220,000 new displacements in 2013 alone, and killings of rights defenders and land claimants tripled in the first two years of the Law's implementation (Rojas, 2023; HRW, 2015b). Victims who

sought to reclaim stolen land often faced intimidation, threats, displacement, and targeted violence, particularly in regions marked by paramilitary control and institutional fragility (Gómez, 2018). Up until September 2013, restitution efforts had been linked to at least 35 murders, and 700 threats had been reported to authorities by land claimants (Montoya and Vallejo, 2017: 337; HRW, 2014b). Most of the investigations yielded no convictions, and the pattern persisted beyond 2013, as dozens of land claimants and community leaders were systematically murdered between 2014 and 2016, with impunity remaining the norm (HRW, 2015b; OHCHR, 2016). In regions such as Urabá, Montes de María, and Cesar, this climate of fear significantly deterred restitution efforts (HRW, 2013b).

Paramilitary successor groups, some of which openly adopted the name 'anti-land-restitution armies', undermined the Law's redistributive potential and continued to permeate local power structures (Sandvik and Lemaitre, 2016: 268). Little was done to dismantle these groups or hold their sponsors accountable, and investigations into political, military, and corporate collusion advanced slowly and with few results (Montoya and Vallejo, 2017: 352-353; OHCHR, 2016). This reflected the deep-rooted and continued embeddedness of paramilitary power with economic and political elites in rural Colombia, and exposed the limits of a TJ framework that expanded recognition without altering the structural conditions that made redress dangerous.

Synthesis – Post-Structuralist Analysis

The Victims' Law marked a turning point in Colombia's TJ landscape. Not only did it expand the politics of recognition and formally acknowledge the existence of an internal armed conflict,

but it also institutionalised a narrative that repositioned the state as both a perpetrator of violence and a provider of victim redress. The Law advanced a new normative and epistemic order in Colombia, grounded in international legal norms. This order was articulated through a humanitarian model of peace and justice that centred on state assistance and reparations. The Law's narrative enabled important institutional and discursive shifts, opening the space for peace negotiations with the FARC, anchoring victims' rights in the Constitution, reforming the JPL, and delivering symbolic and material benefits to many conflict-affected individuals and communities.

The same narrative served a statebuilding agenda. It legitimised the state's epistemic authority as the primary arbiter of conflict-related harm and disciplined the agency of victim and civil society movements. It also recognised state wrongdoing in a way that largely eschewed questions of systemic accountability. Additionally, victims whose experiences or subjectivities did not align with the Law's presuppositions, including those victimised before 1985 (or 1991 in the case of land dispossession), victims of paramilitary successor groups, and members of non-state armed groups, were rendered marginal or wholly illegible. Although the Law softened the state's portrayal and significantly expanded recognition, it promoted reconciliation through a humanitarian TJ framework ill-equipped to tackle the deeper structural drivers of conflict. Whilst the land restitution component did seek to address the injustices of violent dispossession, its transformative potential remained limited by elite resistance and continued violence against claimants. Ultimately, the Law contributed to the reproduction of oppressive political and economic structures in the post-settlement. The implication was a peace predicated on

expansive yet selective inclusion and symbolic transformation, rather than one capable of unsettling the asymmetries at the core of Colombia's wartime socio-political order.

4.6. Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (2017)

4.6.i. Overview

Following four years of formal negotiations, the Colombian government and the FARC reached an agreement in September 2016 to end more than five decades of conflict between them. At the heart of the agreement was the creation of the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR, hereafter Comprehensive System), an ambitious TJ framework designed to guarantee victims' rights whilst facilitating the demobilisation of FARC combatants and promoting national reconciliation. The System brought together under a single institutional architecture a judicial mechanism – the Special Jurisdiction for Peace (JEP) – and two extrajudicial or non-legal mechanisms, the Commission for the Clarification of the Truth, Coexistence and Non-Repetition (CEV, hereafter Truth Commission) and the Missing Persons Search Unit (UBPD, hereafter Search Unit). The Comprehensive System was formally created in April 2017 by Legislative Act 01-2017, and all its mechanisms began operating in 2018 (Bakiner, 2019: 240). The Truth Commission completed its mandate in 2022, whilst the JEP and the Search Unit are expected to continue working until 2037 at the latest.

4.6.ii. Genealogy

Although the JEP, Truth Commission, and Search Unit were established as singular TJ mechanisms with distinct mandates, this chapter groups them together under a single analytical

framework for two reasons. First, they were formally designed and operationalised as part of the Comprehensive System, a unified institutional architecture for addressing the legacy of armed conflict. Second, due to space constraints, a separate chapter for each mechanism did not seem feasible. In line with my methodological commitment to analysing individual TJ mechanisms as the primary unit of analysis, the genealogy proceeds in three disaggregated sub-sections. These trace how each component of the Comprehensive System constructed a narrative of legitimate victimhood, using Dunn and Neumann's four discourse analysis techniques.

4.6.ii.a. Genealogy (JEP)

Theme 1: A restricted mandate and legal hierarchies of harm

As the judicial arm of the Comprehensive System, the JEP's mandate was to "investigate, prosecute, and sanction the most serious and representative crimes of the armed conflict", covering "acts committed by former members of the FARC-EP, members of the security forces, other state agents, and civilian third parties before 1 December 2016" (JEP, 2024a: 12). Responsibility was individualised and attached to recognisable actors directly involved in the conflict between the FARC and the Colombian state, with possible recognition of harms by other groups, such as the ELN or paramilitaries, where connected to the conflict with the FARC.

The JEP defined victims broadly, as those who suffered harm – physical, emotional, economic, or rights-based – either individually or collectively, as a result of actions or omissions within

the armed conflict that constituted violations of IHL or human rights law, and included first-degree family members and those harmed whilst protecting others (JEP, 2020: 85).

This excluded certain categories of victims: those harmed by the BACRIM and other forms of 'criminal' violence not recognised as connected to the conflict; victims of violations committed after December 2016; and those affected by more diffuse forms of structural or direct violence with no link to recognised conflict actors. Exclusions also encompassed more liminal categories of harm, such as children and teenagers who had been illegally recruited as minors but demobilised as adults; former members of armed groups who became victims of rival organisations after their demobilisation; and relatives of non-state combatants who were killed or disappeared. Even though 'civilian third parties' could entail accountability for private actors, including corporations, their submission to the JEP was voluntary (Ibid.). The legal threshold of gravity and representativeness narrowed its scope further, reflecting the presupposition that only the acts deemed most serious and emblematic merited accountability.

Theme 2: Victim-centrality under technocratic gatekeeping

The JEP presupposed that victims were constitutional rights-holders and the *raison d'être* of the TJ process. Its mission was to "administer justice to consolidate the transition to peace and restore the social tissue, guaranteeing the rights of victims", guided by "the principle of centrality of the victims" (JEP, n.d.; JEP, 2020: 20). The Court sought to materialise this principle by promoting victim participation in the TJ process (Ibid.: 26).

But victimhood was not self-declared or inherently visible, and required formal accreditation. Victims could only participate – submitting observations, proposing sanctions, contesting versions, or receiving reparations – after being recognised within one of the Jurisdiction's *macrocasos* (investigative cases) (Ibid.: 73). Accreditation was granted only once administrative approval had been issued based on documentary evidence (Ibid.: 85, 311). Moreover, victim participation was assessed in terms of its contribution to the Jurisdiction's restorative objectives of truth and reconciliation (JEP, 2024a: 201). The very act of being heard was therefore dependent on a prior act of being recognised, and on the performative compliance of victims' participation within a pre-defined institutional script.

The JEP also operationalised a "differential approach" to victimhood (JEP, 2022b). Special protections were extended to women, children, LGBTQI+ people, ethnic communities, persons with disabilities, displaced people, victims abroad, older adults, prisoners, and those in poverty (Acto Legislativo 01, 2017: 2; JEP, 2020: 384-385). Victimhood was plural and intersectional, and it required institutional adaptation to varied experiences of harm.

Theme 3: Judicial truth through macro-criminality

Truth was constructed through legal procedures, including '*versiones voluntarias*' (voluntary statements) by perpetrators, cross-checking of information, and judicial analysis of criminal patterns, to produce a "judicial truth" (JEP, 2024a: 54, 160, 255). The JEP operated under an investigative framework of macro-criminality, based on the presupposition that violence was systematic and classifiable.

By May 2025, 11 macro-cases had been opened, structured thematically and regionally. These included the FARC's use of kidnapping (Case 01), extrajudicial executions perpetrated by state actors (Case 03), gender-based violence (Case 11), crimes against ethnic populations and territories (Case 09), and violence in the regions of Nariño (Case 02) and Urabá (Case 04) (JEP, 2025b). The investigative focus was on "grave and representative crimes" based on recurrence and systematicity (JEP, n.d.). In the kidnapping case, the FARC was found to have operated under three "criminal patterns": kidnapping for financing, political leverage, and territorial control (JEP, 2025c). This logic presumed identifiable structures and chains of command through which accountability for those "most responsible" could be established (JEP, 2025a). It reduced the conflict's messiness to a framework of legal legibility that enabled accountability and reparation through the classification of harm into macro-cases.

Theme 4: Victims as co-producers of truth; perpetrators as culpable but reformable

The JEP constructed victimhood through a vocabulary of intense suffering and reverence for those who experienced conflict-related harm. Victims were represented through passive and affective predicates – "gravely affected", "their dignity significantly and enduringly diminished" – that conveyed their vulnerability but also their standing as rightful claimants whose suffering obligated institutional response (JEP, 2020: 294; 2024a: 49, 56; JEP, n.d.; 2024b). They were also cast as co-producers of truth – "participate actively", "contribute", "intervene", "build" – with their participation described as "essential" to reconciliation and harmonisation in the territories (JEP, 2020: 37, 166; 2024a: 45, 66; 2025b; 2022c). Victims

featured both as individuals with personal experiences of harm and as representatives of collective identities, particularly those tied to ethnicity, territory, or community (JEP, 2024a: 56). Macro-cases were structured to include both 'individual victims' and 'collective subjects', the latter including indigenous peoples, community councils, and victim organisations (JEP, 2025f). Historically silenced victim identities were also recognised, including the accreditation of 104 men as victims of conflict-related sexual violence (JEP, 2025g).

Perpetrators were represented as organised and intentional actors of systemic violence – FARC commanders "executed and led the kidnapping policy", or state forces who committed atrocities to "establish, maintain, or regain control of the public forces in territories" (JEP, 2024e; 2024f; 2025c). Yet, perpetrators were not constructed as evil and irredeemable, and the narrative created space for their rehabilitation. Perpetrators were often said to have "acknowledged their responsibility", "provided truth that was complete, detailed, and exhaustive", and "repeatedly apologised to their victims" (JEP, 2025d; 2022c). In these cases, perpetrators were recast as engaged participants in a process of moral and legal reclassification, where they could "publicly acknowledge the harm caused" and "contribute to the reparation" of victims (JEP, 2025e). The use of terminology to describe perpetrators' restorative conduct, such as "military personnel committed to honouring and dignifying the memory of the people to whom they had caused harm" (Ibid.), suggested sincerity and regret.

Justice itself was framed in affective and restorative terms. It was premised on creating "dialogic, horizontal, and restorative spaces" for "sincere and healing dialogue", "harmonisation", and "healing" of individuals, communities, and territories (JEP, 2022b;

2024a: 62, 66, 122; 2024h). But reconciliation did not imply forgiveness: "forgiveness, if it occurs, must emerge naturally … not as an imposed requirement" (JEP, 2024a: 210). Examples of restorative practices included joint FARC-army landmine awareness initiatives in Antioquia and psychosocial support programmes, the latter of which frequently featured accounts of victims recognising the JEP's role in their healing (JEP, 2024i; 2024a: 66; 2024g; 2024k).

By February 2025, the JEP had accredited 11,327 individual victims and 366 collective subjects; issued indictments against 61 senior FARC commanders and 104 members of the armed forces/third parties; and had 14,824 people submitted to its jurisdiction, of whom 9,919 were former FARC combatants, 4,693 former state security personnel, and 98 civilians (JEP, 2025a).

Synthesis – Genealogy (JEP)

The JEP articulated a judicial narrative of victimhood founded on its mandate to address the most serious and representative crimes committed before December 2016 by the FARC, state agents, and, on a voluntary basis, civilian third parties. Victims were elevated as political agents and placed at the centre of the process both rhetorically and procedurally, though their inclusion was contingent on formal accreditation linked to the Jurisdiction's macro-cases. This codified a logic of technocratic gatekeeping that defined who could speak and be heard as a victim. Victimhood was presented as plural and intersectional, with differential approaches towards groups under special constitutional protection, but always regulated by the JEP's investigative scope. Although victims of other recognised armed actors, such as the ELN or paramilitary organisations, could be accredited if their harm fell within the JEP's macro-cases, the narrative

excluded those affected by BACRIM and other forms of 'criminal' violence, violations committed after December 2016, and more diffuse forms of structural or direct harm unconnected to recognised conflict actors.

The JEP produced a judicial truth through legal procedures and the classification of harm into patterns of organised violence. This emphasised the intentionality and systematicity of perpetrator conduct. However, perpetrators were portrayed as capable of partial rehabilitation insofar as they performed compliance with the JEP's truth-telling and reparation procedures. Victims, in contrast, were represented through accounts of grave and enduring harm, but also positioned as active participants in reconciliation and healing, contributing testimonies, challenging perpetrators' accounts, and shaping restorative initiatives and sanctions.

4.6.ii.b. Genealogy (UBPD)

Theme 1: Disappearance as an ongoing humanitarian crisis and the universal right to be searched

Created as a "humanitarian and extrajudicial" entity that "leads, coordinates and contributes to the search for persons reported missing in connection with and in the context of the armed conflict", the UBPD presupposed that enforced disappearance was a paradigmatic crime whose scale, persistence, and intensity of harm required a dedicated institutional response (UBPD, n.d.a; 2023a). Although its formal remit was limited to disappearances "committed before 1 December 2016", its narrative presumed the persistence of the armed conflict and the need to

respond to the recurrence of disappearances (UBPD, 2020a: 5; 2022: 16). The Unit framed disappearance as a structural, systematic phenomenon; a humanitarian crisis in its own right that fractured families and communities and eroded Colombia's social tissue across generations (UBPD, n.d.b).

The Search Unit also presupposed that every victim of disappearance had the unconditional right to be searched. Its mission was to "search for all persons without discrimination and regardless of the role they played in the armed conflict" (UBPD, 2025: 7). Missing persons were not classified by affiliation or legal and political status, nor was the right to search dependent on judicial rulings or official recognition as a victim. According to the Unit, it "does not assign responsibility or seek to prosecute a crime" (UBPD, n.d.a). The search process was presented as a series of "humanitarian actions", which affirmed its normative standing as a fundamental right and enabled more immediate and less adversarial forms of historical reckoning (Ibid.; UBPD, 2023b: 3).

Theme 2: Universalism mediated by technocratic gatekeeping

The UBPD operationalised this universal right of all disappeared persons to be searched through bureaucratic visibility. It relied on the National Registry of Missing Persons to identify those who would be actively searched – nearly 127,000 individuals as of March 2025 (UBPD, 2019: 24; 2025: 26). This introduced a tension: whilst the UBPD affirmed that all disappearances merited search, the activation of that right rested on administrative entry points that could make victims subject to the Unit's attention. Institutional recognition, then, became a necessary

precondition for humanitarian intervention, meaning that the universality the UBPD claimed was necessarily channelled through technocratic filters that shaped visibility. The search thus remained mediated and centralised on state structures, and contingent on information flows and protocols of eligibility and prioritisation.

Theme 3: Families as rights-bearing protagonists; civil society as co-producers of knowledge

The UBPD presupposed that the families of the disappeared were rights-holders and protagonists of the search, not passive mourners. The Registry itself was built "hand-in-hand with the families and those who search, attending to their knowledge, needs and specificities; prioritising their participation at all times" (UBPD, 2020b; 2025: 10). Families' grief was consistently reframed as agency: they were described as "the centre and heart of the UBPD", guiding the search, producing truths, and demanding recognition (UBPD, 2019: 52; n.d.b). In this framing, justice lay in the participation of relatives, who transformed their loss into epistemic authority.

Civil society was framed as a key ally in the search process and the production of knowledge. The Unit highlighted how women's collectives, rights organisations, and LGBTQI+, Afro-Colombian, Indigenous, and exiled communities mobilised "knowledge and expertise, both intellectual and technical", and strengthened "political and technical dialogue" with the institution, particularly in regions of historical state absence (UBPD, 2024b: 30, 61; 2021: 60; 2023c: 27-31). This positioning extended abroad, as diasporic "survivors" were portrayed as leading "tireless efforts to find their loved ones and contribute to the search" (UBPD, 2024a).

Theme 4: Restorative justice, commemoration, and negotiated subject positions

The UBPD framed justice as healing and dignification. It repeatedly employed terms such as "to dignify", "to remember", "to return", "healing", and "harmonising" to describe rituals and ceremonies, whether they were commemorative or for the return of a body (UBPD, 2023b: 31; 2023a, 2024a; n.d.b). Following the recovery of her son's remains, a mother was quoted as saying "this was truly my son's return home, his return to unite this family" (UBPD, n.d.e). These formulations imbued justice with affective and restorative connotations, casting memory work and the search process as key objectives for dignifying victims. Families described feeling "accompanied", "hopeful", and "relieved" thanks to the Unit's support, with one relative expressing gratitude to the Unit for "helping me recover the little piece that was missing from my life" (UBPD, n.d.d; n.d.f; 2019: 35; 2023a). Justice, then, did not rest on punishment but on memory and emotional repair.

Perpetrators were generally de-emphasised, abstracted into categories such as "guerrillas", "paramilitaries", "public force", or "armed group" (UBPD, 2025: 7; 2024c; n.d.b). Yet, the category of '*aportantes de información*' (providers of information) complicated this abstraction. It introduced a role for witnesses of and implicated actors in disappearances, ranging from community members to former combatants, whose value was defined by what they could contribute to the search (UBPD, 2022: 31; 2021: 9-10). The UBPD never explicitly attributed blame to *aportantes*, but when they "participated directly or indirectly in hostilities", their role as contributors implicitly linked them to the circumstances in which disappearances occurred

(Ibid.). The emphasis remained on their potential to assist rather than on their responsibility for harm, with confidentiality and legal safeguards designed to encourage cooperation (Ibid.: 10).

Whilst maintaining its focus on the disappeared and their families, the Search Unit also acknowledged responsibility. Some accounts implicated guerrilla groups in kidnappings during "guerrilla takeovers", whilst others linked state agents to targeted operations where political activists and social leaders were disappeared (UBPD, 2025: 7; n.d.b). An example of the latter was a joint venture between the Unit and MOVICE, which identified the remains of over 1,000 people forcibly disappeared by the army (UBPD, 2020d). In acknowledging the culpability of state actors in past violations, the UBPD positioned the historical state as an agent of harm, whilst casting the contemporary state – embodied in the UBPD – in a corrective light.

The disappeared themselves were positioned as silent but central subjects in the narrative. They were described as having "a history, an identity, and a dignity", whose absence justified humanitarian and symbolic redress "regardless of the role they may have played in the armed conflict" (UBPD, 2025: 11; n.d.b). Through commemorative practices, including the return of bodies, to reunions when a missing person was found alive and coordinated search plans, the UBPD constructed the disappeared as ever-present subjects whose recovery was a humanitarian imperative for restoring their own and their families' rights and dignity.

Synthesis – Genealogy (UBPD)

The Search Unit's victim narrative was anchored in the humanitarian urgency of enforced disappearances and the protagonism of families of missing people in the search process. Disappearance was framed as a defining and persistent feature of the armed conflict; a structural and systematic phenomenon that affected all sectors of Colombian society, and whose scale and impact warranted a dedicated, extrajudicial response. All disappeared persons, regardless of their role in the conflict, were granted equal moral worth and the unconditional right to be searched, whilst families were the heart of the narrative, carrying the greatest suffering and the most important knowledge for the search. Their experience and perseverance were positioned as vital to uncovering the truth and guiding search strategies, whilst their memory work upheld their own dignity and that of the disappeared. Civil society and grassroots organisations, too, were cast as key allies in the process. They extended the Unit's reach into historically excluded territories and communities, particularly those where disappearances had been denied or under-reported.

Yet, the universality of this recognition was mediated by the National Registry of Missing Persons, which made bureaucratic visibility a precondition for institutional action. Perpetrators were largely abstracted into collective categories, with emphasis placed on their potential role as contributors of information rather than on blame. This reflected the Unit's restorative, non-adversarial mandate. Through commemorative practices and sustained accompaniment, the UBPD framed justice as a reparative and affective process. Its narrative was centred on recognition and healing, and oriented towards the societal reconstruction of communities

fractured by disappearance. Presenting itself as a compassionate, dignifying actor, the Unit advanced a narrative rooted in relational bonds and a shared responsibility to address the enduring harm of enforced disappearance in Colombia.

4.6.ii.c. Genealogy (CEV)

Theme 1: Plural, transformative truth

The Truth Commission was created to "learn the truth about what happened in the context of the armed conflict and contribute to clarifying the violations and breaches committed during it", as a first step for society to "understand and overcome our history of violence and thus avoid repeating it" (CEV, n.d.a; n.d.b). It worked from the premise that "truth is a collective, plural, historical, and conflictive construction", and that its account constituted "one part" of that truth (CEV, 2022: 25-27). Truth-seeking was framed as civic repair, as the foundation "for moving from a traumatic past to a civilised future" (Ibid.: 24-25, 584).

Its approach to historical evidence presupposed that the magnitude and patterns of violence could be documented through existing data, whilst acknowledging that available sources were partial and affected by underreporting. The Commission claimed that although 450,000 conflict-related deaths were documented between 1985 and 2018, the actual figure could be closer to 800,000 (CEV, n.d.f). The Commission used information from 112 databases from different state and non-state actors, including the CNMH, JEP, Victims' Unit, and civil society

organisations, to estimate the scale of specific violations, including homicide, enforced disappearance, forced displacement, and sexual violence (CEV, 2022: 124).

The CEV also framed the conflict's impact as extending beyond those who suffered these violations directly. Its narrative distinguished between direct and indirect victimisation but treated both as central to understanding how the war had (re)shaped Colombian society as a whole (CEV, n.d.d). Truth-seeking required estimating measurable harms whilst also recognising the diffuse, less quantifiable effects of decades of armed conflict.

Theme 2: Civilian-centred harm, cumulative impacts, and the blurring of victim-perpetrator binaries

In the Commission's narrative, victimhood was primarily a civilian experience. It estimated that more than 80% of those killed were civilians and that less than 2% of conflict-related deaths occurred in combat (CEV, n.d.c; 2022: 88). Those particularly affected, it claimed, had been "the most economically and socially vulnerable sectors, who have experienced long-term violence" (CEV, n.d.d). The Commission also treated the impact as "massive, intolerable, and unbearable" for Colombian society as a whole, calling for "recognising the wound that we all carry" and "mourning together" as a first collective task for non-repetition (Ibid.).

The war's effects extended to complex and cumulative harms, most notably those experienced by historically marginalised and vulnerable communities. The Commission assumed that pre-existing inequalities shaped both exposure to violence and its long-term impacts, with a

disproportionate burden on women, Afro-Colombians, indigenous peoples, LGBTQI+ individuals, those in exile, children, and the rural poor (CEV, n.d.g). The special focus placed on populations "who have been historically silenced or ignored" reflected the assumption that truth-telling must account for varied and intersectional experiences of violence (Ibid.). This also presupposed that their inclusion required differential approaches, such as ethical and methodological frameworks specifically designed to amplify their voices.

Victimhood equally encompassed psychosocial and intergenerational harm. The conflict "affected at least three generations of Colombians" and produced a pervasive "fear of speaking out, of suffering more violence for denouncing, of social and political stigmatisation" (CEV, n.d.d). Victimhood was a state of persistent suffering that extended far beyond the experience of direct harm, exemplified by the "chains of kidnapping" that survivors continued to "carry even after regaining their freedom" (CEV, n.d.h).

Yet, the Commission also challenged binary, mutually exclusive categories of victim and perpetrator. The conflict's complexity meant that "some victims were also responsible for human rights violations or breaches of IHL" or became involved in armed groups as retaliation or in response to impunity (CEV, 2022: 61). In some cases, this involvement was "a form of retaliation, a channelling of anger or hatred, [or] a response to impunity and lack of protection" (Ibid.). In others, the weight of impunity itself was instrumentalised to justify "taking justice into one's own hands" (Ibid.). This blurring of categories mirrored the Commission's view that impunity was a social and cultural condition that sustained cycles of revenge and violence.

Theme 3: The suffering and vulnerability of victims, and resistance as agency

The Commission employed a rich and charged vocabulary to construct victimhood, founded on moral urgency and systemic injustice, but also on agency and the prospects for collective healing. Victims were "unprotected", "silenced", "trapped", "turned into objects of contempt", and whose "victimisation and pain do not cease" following their experience of harm (CEV, 2022: 33; n.d.d; n.d.g; n.d.h). Representations of suffering conveyed the magnitude and endurance of harm, leaving "indelible marks" and "deep wounds and scars in the Colombian social tissue" (CEV, 2022: 45, 585). The Commission described how families of missing persons lived in states of "suspended death", their grief "postponed and blocked by the lack of truth", whilst thousands of others suffered "fragmented processes of mourning" due to the absence of societal and institutional recognition (Ibid.: 42, 144). The "massive and intolerable impact" of violence on Colombian society and the "horrors" caused by war were consistently described (Ibid.: 35, 574).

Yet, victims also "organised themselves", "resisted", "demanded the guarantee of their rights", "broke the silence", and "rebuilt their lives" in the face of state abandonment and social indifference (Ibid.: 43, 101, 169, 359, 523; CEV, n.d.i). "Refusing to forget" was described as "the first act of resistance", and memory was framed as both a personal and political project: a way for victims to "lead and contribute to the construction of a fairer society", and "transform" society from below (CEV, n.d.j; 2022: 44). Thus, victimhood was simultaneously a marker of harm and a site of agency.

Theme 4: Systemic violence and the rehumanisation of perpetrators

Perpetrators – state and non-state – were said to have "perpetrated on a massive" and "systematic" scale human rights violations, including "the massacres, threats, rapes, killings, disappearances and destruction that the war left throughout the country" (CEV, 2022: 138, 174, 519). Guerrillas, paramilitaries, and state forces alike were said to have acted "through political [and economic] structures and alliances", "frequently sheltering themselves in impunity", and driven by "instrumental reason" and a "logic of violence aimed at the physical and symbolic extermination of the enemy for political reasons" (Ibid.: 35, 59; 178; CEV, n.d.k).

All perpetrators operated within a "network of alliances, actors, and interests" that extended "beyond those who bore arms" to political and economic sectors (CEV, 2022: 25, 35, 288). The state was implicated both through action and omission: it conducted joint operations with paramilitaries, "arbitrary detentions", "torture", "forced disappearances", "extrajudicial executions", and also "neglect[ed]", "minimise[d]", and den[ied] its wrongdoing, which contributed to a "culture of impunity" that sustained violence (CEV, 2022: 180, 286, 387, 437, 472, 546; CEV, n.d.d; n.d.m).

Yet, the Commission assigned a redemptive quality to acts of recognition and responsibility by perpetrators. It praised those who "acknowledged responsibility" as contributing to "the collective healing process" and helping to "restore relationships broken by violence" (CEV, 2022: 57, 611, 615). Recognition was said to "generate trust" and "dignify victims" (Ibid.: 584, 614; CEV, n.d.c). Perpetrators who expressed "shame" or "feelings of repentance" in truth-

telling were constructed as participants in the healing project, rather than mere objects of condemnation (Ibid.: 591). The Commission termed this "reintegrative shame", and argued that the recognition of responsibility "enabled the rehumanisation of the perpetrators" (Ibid.: 587, 591).

Theme 5: Victims as the heart of the process; the state and society as indebted to them

Victims' voices were centred as the primary entry point for interpreting the conflict and imagining Colombia's transformation. "The victims and the impact of the war on society" were the Commission's core, the "starting point for any process of reconstruction, social dialogue, and proposal for transformation" (CEV, 2022: 35). In its highly plural and inclusive narrative of victimhood, over nine million victims were formally recognised, 90% of them civilians, with emphasis on those "historically silenced or ignored" whose perspectives "must be recognised on the path towards peace" (CEV, 2022: 25; CEV, n.d.g). This plurality was performed in 'Truth Encounters' – public events that amplified testimonies of women and LGBTI survivors of sexual violence, indigenous communities, and families of the disappeared by state and non-state actors (CEV, 2019a; 2019b; 2021a).

The CEV called on state institutions to "assume their enormous debt" towards victims and to work to overcome structural violence, address the political, economic, and military alliances that sustained the conflict, and dismantle the "colonial and exclusionary ideological models" that perpetuated exclusion and armed confrontation (Ibid.: 32, 76, 544). Society, likewise, was cast as both scarred and complicit. It too held a "historic debt" to victims for having allowed

the conflict to reach such magnitude and for its "indifference" to the "suffering of millions" (CEV, n.d.b; n.d.c). Large societal sectors were portrayed as having normalised violence, internalised exclusionary cultural logics, and tolerated – and even approved – the persecution of marginalised groups, from indigenous peoples stigmatised as "obstacles to development" to LGBTQI+ people denigrated as "sick" (Ibid.; CEV, n.d.n). Society was called to recognise harm, break "denialism", learn "another way to resolve political differences", and confront "the wound we all carry" through collective mourning and participation in truth-seeking (CEV, 2022: 79; CEV, n.d.h; n.d.o; n.d.m; n.d.d).

Synthesis – Genealogy (CEV)

The Truth Commission produced a narrative of victimhood that was highly plural, grounded in lived experience, and inseparable from a wider project of national transformation for peace. Its narrative was structured around civilian harm, with a focus on historically marginalised communities. The latter's accounts served as testimony of conflict's brutality and as a moral reference point for building a more peaceful and democratic future. Victimhood extended far beyond direct harm to encompass fear, silence, exile, intergenerational trauma, and the structural exclusions that shaped exposure to violence and its long-term impacts.

But victims were not perpetual sufferers, and the Commission affirmed their political agency in resisting violence, producing historical truths, and building peace in their communities. Perpetrators were construed as systemic and calculating actors situated in a network of political, economic, and military alliances that sustained violence. They were, however, framed as actors

capable of contributing to societal repair through the acknowledgment of wrongdoing and the rehumanisation that came with truth-telling and restorative dialogue with victims. This complicated victim-perpetrator dichotomies and opened space for more complex subject positions, including those who had been both harmed by and responsible for violence. Meanwhile, the state was portrayed as a perpetrator and enabler of abuses, but also as an indispensable provider of truth, justice, reparation, and non-repetition. Colombian society was cast as collectively wounded, but complicit in the conflict's persistence through indifference and the normalisation of violence. More than a bureaucratic task, truth-telling was presented as a participatory and empathetic act of shared reckoning, aimed at confronting denialism and entrenched exclusions to lay the normative and political foundations for non-repetition.

4.6.ii.d. Intertextuality (Comprehensive System)

The Comprehensive System represented a complement, a recalibration, and a culmination of Colombia's prior TJ efforts – all at once. It built on the legal and discursive foundations laid by earlier mechanisms, but also reconfigured some of their key assumptions. The System's design reflected more than a decade of TJ practice under the JPL, Law 1424, the Victims' Law, and the wealth of state entities created or contained under such processes. From these, the Comprehensive System inherited concepts, definitions, principles, and bureaucratic instruments (Bakiner, 2019: 231-234). It also introduced significant innovations, such as extending accountability to a broader range of perpetrators and reframing justice as a restorative, participatory process rather than an exclusively punitive one (Williams and Duque, 2019: 144; Camargo, 2019: 813-814).

In particular, the System grew out of several features of the Victims' Law. The Peace Agreement reproduced the Law's notion of victimhood as linked to the armed conflict and embedded its differential approaches into the structure of the Comprehensive System (De la Hoz, 2019: 147; Cruz, 2024: 90). The Victims' Unit Single Registry of Victims, as well as the administrative reparation framework and psychosocial support schemes developed under the Victims' Law, were incorporated into the System's bureaucratic apparatus (Bakiner, 2019: 241). In fact, the System's main source for the identification and recognition of conflict victims was the Registry (JEP, 2024a: 115). Recognition, however, was no longer a bureaucratic endpoint or a means to obtain reparations. It became an entry point into judicial participation and restorative dialogue, with truth-telling and non-repetition as key objectives. This constituted an important shift in how TJ was deployed to address violent legacies. Harm was understood and collectively processed under a restorative lens, and not just verified for humanitarian purposes.

The JEP's approach to accountability drew precedent from the JPL's pardoning and sentence reduction model (Bakiner, 2019: 234). Like the JPL, it prioritised macro-criminal patterns and emblematic cases whilst offering reduced sanctions in exchange for truth-telling. Reforms under Law 1592 of 2012, which recognised collective forms of harm and identified patterns of macro-criminality, directly informed the JEP's methodology and participatory methods (Ibid.: 234).

Importantly, the JEP's judicial mandate did not extend to paramilitary groups, which remained under the jurisdiction of the JPL. This reflected both the legal sequencing of Colombia's TJ architecture and a political decision to avoid reopening an already contentious process. Instead,

the System's design covered the key actors of the 2016 Peace Agreement: demobilised FARC combatants, state forces, and third-party civilians and non-combatant state agents who voluntarily submitted. Although the Agreement originally compelled third parties to appear before the JEP, the implementing legislation made their participation voluntary (Williams and Duque, 2019: 146). Legal benefits to *comparecientes* were conditional on full disclosure, which would be cross-checked against victim testimony, material from ordinary judicial procedures, and reports from victim and civil society organisations. This design sought to counter the partial truths and selective silences that had characterised the Justice and Peace process, where truth overwhelmingly relied on perpetrators' confessions (Ibid.: 141; Cruz, 2024: 91).

The Truth Commission, Search Unit, and JEP all drew heavily on the CNMH's knowledge base. Both the CEV and UBPD relied on CNMH archives and data, with the CEV citing its work as a starting point and frequently referencing its estimates and figures (CEV, 2022: 25; n.d.f; UBPD, 2020b). The JEP, too, made extensive use of CNMH data and categorisations in its case selection and analysis (JEP, 2025f). Despite building on this accumulated work, all three mechanisms asserted greater institutional autonomy and mandates that moved beyond historical knowledge production alone. The CEV invested heavily in generating new data and promoting dialogic, restorative exercises, particularly with historically marginalised populations. The UBPD oriented its search processes through territorial engagement and humanitarian principles. These innovations of the Comprehensive System extended the CNMH's conception of memory as a public good into a transitional project of national reckoning and transformation.

International legal and normative frameworks also shaped the Comprehensive System through formal standards and political pressure. The System was framed as meeting international standards for victims' rights, drawing on principles of international humanitarian and human rights law (Flórez, 2023: 9). Colombia's ratification of the Rome Statute precluded amnesties for war crimes and crimes against humanity, defining the JEP's sentencing model in line with the ICC's complementarity requirements (Brett, 2022: 488; Williams and Duque, 2019: 145). The ICC's preliminary examination on Colombia, initiated in 2004, constrained attempts to narrow the JEP's jurisdiction. Significantly, the ICC Prosecutor warned in 2012 that granting immunity to the army's high command could trigger Court intervention (Bakiner, 2019: 236). The 2012 Judicial Framework for Peace translated these international accountability standards into Colombia's constitutional order, reflecting both sustained ICC pressure and civil society advocacy that kept accountability at the centre of peace negotiations with the FARC (Ibid.; Ainley, 2016). Global restorative justice discourse, including UN and Latin American precedents, also informed the System's victim-centred notion of social repair – a framing that had become foundational to contemporary TJ discourse (Brett, 2022: 480; Braconnier et al., 2023: 111). Similarly, the JEP's recognition of collective entities as victims, including territories and nature, responded to continued domestic advocacy and a growing international concern for ecological harms in conflict settings (Huneeus and Rueda-Saiz, 2021: 211).

Domestic reception of the Comprehensive System was strongly polarised. The rejection of the original Peace Agreement in a 2016 plebiscite was largely based on opposition to its judicial provisions, criticised by right-wing sectors as excessively lenient towards the FARC (Williams and Duque, 2019: 145). Although a renegotiated Agreement passed through Congress, political

resistance persisted and even intensified as the JEP, CEV, and UBPD began operating (Ahumada, 2020: 36-37; Flórez, 2023: 44-45). Many victims' and rights organisations defended the System's restorative emphasis and its differential approaches, having successfully lobbied for these during the peace talks (Braconnier et al., 2023: 113; Brett, 2022: 491). However, these sectors also expressed frustration at slow implementation and the removal or dilution of key proposals under political and judicial pressure, such as land reform and accountability for third parties (Ibid.: 492). Ethnic organisations, despite welcoming the inclusion of an ethnic chapter in the Agreement, also criticised the uneven follow-through on intercultural approaches and coordination problems among the System's mechanisms (Isacson, 2021: 50; Braconnier et al., 2023: 123). Support from civil society and victims' collectives hence coexisted with scepticism over the System's capacity to deliver justice and structural change, exacerbating polarisation around the TJ process.

Internationally, the Comprehensive System was widely hailed as an innovative TJ system aligned with international law and standards. Various UN entities, the ICC, US, EU, and Norway, alongside other bilateral and multilateral donors, provided significant financial, technical, and political support for its implementation (Ahumada, 2020: 38). The ICC's closure of its preliminary examination on Colombia in 2021, citing the JEP's compliance with international law and the principle of complementarity, signalled international confidence in the System's design (HRW, 2022b). Still, international monitoring bodies, including the UN Verification Mission, the Kroc Institute, and the Inter-American human rights system, continued to express concerns about the slow and often uneven implementation of the System's mandate (Amaya-Panche, 2021: 3; Echavarría et al., 2024).

4.6.iii. Post-Structuralist Analysis: Implications for Power Relations and Peacebuilding (Comprehensive System)

Power Relations

The Comprehensive System emerged from and helped give shape to Colombia's post-2016 settlement, reconfiguring the normative and epistemic order of the country's TJ landscape. Its narrative of victimhood placed victims at the centre of the TJ process, as moral and historical authorities whose voices were called to redefine the official record of conflict and guide the path to reconciliation. Building on the legacy of the Victims' Law, the System's narrative legitimised a new moral hierarchy in which conflict victims gained unprecedented institutional visibility and power. But it also narrowed the discursive space available to actors whose legitimacy it sought to contest, including the military establishment, the FARC leadership, certain political and economic elites, and negationist sectors seeking to deny or minimise state responsibility for abuses. Together, the JEP, CEV, and UBPD produced a balanced narrative that challenged entrenched impunity for both state and non-state actors, and in so doing displaced the selective memory and accountability regimes that had long characterised Colombia's wartime status quo.

In parallel, the System's victim narrative operated as a vehicle for statebuilding. Even as victims were made front and centre of the TJ process, their protagonism was mediated through bureaucratic procedures that determined recognition and disciplined participation in statist terms. The System thus reaffirmed the state's capacity to act as the institutional gatekeeper of

wartime truth and memory. Victim centrality, though substantively applied, served to bolster state legitimacy and consolidate its authority to define the boundaries of recognition, participation, and redress in the post-settlement.

Even though the political subjectivity and agency of victims were principles well established by earlier TJ mechanisms, the Comprehensive System extended the conceptual limits of legitimate victimhood and its political status. Whereas the Victims' Law recognised collective victims largely within an individualised framework of harm, the JEP's accreditation of the Awá, Kogui, Wiwa, and Kankuamo peoples, Afro-Colombian communities in Tumaco, and even non-human subjects such as the Magdalena and Cauca rivers, transformed territories, ecosystems, and communities into legal subjects that suffered harm and were in need of repair (Huneeus and Rueda-Saiz, 2021: 210-212; Guevara, 2025). By February 2025, 11,327 individual victims and 366 collective subjects had been formally accredited across the JEP's macro-cases (JEP, 2025a).

The System's expanded politics of recognition also materialised in practices that inscribed alternative epistemologies into the praxis of TJ. The JEP, for example, developed coordination protocols with indigenous and Afro-Colombian jurisdictions, in order to place state tribunals on a "plane of equality" with ethnic judicial authorities (Braconnier et al., 2023: 116). An Ethno-Racial Commission within the Jurisdiction drew on ancestral law and spiritual authorities to influence the content and implementation of procedures and sanctions, which also translated into rituals of spiritual harmonisation with indigenous authorities at some proceedings (Ibid.; Huneeus and Rueda-Saiz, 2021: 224-225). Moreover, the Truth Commission's integration of colonial legacies into its account of conflict, which visibilised structural racism and historical

land dispossession as drivers of violence, challenged the narrative that depicted the conflict as a product of deviant wrongdoers (Wright et al., 2024: 101). The Search Unit, too, adapted its operational practices in indigenous territories to include intercultural dialogues and mapping exercises, in addition to ritualising dignified returns of bodies through culturally-rooted ceremonies of remembrance and spiritual restoration (UBPD, 2024b: 55). These approaches stretched conventional visions of justice by creating spaces of dialogue between different epistemologies and practices, and by centring entire communities, including victims and occasionally perpetrators, in shared processes for reknitting social fabric.

Crucially, the System's narrative delegitimised the heroic self-image of the Colombian armed forces, which had been consistently upheld by earlier TJ mechanisms. The JEP's documentation of at least 6,402 victims of extrajudicial executions between 2002 and 2008, together with myriad findings from the CEV and UBDP on state abuses, publicly undermined the moral and political authority of state forces (Mayorga, 2022). Both the JEP and the CEV brought retired officials – many of them senior – before victims in highly publicised judicial hearings and restorative dialogues to acknowledge institutional wrongdoing (Ibid.: Montero, 2022). By February 2025, 4,693 members of the armed forces had submitted to the JEP's jurisdiction, 104 of whom had been indicted as the most responsible parties (JEP, 2025a). These proceedings inverted wartime power relations by giving victims the authority to question and confront perpetrators. According to Isacson (2021: 48), they made Colombia "reckon with the possibility that half of all the government's claimed combat killings were false".

Although the military's image was tainted in the public sphere, many senior officers implicated in abuses continued to avoid prosecution. Under the presidency of Iván Duque (2018-2022), many were even promoted to high command positions, fuelling perceptions within the military that the System was biased and had politicised justice to criminalise the armed forces (HRW, 2020, 2021). Security personnel interviewed by Ríos (2023: 118-119) described the System as an instrument of political persecution against the military establishment. Such perceptions were reinforced when Truth Commissioner Carlos Ospina, the only Commissioner with a military background, resigned from his role in May 2022, claiming that "my truth is different to the one presented by [the CEV]" (El Espectador, 2022).

But despite this discursive delegitimisation, the institutional and material power of the armed forces within Colombia's security governance remained largely intact, and even strengthened in some respects. Defence spending continued to grow, increasing by nearly 30% between 2016 and 2025 (Ministerio de Defensa, 2025). In 2024, the government expanded the size of the armed forces with 16,000 new soldiers and 20,000 new police officers (Ibid.). Under both Duque and Petro, and despite the latter's attempts to shed bellicose state discourses through his 'Total Peace' policy, militarised security approaches persisted as the primary state response to violence (Ahumada, 2020: 42; Preciado et al., 2025: 4, 14; Valencia et al., 2025). These continuities illuminate the limits of the System's transformative reach: although it challenged the moral authority and symbolic capital of the armed forces, it did little to dismantle their entrenched institutional power in practice.

The FARC, too, was delegitimised by the System's narrative. The public acknowledgment of war crimes by the insurgency's commanders, including the forced recruitment of over 18,000 children, a systematic policy of kidnapping, and numerous killings and massacres, eroded the revolutionary legitimacy claimed by the organisation during the conflict (Navarro, 2025). By February 2025, 9,919 demobilised FARC combatants had submitted to the JEP's jurisdiction, 61 of whom were indicted as being most responsible for war crimes (JEP, 2025a).

This delegitimisation of both state and non-state actors departed from earlier TJ processes, which had either sidestepped or asymmetrically applied accountability to conflict parties. However, the System's narrative did not construct perpetrators as irredeemable. Its restorative framework allowed wrongdoers to regain legitimacy – to be 'rehumanised' – through truth-telling and reparations. *Comparecientes* at the JEP charged with war crimes could avoid prison if they complied with the Jurisdiction's procedures and fulfilled restorative sanctions. To illustrate the rehabilitation of perpetrators, most FARC combatants were granted amnesties upon demobilising and the insurgency transformed into a political party thereafter, with ten congressional seats guaranteed until 2026 as part of the Peace Agreement (Arias, 2020: 566). Equally, members of the armed forces who recognised responsibility for war crimes could elude prison altogether, and by May 2025 the JEP had granted 148 indicted state agents the right to avoid prosecution in ordinary courts (Reyes, 2025). This demonstrates that perpetrators could be reabsorbed as legitimate participants of the post-settlement order, not despite their wrongdoing, but because of their compliance with the System.

Further, the System's victim narrative reshaped the post-settlement status quo by legitimising a set of actors whose agendas aligned with its normative and historical framing. Victims' organisations, for example, gained unprecedented access to formal political spaces. Implementing a provision of the Peace Agreement, in 2021 the government created 16 Congressional seats for victims from some of the regions most affected by the conflict for two electoral periods (Bocanumenth and Puerta, 2022). Historically under-represented groups, including women's collectives, rural populations, ethnic councils, and LGBTQI+ victim organisations, leveraged this access to gain greater visibility and to push for differentiated approaches to justice and reparation (Brett, 2022: 491; Braconnier et al., 2023: 118). In parallel, the post-accord period saw the revitalisation and expansion of Territorial Councils for Peace, Reconciliation and Coexistence, participatory spaces that convened civil society actors in conflict-affected regions to advise local state institutions on implementing peace policies (Fundación Ideas para la Paz, 2019: 12). By 2022, 722 councils were active, which provided marginalised communities with new channels to influence localised peacebuilding agendas (PARES, 2023).

Whilst these and other measures expanded the domain of legitimate participation in post-settlement political life, they also fragmented victim representation, privileging those organisations best equipped to navigate the state's institutional structures (Ibid.: 123). In practice, much of this community mobilisation was absorbed into statist frameworks, asserting the state's authority to define the terms of civil society and victim participation and thus cement its statebuilding agenda. Even as participation widened, the turn to collectivised representation reduced heterogeneous experiences and demands into unitary victim identities, which weakened

minority or dissenting voices among such collectives (Vargas, 2022: 161-162). According to Brett (2022: 492) victim inclusion failed to meaningfully subvert power relations or "sustainably empower subordinated groups", since these measures remained "subordinated to the prerogative of powerful actors". Nevertheless, the discursive and institutional inclusion of historically marginalised constituencies enabled by the System did represent a significant shift towards their empowerment, even if ultimately limited. This shift likely contributed to strengthening the left-leaning, progressive platform that underpinned Gustavo Petro's electoral victory in 2022, making him Colombia's first openly left-wing president in recent history.

Lastly, and despite its efforts to address uneven power structures, the JEP's exclusions (re)produced hierarchies of legitimacy in the post-settlement order. Victims of BACRIM violence, post-2016 abuses, and individuals with complex victim identities fell outside the Jurisdiction's remit. This denied them access to truth, recognition, protection, and redress. Its legal framework also helped preserve some entrenched power asymmetries: paramilitaries remained outside its mandate, and civilian third parties could not be compelled to appear before the Jurisdiction. This meant that rural elites, large corporations, local officials, or drug traffickers who orchestrated or supported violations, particularly paramilitary violence, could elude accountability for their role in wartime atrocities. The confessions of two cattle ranchers before the JEP, where they detailed how landowners, commercial elites, army personnel, and government officials collaborated with paramilitaries to perpetrate massacres in El Aro and La Granja (Antioquia) in the mid-1990s, highlighted the scale of third-party complicity in violence that earlier TJ mechanisms had obscured (Escobar, 2025). Yet, they also revealed the limitations of a system in which these truths could only surface on a voluntary basis.

Peacebuilding

Building on the foundations laid by the Victims' Law, the Comprehensive System's victimhood narrative profoundly transformed Colombia's post-2016 peacebuilding architecture and trajectory. With the voices and political agency of victims at its heart, the System expanded and redefined the normative boundaries for reconciliation around accountability, truth-telling, restorative and reparative actions, and non-repetition guarantees. Victim populations, particularly those historically marginalised, were granted unprecedented opportunities to inscribe their experiences into the official account of conflict. Meanwhile, perpetrators were given pathways for reintegration into the post-settlement order through acknowledgement of responsibility and reparative actions. Despite its shortcomings and challenges, the System's narrative dislocated some entrenched structures of silence, impunity, and injustice that had long disempowered and revictimised victims. It also institutionalised reconciliation as an embodied, dialogic process in Colombia's post-2016 settlement, directly confronting decades of denialism and oppression.

The recognition of collective and ecological subjects, for instance, opened the discursive space for territorially and culturally grounded reparations. By February 2025, the JEP had implemented 39 "restorative practices" and 574 "restorative actions", convened 245 dialogical truth-telling proceedings, and held eight public audiences of recognition in affected municipalities (JEP, 2025a). The Jurisdiction's '*Armonizándonos*' restorative project, developed with the Awá indigenous people in Nariño, illustrated the turn to plural, place-based

practices of repair. Since 2023, former FARC combatants have engaged in reparative activities in indigenous territories in three municipalities of Nariño, such as building paths to sacred spaces, organising restorative *mingas* (collective work), and holding cultural and spiritual rituals alongside Awá authorities and victims (Muñoz, 2024: 122-124). These initiatives were designed to restore cultural practices fractured by the conflict and strengthen community bonds, whilst affirming the value of indigenous worldviews in the TJ process. Similarly, the '*Siembras de Vida'* project, which began in 2024 in the war-hit Sumapaz *páramo* in Bogotá, brought together former combatants from the FARC and the military – including a former general indicted for extrajudicial executions – to restore damaged land and promote its reforestation (Díaz, 2024). In both cases, reconciliation was advanced through material and symbolic repair of territorial and community ties, unsettling liberal peace frameworks of individualised justice.

This territorial lens also extended reconciliation and memory practices to victimised populations whose experiences of harm had been invisibilised or misrepresented in previous TJ processes. Chief among these were victims of violations perpetrated or enabled by state agents. In Casanare, for example, the JEP and ARN supported the installation of commemorative plaques across all 19 municipalities in July 2025, to honour 312 documented victims of extrajudicial executions in the department (El Espectador, 2025). On multiple occasions since 2017, government and state representatives publicly apologised for state abuses, including in Bogotá, Antioquia, Putumayo, Huila, and Caquetá (Pérez, 2023; Rosas, 2023; López, 2024). Beyond localised acts of memory, these ceremonies signalled a narrative rupture from earlier TJ frameworks, mainstreaming acknowledgment of state violence into post-settlement discourse.

Alongside these practices, the Truth Commission's centring of structural and colonial legacies promoted a plural vision of reconciliation. Its victim narrative emphasised the role of entrenched racism and centuries of land dispossession as enduring drivers of conflict, positioning reconciliation as requiring systemic transformation rather than acknowledgment alone. Upon taking power in 2022, President Petro explicitly embraced this agenda and pledged to implement the Commission's recommendations in full, describing them as a roadmap for sustainable peace (Torrado and Palomino, 2022).

The materiality of the Truth Commission's narrative quickly became evident. In 2023, and despite facing resistance in Congress, the government secured the integration of 14 of the Commission's 67 recommendations into the National Development Plan, including commitments on agrarian and rural jurisdiction, the recognition of the peasantry as legal subjects, new rights-based security and drug policy frameworks, and measures on gender equality and LGBTQI+ rights (Castillo, 2023). In 2024, the government made further progress in implementing the recommendations, such as ratifying the Escazú Agreement on environmental rights and justice, progress on land restitution, and the establishment of reserve zones for peasant farmers (CODHES, 2024). The Commission's narrative and Petro's endorsement of its recommendations thus reframed reconciliation as a project of comprehensive structural reform aimed at dismantling the systemic inequalities that fuelled decades of conflict, even if material implementation remained partial and uneven.

Moreover, the Comprehensive System's humanisation of perpetrators promoted dialogic approaches as a viable pathway to end ongoing violence. It gave discursive weight to the

continuation of peace talks with the ELN at the start of Duque's presidency, despite his government's reliance on militarised security responses. Although Duque suspended such negotiations in 2019 following the ELN's bombing of a police training centre, the System's restorative ethos later laid the groundwork for Petro's 'Total Peace' policy, which sought to enter into peace talks with all of Colombia's armed groups – not as irredeemable threats but as actors capable of demobilising and reintegrating into society (Johnson et al., 2025: 7; Quiceno, 2019). By July 2025, the government had initiated nine peace negotiations, including with the ELN, two FARC dissident groups, and three urban peace processes with organised gangs in Medellín, Buenaventura, and Quibdó (Preciado et al., 2025: 26). Whilst progress across the different negotiations has remained limited to date, these dialogues have nonetheless marked an unprecedented policy paradigm that widened the scope of peacebuilding to encompass all forms and actors of organised violence in the country (ICG, 2025: 4; Gómez-Suárez, 2022).

At the individual and familial level, the Comprehensive System took important steps to advance victims' rights to truth and justice, and to contribute to healing processes. As of December 2024, the Search Unit had recovered 2,490 bodies of missing persons (UBPD, 2024b: 14). The Unit had also carried out 418 dignified returns and located 159 people alive – acts whose affective and reconciliatory impact cannot be understated (Ibid.). If the UBPD's humanitarian mandate brought truth and relief through recoveries and dignified returns, the JEP complemented this approach by fostering accountability and acknowledgment of responsibility from perpetrators. Of the 61 FARC combatants indicted as most responsible for war crimes, 97% admitted full responsibility and contributed to truth, whilst 87% of indicted members of the armed forces did so too (JEP, 2025a). Those who failed to acknowledge wrongdoing, including former army

General Mario Montoya and Colonel Publio Hernán Mejía, moved into adversarial trials (Díaz, 2025).

But beyond these figures, the JEP set valuable precedents in Colombia's TJ trajectory. It recognised patterns of macro-criminality long denied in ordinary courts, prioritised emblematic cases to respond more swiftly to victims' demands, and opened unprecedented spaces of public recognition in which victims could challenge perpetrators (Posada and Franco, 2025). Many victims expressed that participating in proceedings, particularly confronting their victimisers, had a restorative effect and helped them heal (Valencia and Molano, 2023: 43-45). Others have articulated confidence in the JEP to provide a level of accountability they never experienced in the ordinary justice system (JEP, 2025a).

However, these achievements have not resolved deeper tensions between restorative sanctions and victims' expectations of justice. Victims of both the armed forces and the FARC reported feeling dissatisfied with the JEP's sanctions and reparations schemes, with many describing the tribunal's work as revictimising and perpetuating impunity (Reed-Hurtado, 2024; Gutiérrez et al., 2025). Some argued that perpetrators lied or withheld information about the harms they committed and failed to provide adequate reparations, but that "it was useless that us victims and our judicial representatives demonstrated that *comparecientes* have not complied with either truth or reparation" (Ibid.; see also Verdad Abierta, 2024). As one victim reflected, "we were partly to blame for having accepted a piecemeal process. Now, we have to live with the consequences and [do] whatever little we can investigate ourselves" (Gutiérrez et al., 2025). Although the System's mechanisms enabled and even expanded the discursive space for

meaningful reconciliation between victims and perpetrators, they also exposed the fragility of the victim-centred paradigm when the restorative process failed to match victims' vision of justice. This tempered the transformative promise of the System.

More broadly, reconciliation remained constrained by continuous cycles of violence across Colombia. Whilst the Comprehensive System did open discursive space to address entrenched conflict drivers, its capacity to confront the illicit economies, non-state territorial control, and political-criminal networks sustaining violence was limited. The FARC's demobilisation left governance vacuums that other armed groups have violently fought to fill (Amaya-Panche, 2021: 3). Financed by illicit economies, these actors fuelled renewed waves of violence, causing patterns of victimisation to surge to levels comparable or higher than pre-2016 (ICRC, 2025: 2). In particular, armed groups have systematically targeted social leaders, human rights defenders, and demobilised combatants (González-Uribe, 2022: 2; HRW, 2023b). Unequal land concentration, chronic state absence in rural areas, and illicit financial flows persisted due to the state's institutional weakness, fiscal constraints, political resistance, or continued insecurity in rural areas (Grajales, 2020: 3; Isacson, 2021: 12). These dynamics, alongside the continuation of militarised approaches, undermined the System's reconciliatory ambitions and contributed to ongoing violence (Valencia et al., 2025).

Finally, narratives of victimhood remained deeply contested in the post-2016 order, which fragmented the System's efforts to promote meaningful reconciliation. The right-wing Democratic Centre party responded to the publication of the Truth Commission's final report with a counter-project seeking to resist the System's narrative. Its '*Cartilla Alternativa*'

(Alternative Booklet) contested the CEV's findings with a narrative that highlighted the heroism of state forces and discredited the Commission's claims (El Tiempo, 2022). The party also made repeated legislative attempts to undermine the JEP's authority, including bills that would have severely weakened prosecutions for serious rights violations (Isacson, 2021: 48; HRW, 2019). President Duque, a member of the Democratic Centre, even filed a number of unsuccessful objections against key aspects of the statutory law governing the JEP in 2019 (Torrado, 2019). These initiatives sought to reimpose a selective memory that preserved state exceptionalism, hardening ideological divisions and obstructing the construction of a shared historical memory that could facilitate reconciliation.

Synthesis – Post-Structuralist Analysis

The Comprehensive System fundamentally reshaped Colombia's TJ landscape by institutionalising a narrative of victimhood that placed victims at the normative and political centre of the post-2016 socio-political order. Together, the JEP, CEV, and UBPD expanded Colombia's politics of recognition to spotlight the experiences of historically marginalised groups, in addition to those of collective and non-human subjects and victims of state and non-state abuses. It also imprinted intercultural and territorial approaches into the praxis and objectives of the TJ process, including plural, place-based reparative and memorialisation practices. This narrative redistributed legitimacy in favour of victims and unsettled some of the hierarchies of suffering and patterns of impunity that had been (re)produced by earlier TJ mechanisms. It enabled unprecedented forms of victim political agency and protagonism in the pursuit of justice, created pathways for perpetrators to regain legitimacy through

acknowledgment and reparative action, and recast reconciliation as a dialogic process rather than one of closure.

At the same time, the System's narrative served a statebuilding purpose. It reified the state's authority to act as an arbiter of truth and repair, mediating victim agency and participation through bureaucratic recognition and pre-defined procedures. The JEP, in particular, excluded victims of post-2016 violence and other forms of harm categorised as 'criminal' – including by paramilitary successor groups – from its legal remit, and was not designed to hold paramilitaries and third-party actors accountable for violations. Even as the System delegitimised the moral capital of the armed forces and the FARC, it failed to meaningfully disrupt deep-seated structures of institutional power and hold some influential economic and political sectors accountable for their role in wartime atrocities. The narrative's transformative promise was also undercut by persistent violence in the post-accord period, and by the endurance of militarised security governance and counter-narratives that sought to reinvest state forces with legitimacy. Overall, the Comprehensive System's narrative of victimhood represented an ambitious reorientation of Colombia's post-settlement status quo, advancing a more inclusive and dialogic vision of reconciliation. However, it was ultimately constrained by its exclusions and the entrenched power asymmetries it was unable to dismantle.

Chapter Five: Discussion

5.1. Chapter Overview

This chapter brings together the findings of my analysis from Sri Lanka's and Colombia's TJ mechanisms to provide empirically grounded answers to my research question: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?* I argue that TJ is far more than a set of legal or institutional devices designed to address past harm: it operates as a technology of governmentality that fixes discursive boundaries around what constitutes 'legitimate' victimhood. In doing so, TJ processes and mechanisms produce knowledge, truths, and collective memories about wartime violence, in turn shaping post-settlement power relations and mediating the consolidation – or otherwise – of sustainable peace. My analysis shows how the application of TJ both reflects and (re)produces socio-political orders in societies transitioning from war to peace.

The experiences of Sri Lanka and Colombia with TJ illustrate my argument in distinct but complementary ways. In Sri Lanka, the language and mechanisms of TJ were consistently leveraged by successive governments to monopolise and impose accounts of violence. This propelled a narrative of closure that repeatedly sanitised state-perpetrated abuses, made Tamil suffering and claims illegible, and translated recognition into humanitarian assistance, whilst systematically eluding questions of accountability.

Colombia's experience unfolded differently. The application of TJ followed a continuous learning curve that saw TJ mechanisms proliferate and diversify, often compensating for the limitations of preceding mechanisms. Over time, they expanded the politics of recognition and experimented with multiple forms of truth, including judicial, administrative, forensic, dialogic, and humanitarian. However, this expansion remained disciplined by state bureaucracies that operated as institutional gatekeepers of the politics of victimhood.

My case analysis exposed two contrasting modalities of epistemic governance during transitions from violence: authoritarian closure in Sri Lanka, and carefully threaded pluralism in Colombia. Both modalities relied on similar devices in design and implementation to construct narratives of authentic victimhood. The following sub-sections explore these devices and flesh out the implications of these modalities across three dimensions: the production of knowledge, truth, and collective memory; the (re)negotiation of legitimacy and authority; and the prospects of sustainable peace.

5.2. The (Re)Production of Truth, Knowledge, and Collective Memory

5.2.i. Overview

My findings reveal that TJ does less to uncover the past than to govern it. In Sri Lanka and Colombia, the design of TJ mechanisms – including their mandates, registries, accreditation criteria, thresholds, and cut-off dates – drew the boundaries around legible forms of harm. They defined who could legitimately feature and speak as a victim, and fixed selective narratives as

truthful. In line with the theoretical propositions of my analytical framework, TJ operated as what Foucault (1984b: 73) described as a 'regime of truth': a set of institutional practices that disciplined what could be said, known, remembered, and circulated in the official record of the conflict.

My analysis demonstrates that TJ functions as a form of epistemic governance; an institutional apparatus that reduces memory to fixed categories and disciplines who can narrate it. This finding departs from the legalistic and institutionalist strands of TJ and peacebuilding, which tend to interpret TJ mechanisms in light of their bureaucratic design and measurable capacity for accountability or reform (see, for example, Sikkink, 2011; Strang, 2002; Karstedt, 2010). What emerges from the case analysis is that the classificatory practices of TJ fundamentally (re)produce epistemic hierarchies, fixing some voices and truths as authoritative whilst marginalising others. My findings resonate with the interdisciplinary literature on memory, which suggests that a society's historical memories are constructed and maintained through social interactions, and subject to a "policing of the past" by institutional mechanisms (Cohen, 1995: 10; see also Halbwachs, 1980). This is particularly significant in contexts of political transition, where interpretations of events can be instrumental in shaping post-settlement orders (Bell, 2009: 25; Tholens and Groß, 2015: 255).

As the TJ literature tells us, power and choice are always implicated in the construction of victim narratives (McEvoy and McConnachie, 2013: 497; Robins, 2017: 45). My analysis of Sri Lanka and Colombia goes a step further to show how the design and implementation of TJ mechanisms can structure modes of knowledge and truth, and how the politics of victim recognition finds its

way into the collective memory of conflict-affected societies. The practices of victim representation analysed across my country cases produced selective accounts of the past, with some experiences of harm and political claims being amplified and others erased. Building on Derrida (2003: 105), those in power can impose the terminology and interpretation of conflict that best serves them, and in both Sri Lanka and Colombia, TJ became an important means through which such authority was exercised. This engendered lasting hierarchies of knowledge that played a key role in shaping collective memories of conflict and regulating whose truths were admitted into the official domain.

5.2.ii. Sri Lanka: Epistemic Violence and the Scripting of Closure

In Sri Lanka, TJ was repeatedly instrumentalised by various governments to consolidate a Sinhala-Buddhist majoritarian order, both during wartime and in the post-war period. Each process and mechanism performed this work in different ways, but together they advanced an agenda of "purposive forgetting", which scripted the past in a way that made it manageable and politically convenient for the present (Hejlesen, 2024: 1924). These efforts at achieving closure and perpetuating impunity for atrocities silenced Tamil suffering, reframing it as collateral damage or justified, and translated recognition into humanitarian assistance detached from accountability.

My analysis of the 1990s commissions of inquiry illustrates this function. The Zonal and All-Island Commissions documented thousands of disappearances, but framed them thinly as partisan abuses by UNP politicians and allies. They depicted SLFP activists and sympathisers

as political martyrs in a struggle against authoritarianism, and the party as a defender of victims' rights. This displaced attention from the systemic and ethnic dimensions of state violence. Such institutionalised forgetting fragmented the historical record and narrowed the discursive space for more plural reckonings with disappearances and other conflict-related harms, constraining how violence could be remembered and contested.

The 2001 Presidential Truth Commission on Ethnic Violence briefly expanded the discursive domain. It acknowledged systemic abuses by state and non-state actors and recognised the suffering of Sinhala, Tamil, and Muslim communities. It also recharacterised Tamil militancy as a product of miscommunication and governance failures, rather than as a political struggle for self-determination. This contributed to fixing Tamil resistance as illegitimate – indeed, terrorist – in the historical record. Moreover, whilst the Commission acknowledged structural oppression against minorities, it did so in ways that left majoritarian dominance intact. Its selective recognition of harms fractured memory further, and its reliance on apologies and modest reparations turned reconciliation into a symbolic performance of state benevolence, as opposed to a meaningful attempt to address decades of direct and structural violence.

A more plural narrative was constructed by the Committee on Disappearances in Jaffna, which recognised indirect and intergenerational harms, condemned systemic state violence, and named the violence as an armed conflict. These discursive moves widened the epistemic margins of victimhood and, in extending investigations into the period of Kumaratunga's presidency, unsettled the temporal limits of previous mechanisms. Its emotionally charged recognition of Tamil suffering momentarily reworked earlier TJ narratives that had denied or minimised

minority victimhood, opening space for a more plural historical record. However, its strategic omissions and the absence of state follow-up meant these openings were not consolidated, which left behind a memory of symbolic recognition unaccompanied by structural change and exacerbated the grievances of affected communities.

Under Rajapaksa, truth-seeking mechanisms restricted the arena of conflict-related knowledge production and memorialisation considerably. The Tilakaratne and Udalagama Commissions presented disappearances as isolated misconduct and shielded escalating counterinsurgent practices from scrutiny. Tamil civilians were routinely portrayed as collateral damage or suspect populations, stripping their suffering of legitimacy and political meaning. The Tilakaratne Commission went further to recast victim testimony as dubious, and even called for the criminalisation of false complaints. This reduced the official space for plural wartime memories and policed remembrance. Crucially, whereas the pre-2009 period was marked by a fragmented and unstable regime of truth, after 2009 closure became hegemonic, with mechanisms geared to consolidate denial and impose a singular narrative of war. The LLRC epitomised Rajapaksa's attempt at narrative closure following the war's end. Its report insisted that all communities suffered and that losses were comparable on both sides, a trope that obfuscated asymmetries of harm and denied the systematicity of state violence. All three commissions found support in global counter-terrorism discourse that privileged state security over human rights, which served to legitimise the government's knowledge and truth claims. Purposive forgetting came to define the official memory of the war and, above all, of its bloody final phase.

The UN PoE ruptured this regime of truth by centring Tamil civilian suffering in the Vanni and attributing systematic responsibility to the state for mass violations during the war's final stages. Framed through international legal standards, its account challenged the state's monopoly over memory and created a rival knowledge platform that empowered civil society and international actors to contest the official account of the conflict's final months. Yet, this internationalisation of accountability produced nationalist backlash and intensified repression at home, cementing a politics of denial even as the discursive landscape diversified. The Paranagama Commission was established precisely to contain this challenge. Promoted as an independent inquiry with international oversight, it worked to restore the state's epistemic authority. It exonerated state forces and portrayed Tamil civilians as passive LTTE hostages, with the implication that state violence was construed as lawful and humanitarian. The Commission extended and consolidated the LLRC's narrative of denial as official truth, in a further attempt to imprint closure into the historical record and tighten Rajapaksa's grip over wartime memory.

Later mechanisms perpetuated this logic through bureaucratic recognition. The OMP and OfR made victims administratively visible and offered humanitarian recognition, but also depoliticised victims' suffering and sidestepped questions of accountability. Both Offices limited participation to technical procedures of registration and compensation, which translated political demands into bureaucratic claims for benefits. Calls for justice were glossed over, whilst political claims associated to collective victimhood were excluded altogether. Against the backdrop of a securitised post-war order marked by remembrance policing and dissent suppression, the OMP and OfR reinforced the treatment of political grievance as illegitimate and even subversive. ONUR's more plural language similarly incorporated victimhood into a

statist narrative of resilience, and obscured minority claims under the imperative of creating a unitary national identity. Although the latter mechanisms broadened recognition, they assimilated diversity into a majoritarian frame. ONUR, in particular, recognised and dignified all of Sri Lanka's victims as resilient agents, but diluted differences in political agency and experiences of harm. This made claims for autonomy and accountability more challenging to articulate. The implication was a gradually built regime of truth that transformed victim recognition into a tool of containment, and inscribed repression into the very systems of truth and redress.

5.2.iii. Colombia: Memory as Procedure and Carefully Threaded Pluralism

My analysis of Colombia's TJ mechanisms suggests that, whilst victim recognition was gradually widened, its processes and procedures continuously (re)affirmed state authority as the primary epistemic gatekeeper. Truth was not so much monopolised as it was proceduralised; constructed through mandates and accreditation filters that organised victimhood into governable forms. Colombia's TJ mechanisms produced a regime of truth marked by what I term 'carefully threaded pluralism': expansive in scope and procedure, but constrained by bureaucratic logics that preserved the state's role as the arbiter conflict-related knowledge, truths, and memories.

The JPL represented violence as individual deviance and pursued a judicial truth through voluntary confession. Victim participation was reduced to pre-defined courtroom scripts that privileged legal categories of harm and excluded accounts of state abuses and structural

violence. This judicial truth generated hierarchies of recognition, silencing those harmed by state actors whilst depicting perpetrators as redeemable through performances of remorse. Doing so fixed memory in adversarial legal frameworks that emptied violence of political content and entrenched impunity for state crimes. Law 1424 of 2010 retained these exclusions but shifted the epistemic authority to a larger group of demobilised paramilitary combatants, whose testimonies were treated as contributions to historical clarification. Victims, in contrast, were reduced to abstract beneficiaries with no role in verifying or contesting the historical record. Truth and memory were bureaucratised into administrative files – pieces of history framed as individual, depoliticised offences divorced from accountability.

The Victims' Law significantly expanded recognition and refashioned Colombia's regime of truth through a humanitarian lens. The Law's narrative centred civilian victims as innocent and dignified subjects, with displacement elevated as the emblematic harm of the conflict. This widened the visibility of victims in an unprecedented scale, but recognition was mediated by documentation requirements and cut-off dates that dispersed collective claims and rendered many experiences of violence unintelligible. The collective memory of the armed conflict became defined by humanitarian suffering, which was to be documented and compensated, and not by political agency. The state was simultaneously positioned as perpetrator and redeemer, acknowledging its responsibility for wrongdoing whilst legitimising its authority as arbiter of recognition and repair. The humanitarian truth constructed by the Victims' Law thus redefined the official narrative of victimhood to account for voices and identities previously neglected, but reduced experiences of violence into humanitarian categories that displaced questions of responsibility.

The Comprehensive System democratised the production of knowledge, truths, and memories. It brought together victims and perpetrators around a plural and comprehensive reckoning with decades of violence in the context of the armed conflict with the FARC. Historically marginalised communities, in particular, became protagonists of the historical record. Intercultural and territorial ways of knowing were also integrated, and hybrid victim-perpetrator subjectivities found their way into the official narrative. Multiple forms of truth – judicial, dialogic, administrative, forensic, humanitarian – were brought into conversation, yielding a more plural and participatory account of conflict. However, this pluralism was regulated by accreditation thresholds, registries, the exclusion of certain forms of violence. Post-2016 harms and abuses perpetrated by paramilitary successor groups were excluded, and economic and political elites largely evaded accountability. Even as the System unsettled hierarchies of suffering established by earlier TJ mechanisms, it perpetuated the state's authority to determine truth by constraining victim agency within bureaucratic procedures. It widened Colombia's regime of truth but kept it governable, advancing dialogic and inclusive forms of victim recognition whilst carrying forward the epistemic limits of the pre-2016 order.

5.2.iv. Sri Lanka and Colombia in Perspective: Genres of Truth as Governance

My country cases exemplify two distinct modalities of epistemic governance. Collectively, Sri Lanka's TJ mechanisms tell a story of authoritarian closure, where the institutional space for truth and memory progressively thinned in response to the incumbent government's political agenda, even when it rhetorically pluralised. Abuses were cast as partisan, isolated, or collateral; Tamil suffering was generally silenced and depoliticised; and purposive forgetting became the

defining feature of Sri Lanka's memory politics. This regime of truth, built over time in and through TJ mechanisms, disciplined diverse voices and claims through erasure or denial, consolidating a narrative of national unity predicated on Sinhala-Buddhist hegemony. Colombia's TJ processes and mechanisms, in contrast, produced a modality of procedural pluralism. The space for truth and memory opened up over time and took different forms, but remained regulated by state-defined scripts that set the terms of victim recognition and participation. This widened the epistemic space around conflict-related harm, but in a way that kept memory governable.

The different genres or forms of truth[1] leveraged in my country cases to make sense of particular manifestations of violence were not neutral modes of knowledge but technologies of governance. Judicial truth tended to present violence as individual wrongdoing; forensic truth reduced it to technical evidence and material proof; administrative truth catalogued memory into registries and archives; humanitarian truth fragmented suffering into legible categories for reparations and other benefits to be allocated; and dialogic truth democratised testimony and participation but within strict procedural boundaries. These genres were institutionalised unevenly across the two contexts. Colombia developed all five through the JPL (judicial and forensic), Law 1424 and the Victims' Law (administrative and humanitarian), and the Comprehensive System (dialogic, forensic, administrative, judicial, and humanitarian). Sri Lanka relied almost entirely on administrative and, to a lesser extent, humanitarian and forensic truth, overwhelmingly based on commissions of inquiry before 2015 and registries thereafter.

[1] By 'genres of truth' I mean the different institutional forms through which truth is produced (e.g. judicial, humanitarian, administrative, dialogic, forensic). It should not be confused with 'regimes of truth', which refers to the discursive practices that define and police what is deemed to be true in a given society.

Each genre performed what Grewal (2023: 323) terms the "epistemic violence of TJ": disciplining whose suffering was named in the transitional and post-settlement regimes of truth, which claims were articulated, and whose memories became part of the official record. Consistent with what Bernasconi and colleagues (2018: 125) argue, TJ infrastructures often fracture memories of violence into partial archives, creating bureaucratised silos of truth and knowledge.

Across my analysis, these systems of knowledge, truth, and memory production did not operate in a vacuum. Despite their importance as formal, institutionalised practices, my findings show that TJ mechanisms were one site among a wider epistemic landscape that included counter-narratives across all levels, including diaspora activism, documentation by civil society and rights organisations, grassroots commemorations, and domestic and international political pressure. In Sri Lanka, these counter-narratives were often suppressed or absorbed into state accounts. In Colombia, I found that some gained significant traction, which democratised public debate even as official frameworks constrained recognition. This reveals that the epistemic and normative power of TJ is significant but not absolute. TJ holds a unique capacity and potential to organise memory politics and relationships among individuals, groups, and the state in important ways, but always within a contested arena where alternative accounts and memories circulate and sometimes reconfigure regimes of truth.

5.3. The Implications of Victimhood Narratives for Post-Settlement Power Relations

5.3.i. Overview

The implications of the regimes of truth discussed above were not limited to the epistemic realm. As discussed in the analytical framework, discourses do more than reflect social realities: they also construct them (Somers, 1994: 606; Milliken, 1999: 229). My findings reveal that narratives of victimhood codified in TJ carry substantial political weight, and across my country cases proved instrumental in (re)investing authority and legitimacy during and after transition. This is because war-to-peace transitions are intensely political periods, where power structures are renegotiated and new orders take shape (Papagianni, 2009: 48; Collins, 2004: 22; Lu, 2017: 111). In both Colombia and Sri Lanka, narratives of victimhood in TJ were leveraged to define the boundaries of political community and, in turn, engineer socio-political orders. My findings also demonstrate the statebuilding function of TJ, which consistently reinforced state power in my country cases, even as practices of victim recognition pluralised.

5.3.ii. Sri Lanka: Authoritarian Closure and the Consolidation of a Sinhala-Buddhist Order

In Sri Lanka, TJ mechanisms repeatedly served to legitimise the state and advance a political agenda of Sinhala-Buddhist hegemony. For three decades, victim narratives in TJ were

mobilised in response to changing political needs: first as partisan capital in electoral processes between the SLFP and UNP; then as justificatory tools for the intensifying counterinsurgency; and later as bureaucratic instruments of post-war containment. The language and mechanisms of TJ were deployed in the service of state- and nation-building projects rooted in Sinhala-Buddhist majoritarianism.

The Zonal and All-Island Commissions set an early precedent for the use of TJ as a politically advantageous instrument. Their narrative of disappearances exercised selective accountability to vilify UNP politicians, elevate the SLFP as the champion of accountability and victims' rights, and direct attention away from ongoing abuses. It also effaced Tamil suffering and portrayed disappearances as a partisan issue, which masked the ethnic power asymmetries at the heart of violence and buttressed exclusionary state practices. This redistribution of legitimacy helped strengthen Kumaratunga's political standing and weakened that of her UNP opponents, contributing to her re-election in 1999.

The 2001 Commission and the 2002 Committee on Disappearances briefly disrupted this trajectory. Both broadened the politics of recognition, which momentarily legitimised Tamil experiences of harm and created discursive openings that lent credibility to the emerging peace process with the LTTE. However, the Commission's framing of insurgent violence as a problem of governance, rather than one of systemic minority exclusion and self-determination, upheld the unitary power of the state, even as it condemned state violence. And, although the Committee validated minority grievances, the absence of government action on the political openings it created exposed rhetorical recognition as an empty gesture. The pluralism of their

victim narratives offered the appearance of responsiveness to atrocities, but ultimately prevented expanded recognition from transforming oppressive power relations.

Rajapaksa's pre- and post-2009 commissions employed TJ as a device of denial and hegemonic closure. The Tilakaratne and Udalagama Commissions discredited testimonies of systemic state violence and elevated the security forces as heroic guardians of national unity. In an effort to whitewash state-perpetrated atrocities, the LLRC cast the state as a benevolent actor operating legitimately to protect Sri Lanka's population from the LTTE's terrorist threat. This precluded accountability for war crimes and justified the hyper-militarisation of the North-East in the post-settlement. These commissions also projected an image of compliance to external audiences, allowing the government to deflect international criticism and reinforce its sovereignty at home. Together, they helped craft a peacetime order built on Sinhala-Buddhist hegemony, sustaining the legitimacy of the state's coercive apparatus whilst disqualifying Tamil claims to justice and autonomy.

The UN PoE validated the claims of civil society and Tamil victims excluded from the official record, as well as the demands of international actors pushing for accountability. Yet, the Sinhala nationalist mobilisation it provoked in Sri Lanka served to re-legitimise Rajapaksa's power and nationalist agenda. As a direct rebuttal to the PoE, the Paranagama Commission sought to reclaim the state's epistemic authority, disguising denial as legal expertise and appropriating the language of humanitarian protection and sovereign statehood to naturalise impunity – all whilst performing compliance with international standards. This moment of

discursive rupture and consolidation in the TJ landscape worked to entrench a majoritarian status quo and uphold a victor's peace in the post-2009 settlement.

Post-2015 TJ mechanisms adopted a plural and humanitarian victim narrative, but they did so within statist frames that depoliticised victimhood. Victims were rendered visible as beneficiaries of state-led repair, but stripped of political agency. ONUR's expansive discourse of diversity subordinated difference to a unitary national identity, whereas the OMP and OfR reduced recognition to procedural eligibility and technocratic support. In practice, these mechanisms contained dissent by reducing grievances to passive, bureaucratic scripts. This disciplined and policed legitimate participation in TJ and in the post-settlement status quo. Importantly, it barred political claims associated with accountability, power-sharing, and autonomy, going as far as to securitise some of these claims as terrorist. These mechanisms extended the reach of recognition but repackaged Sinhala-Buddhist dominance under the vocabulary of reconciliation and equalised suffering.

5.3.iii. Colombia: Pluralised Recognition Within Statist Limits

In Colombia, TJ evolved through two distinct phases. Pre-2011 mechanisms, designed to address paramilitary violence, constructed narrow and exclusionary victim narratives that individualised wrongdoing and shielded political and economic elites from accountability. After 2011, recognition expanded dramatically and pluralised in scope, but the architecture of TJ remained tied to bureaucratic frameworks that affirmed the state's authority over legitimate victimhood. Across both phases, TJ progressively reallocated legitimacy to a wider array of

victim identities whilst consistently validating state power. And, much like in Sri Lanka, TJ was unable to meaningfully transform oppressive structures of authority.

The JPL was the first step in this trajectory. Its victim narrative cast paramilitaries as deviant actors who could be reintegrated into the post-settlement order through confession and remorse, whereas victims were given a voice only in adversarial legal procedures. State-paramilitary collusion, as well as the structural conditions underpinning violence, were beyond the remit of the judicial process. This design actively shielded state agents and corporate actors from accountability, whilst legal categories introduced hierarchies of victimhood that invisibilised those harmed by state violence. The JPL portrayed the state as a neutral guarantor of justice, rather than a party to the conflict. The Law thus institutionalised a technocratic model of justice centred on confession and performance rather than structural transformation, which allowed paramilitarism to reconfigure under new forms even as the fiction of its demise took hold. A significant implication is that the Law's narrative legitimised Uribe's Democratic Security agenda and justified his government's intensifying counterinsurgency campaign.

Law 1424 extended this settlement. It retained the JPL's exclusions and also preserved the epistemic authority of perpetrators, framing them as contributors to historical clarification rather than subjects of accountability. State institutions and perpetrators became co-authors of an official record that was opaque, depoliticised, and insulated from victim contestation. Victims were reduced to abstract, voiceless beneficiaries, and those harmed by paramilitary successor groups were denied recognition altogether, which propped up successive governments' claims that paramilitarism had ended. Justice was reduced to a technocratic exercise of procedural

compliance, with accountability subordinated to the imperative of reintegrating former combatants. As such, the Law fixed impunity into the very architecture of the post-settlement order, re-legitimising demobilised combatants as compliant citizens and confirming the state's authority to define the parameters of victimhood and perpetration.

The Victims' Law constituted a decisive narrative expansion. It broke with the perpetrator-centred logic of prior mechanisms and placed victims at the heart of Colombia's transitional architecture. But it did so in ways that worked as much to consolidate state authority as to dignify victims. Even though the Law acknowledged state responsibility for abuses, it also restored the state's legitimacy by masking sovereignty as humanitarian care. This move depicted the state as a redeemer, which asserted its enduring role as gatekeeper of legitimate victimhood and guarantor of victims' rights. The criteria and registries that governed inclusion into the Law's narrative entrenched this authority, making recognition a conditional status determined by state bureaucracy. Meanwhile, the Law legitimised the experiences of millions of victims previously overlooked by TJ, granting them unprecedented visibility and constitutionalising their rights. Still, the political capital and material benefits associated to victimhood remained mediated by statist categories of recognition and welfare assistance. Moreover, the Law's implementing agencies framed non-state actors as the primary perpetrators of violence, which, alongside the absence of accountability provisions, perpetuated impunity for harm perpetrated or enabled by political and economic elites. The implication was an unprecedented expansion of the politics of recognition and legitimacy, but one disciplined by statist categories that preserved uneven power distributions even as they dignified millions.

The Comprehensive System deepened this pluralism further. The JEP, Truth Commission, and Search Unit amplified the voices of historically marginalised groups in unprecedented ways, including women, ethnic minorities, exiles, and even hybrid victim-perpetrator subjectivities. Their legal and non-legal narratives cast victims as active political agents and facilitated perpetrators' reintegration into the post-settlement order through truth-telling and reparative acts. The System's intercultural, territorial, and environmental approaches also redirected authority towards localised knowledges, and reconciliation was framed as an ongoing, dialogic process as opposed to an act of closure. But much like with the Victims' Law, these openings were tightly regulated by mandates and institutional design, which reiterated the state's sovereignty to determine inclusion and participation in TJ. Although the System delegitimised the armed forces and the FARC, it was inherently limited in its ability to investigate political and economic elites whose complicity in violence had long been documented. Entrenched power distributions, including militarised security governance and continued structural inequities, were thus left largely untouched, contained within a system that promoted pluralism and democratisation but stopped short of dislocating deeper asymmetries. The reach of this expanded legitimacy ultimately proved fragile and contested.

5.3.iv. Sri Lanka and Colombia in Perspective: Legitimacy, Sovereignty, and the Limits of Structural Transformation

In both country cases, my analysis shows how TJ reconfigured the politics of legitimacy in ways that consistently reproduced pre-existing power relations, carrying them forward into the post-settlement status quo. In Sri Lanka, TJ mechanisms progressively entrenched Sinhala-Buddhist

majoritarianism. The 1990s commissions bolstered Kumaratunga's electoral project by framing disappearances as partisan abuses, which concealed the ethnic dimensions of violence and marginalised Tamil experiences and claims. Rajapaksa's wartime commissions legitimised the intensifying counterinsurgency, whilst the LLRC equalised suffering across communities and depicted the state as a benevolent protector. These narrative moves depoliticised violence, precluded accountability, and justified the securitisation and militarisation of Tamil-majority territories. The Paranagama Commission reclaimed the state's epistemic authority following the PoE's challenge, and post-2015 mechanisms channelled dissent into humanitarian and bureaucratic frameworks that visibilised victims as beneficiaries but stripped them of political agency. Across these phases, my findings show that victimhood was instrumentalised as a tool of political convenience. It was deployed to consolidate authoritarian and coercive governance, and draw the boundaries of political community along exclusionary ethnic lines.

In Colombia, the evolution of TJ followed a different path. Its early perpetrator-centred architecture inscribed recognition in narrow terms, individualising wrongdoing and shielding state agents and elites from scrutiny. Post-2011 frameworks significantly widened recognition, registering millions of victims and elevating historically marginalised groups as protagonists of the TJ process. But even at their most expansive, victim agency was contained by institutional frameworks that made dissent legible but governable. Unlike in Sri Lanka, my findings suggest that TJ did not generate new asymmetries of power as much as it failed to dismantle the long-standing ones underpinning the armed conflict.

Reading both country cases in parallel, victim narratives emerged as a key source of political and symbolic capital, codified through institutional design and mobilised for (de)legitimation work. My analysis reveals that victimhood was almost always tied to innocence, and that ambiguous subjectivities that blurred victim-perpetrator dichotomies were overwhelmingly excluded from TJ narratives. This was especially true of judicial mechanisms.

These hierarchies of recognition did not just carry symbolic weight. They also proved instrumental in (re)producing post-settlement orders by rendering some groups, practices, identities, and courses of action legitimate and others illegitimate. My findings corroborate and extend the conclusions of Robins (2017), McEvoy and McConnachie (2012, 2013), Lawther (2020, 2022), and Krystalli (2019, 2021), showing that hierarchies of victimhood are not only socially enacted but actively codified through formal TJ mechanisms. They also speak to IR debates on sovereignty, echoing Campbell's (1998) and Doty's (1996) analyses of sovereignty as a performative process of identity construction and boundary-making. TJ mechanisms carried out this work by curating the terms of inclusion and exclusion, and inscribing official histories on which post-settlement orders were built.

Far from being peripheral to the liberal peace, TJ emerges in my analysis as one of its core governance devices, lending support to critical TJ scholars who have made similar arguments (see, for example, Sriram, 2007; Nagy, 2008; Andrieu, 2010). This line of research has questioned the reliance of the liberal peacebuilding paradigm on technocratic, institution-building models. Yet, what my findings add to this literature is a sharper understanding of the governmental function of TJ: a practice that simultaneously reflects and constitutes structures

of power in transitional and post-settlement periods. In my analysis of Sri Lanka and Colombia, this function became vividly apparent in the way TJ mechanisms institutionalised hierarchies of legitimacy through victimhood narratives. In so doing, these mechanisms helped engineer the parameters of socio-political inclusion, most often stabilising or reinforcing – rather than unsettling – existing power distributions in the post-settlement order.

This discussion raises the question of whether TJ can, or should, transform asymmetric power relations. Because TJ is designed and implemented by incumbent governments, and often in dialogue with international actors, it is rarely conceived to confront the systems, institutions, and orders that give rise to or sustain conflicts. This holds particularly when those systems are intertwined with state power. As my analysis suggests, symbolic recognition is far more readily negotiated than material or political power. I find that TJ can indeed contest or destabilise deep-seated power dynamics, however minimally, as the Comprehensive System did in Colombia and the Jaffna Committee and the UN PoE did in Sri Lanka. However, such gains tend to be fragile and often reabsorbed into statebuilding projects or neutralised by elite resistance. Some scholars caution that expecting TJ to tackle structural inequities risks overloading its mandate (Roht-Arriaza, 2006: 2; Waldorf, 2019: 131-132), whilst others contend that avoiding such questions reproduces the very drivers of conflict (Gready and Robins, 2014: 346; Otálora-Gallego, 2025: 14; Thoms and Ron, 2007; 676). In both my country cases, TJ consistently legitimised state authority and failed to recalibrate asymmetries of power, leaving open the question of whether this inability is a flaw in design and/or implementation, or whether it is an intrinsic feature of TJ.

5.4. Narratives of Victimhood and the Consolidation of Peace

5.4.i. Overview

Beyond influencing the politics of legitimacy, the victim narratives institutionalised in TJ in Sri Lanka and Colombia also structured the terms under which peacebuilding and reconciliation were pursued. Indeed, peace was discursively constructed in and through practices of victim recognition and representation. Such narratives were instrumental in setting the limits of post-settlement political community, which laid the groundwork for the policies and practices that could be legitimately implemented in the name of peacebuilding. This fundamentally shaped the kind of 'peace' that became possible. Seen through the lens of governmentality, reconciliation was not a neutral process of coming to terms with a violent past or present, but a project of socio-political (re)ordering guided by the truths and memories made visible in TJ.

This perspective adds a new dimension to ongoing debates in peace and conflict studies on the politics of TJ. Galtung's (1969) seminal distinction between negative and positive peace provides a useful framework to unpack my findings, which show that how 'peace' takes shape in transitional societies is mediated by the victimhood narratives institutionalised in TJ. The language of victimhood conflated reconciliation with closure and containment in Sri Lanka, and with pluralism and bureaucratic repair in Colombia, shaping how peacebuilding processes were experienced and sustained in both country cases.

These findings resonate with the arguments made by scholars of TJ who examine the construction of hierarchies of victimhood through the binary of innocent, virtuous victims and

guilty, evil perpetrators (see Breen-Smyth, 2018: 225; Lawther, 2022: 523; Lu, 2017: 71; Hearty, 2018). I push this work further by showing that whether these binaries are upheld or unsettled matters not only for formal victim recognition and its associated benefits, but also because it actively structures peacebuilding processes and outcomes. In Sri Lanka, the erasure of ambiguous subjectivities and the depoliticisation of violence yielded historical closure. In Colombia, the gradual expansion of pluralism democratised reconciliation, but the transformative promise of TJ was constrained by institutional barriers and enduring exclusions. In this sense, I find that TJ mechanisms do more than just accompany peacebuilding; they *perform* peace itself.

5.4.ii. Sri Lanka: Historical Closure and Negative Peace

My analysis reveals that TJ in Sri Lanka evolved over time from partisan and symbolic templates of reconciliation to a post-2009 logic of closure that equated peace with national unity, security, and denial. Although the 1990s commissions were established to deliver truth and justice for disappearances, and did not have an explicit agenda of reconciliation, the narrative of victimhood they produced narrowed the social and political meaning of peacebuilding from the outset. Whilst their investigations likely offered a measure of truth to the families of thousands of missing persons, their narrative of disappearances as partisan persecution deflected attention away from the ethnic dynamics underlying this violent phenomenon. And, despite enabling some limited prosecutions and reparations, this narrative reduced the pursuit of truth and justice to party politics, rather than promoting a meaningful inter-ethnic reckoning with abuses.

The 2001 Commission and the Jaffna Committee briefly altered this trajectory by acknowledging Tamil suffering and naming state violence. However, reconciliation was limited to symbolic measures, such as mutual apologies, and modest reparations that were never implemented. Without accountability or reform, these empty gestures exacerbated mistrust and grievances among victims whose experiences of harm were acknowledged but left unaddressed. The Tilakaratne and Udalagama Commissions, established amid the counter-terrorist crackdown of the mid-2000s, shored up the pursuit of a securitised peace. These inquiries presented abuses as isolated misconduct or justified, and upheld a sharp dualism between Sinhalese victims and LTTE perpetrators, which enabled the securitised 'othering' of Tamils and invalidated minority grievances. In doing so, they deployed the language of victimhood in the service of counterinsurgent objectives, legitimising militarisation as peacebuilding practice.

After the LTTE's defeat, peace and reconciliation hardened into closure. Post-2009 truth-seeking mechanisms obscured asymmetries of harm, proclaimed reconciliation as already achieved, justified the military occupation of Tamil-majority areas, and promoted neoliberal development as the path to lasting peace in the North-East. Peace was written as victory and security, whilst the language of reconciliation was leveraged to advance Sinhala-Buddhist hegemony and Rajapaksa's continued denial of war crimes. The LLRC insisted that all communities had suffered equally and closed off the debate around accountability by categorically denying state abuses. The Paranagama Commission protracted this account by legalising denial and presenting the conduct of state forces during the war's final stages as legal and humanitarian. Although the PoE momentarily contested this narrative closure, it provoked

nationalist backlash and ramped up securitised narratives of sovereignty. These discursive strategies sustained a post-war settlement where militarisation was not only naturalised but framed as necessary to preserve national unity and stability.

Post-2015 bodies constituted a rhetorical softening that nevertheless maintained the agenda of historical closure and purposive forgetting. The OMP and OfR expanded victim visibility through registration and compensation schemes, but these bureaucratic procedures contained victims' agency and deeper political claims, translating them into administrative categories that depoliticised grievance. ONUR's rhetoric of resilience and diversity similarly absorbed difference and varied experiences of harm into a statist discourse of national unity. Victims could obtain certificates and compensation, but demands for accountability, demilitarisation, and autonomy were disqualified and even criminalised. This was also made possible by ONUR's notion that reconciliation had already been achieved. As a result, grassroots commemoration of Tamil victimhood was policed and suppressed, whilst the securitisation of dissent intensified.

The peace that materialised in Sri Lanka was negative in a Galtungian sense. Although the armed conflict came to an end with the defeat of the LTTE, oppressive relations of domination and patterns of marginalisation and impunity persisted well into the post-settlement. In the absence of truth and justice, bureaucratic and humanitarian recognition became the hallmark of reconciliation. What resulted from Sri Lanka's application of TJ over three decades was far from a transformative peace: it was a socio-political order consolidated through coercion and structural exclusion.

5.4.iii. Colombia: Inclusive Recognition, Limited Transformation

Colombia's application of TJ moved from narrow, perpetrator-centred judicial frameworks under the JPL and Law 1424 to expansive, victim-centred infrastructures under the Victims' Law and the Comprehensive System. This discursive evolution opened new spaces for the dignification of victims, their participation and recognition, which laid sound foundations for a pluralistic and inclusive peace. Nevertheless, reconciliation was consistently pursued through rigid bureaucratic and institutional frames that disciplined victims' agency and were incapable of meaningfully confronting the root causes of violence. These limitations were compounded by dynamics external to TJ, such as the prevalence of illicit economies, the persistence of institutional vacuums in historically marginalised territories, and entrenched inequities, all of which generated new waves of violence and restricted what TJ could achieve. TJ mechanisms ultimately contributed to a fragile and partial peace in the post-2016 period, but as one element in a wider ecosystem of forces shaping post-settlement peacebuilding.

The Justice and Peace process and Law 1424 privileged the reintegration of paramilitary combatants over justice and redress. Their deeper implication, however, was the consolidation of a post-settlement peace that affirmed state sovereignty and eluded systemic accountability for wrongdoing. Under the JPL, violence was framed as individual deviance, with paramilitaries portrayed as guilty but redeemable perpetrators, whilst the state appeared as both victim and guarantor of justice. State complicity and elite networks underlying paramilitarism were excluded, which fostered a notion of reconciliation as coexistence without meaningful

reckoning. Law 1424 reproduced these exclusions but reorganised truth-telling into bureaucratic 'clarifications'. This cast demobilised paramilitaries as authoritative contributors to historical knowledge and sidelined victims as abstract beneficiaries of the process. These judicial TJ frameworks facilitated the societal reintegration of demobilised combatants, but also naturalised impunity and narrowed reconciliation to the restoration of state sovereignty under unchanged political and economic conditions. Importantly, they failed to dismantle the structures of paramilitarism and enabled the emergence of successor groups under new guises. Meanwhile, the state's counterinsurgency campaign against guerillas continued, showing that the peace these TJ mechanisms helped build was partial and uneven by design.

The Victims' Law grounded its peacebuilding agenda in fulfilling victims' rights and significantly scaled up Colombia's politics of recognition. By May 2025, nearly ten million victims had been recognised, with their rights constitutionally enshrined and reparations and restitution schemes institutionalised. This represented a far-reaching narrative shift, as victims acquired unprecedented visibility and their rights became a central axis of subsequent national discourse on TJ and peacebuilding. These rich and varied narratives began to complexify Colombia's collectively held accounts of the past, infusing reconciliation with a wide array of voices and truths.

And yet, access to rights and benefits under the Victims' Law relied on bureaucratic systems that individualised harm and discounted many victim identities. Recognition and reparations, designed within a humanitarian frame, alleviated poverty for some and dignified large numbers of victims, but they too remained tied to administrative eligibility. Land restitution, a central

tenet of the Law, was an explicit attempt to address one of the root causes of Colombia's conflict. Still, entrenched inequalities and elite resistance meant that dispossession persisted and those pursuing restitution, particularly social leaders and human rights defenders, were routinely subject to violence. This coexisted with the continued power of paramilitary successor groups, whose violence was deemed as outside the armed conflict and was thus invisible to the Law's framework. Accordingly, peace and reconciliation became administrative practices of repair and welfare support – broad in their reach but undermined by persistent violence and its inability to transform the structural conditions that fuelled conflict.

The Comprehensive System built on and extended the Victims' Law's contribution to peacebuilding. Its mechanisms created new spaces where victims could lead truth-telling processes, shape restorative and reparative practices, and play a key role in the search for the disappeared. Marginalised groups gained unprecedented recognition, and perpetrators were given important incentives to acknowledge and repair harm. Perpetrators were also rehumanised by the System's narrative, which situated them within social and institutional contexts rather than depicting them as irredeemable agents of violence. The Truth Commission complicated rigid binaries by giving space to complex victim subjectivities, whilst the Search Unit emphasised the equal worth of all disappeared, regardless of their role in the conflict. The System reframed reconciliation as an inclusive, dialogic process, and institutionalised accounts of harm long articulated by victims and civil society, which brought historically peripheral voices to the centre of Colombia's regime of truth. However, their transformative promise was tempered by technocratic filters, including accreditation protocols and temporal limits, and also silences around the responsibility of powerful economic and political actors in abuses. Persistent

violence against rights defenders, as well as the revitalisation of armed groups, old and new, exposed the fragility of reconciliation and revealed the gap between discursive gains and tangible transformations for peace.

The peace that emerged in Colombia, then, was bureaucratised and partial. TJ mechanisms gradually expanded recognition, inscribing millions of victims into the national imaginary and making their rights central to how reconciliation was understood and pursued. These narratives dignified victims and gave peacebuilding an unprecedented participatory dimension, though always through procedures that fragmented claims and regulated victim agency through state-imposed classifications. Structural inequities, elite impunity, and patterns of violence persisted, leaving the material conditions of the armed conflict largely unchanged. What my case analysis reveals is that the production of plural and inclusive narratives of victimhood advanced peace as welfare and recognition, but not as structural transformation. The implication was a peacebuilding process premised on democratising participation, but which remained fragile and uneven – limited by the same bureaucratic structures that made it possible.

5.4.iv. Sri Lanka and Colombia in Perspective: Peace as Governance

My findings suggest that victim narratives in TJ are not peripheral to war-to-peace transitions, but a key technology through which post-settlement peace and reconciliation are structured and governed. In Sri Lanka, closure formulated reconciliation as national unity and containment without accountability, writing a model of "authoritarian conflict management" into the pre- and post-2009 order alike (Lewis et al., 2018: 493). In Colombia, the progressive pluralisation

of TJ enacted reconciliation as dialogue and repair, but was channelled through bureaucratic processes that widened participation without meaningfully addressing many of the conflict's key performative forces.

Side by side, Sri Lanka and Colombia reveal different routes to a similar implication: peace made governable through victimhood narratives. In both cases, victims' voices were selectively visibilised and amplified, but consistently mediated by institutional frames that curtailed agency and eschewed systemic disruption. In Sri Lanka, this meant recognising victims only when their identities reinforced majoritarian and securitised narratives, with individuals and institutions responsible for serious violations generally shielded from accountability. Justice and truth were reduced to fiction, Tamil suffering repeatedly silenced, minority claims delegitimised, and dissent securitised. In Colombia, it meant inclusive recognition through registries and eligibility checks, where participation expanded but political claims and agendas that could disrupt entrenched power structures were either excluded, fragmented, or disciplined.

Across both contexts, the application of TJ became a site of intense political contestation. It frequently exacerbated existing grievances or produced new ones among conflict-affected populations who felt excluded, misrepresented, or let down by the promises of rights and recognition. This was true even when victim narratives were at their most inclusive. These dynamics reified intergroup boundaries and fuelled competitive victimhood, which obstructed pathways to reconciliation. Structural violence also remained largely unaddressed, stabilising a fragile, non-transformative peace. These narratives did, however, create some openings for meaningful victim visibility and redress. In Sri Lanka, such openings remained largely

rhetorical or symbolic, whilst in Colombia they translated into more substantive, though still closely proceduralised, forms of recognition and participation.

These findings contribute to scholarly debates on the politics of peacebuilding and TJ. The analysis of Sri Lanka echoes Humphrey's (2003: 182) argument that narratives of victimhood in TJ can be hijacked by those in power to distort accounts of rights violations in the service of political agendas (see also King, 2010). Conversely, Colombia illustrates the potential of more inclusive narratives, which did go some way in destabilising the social and political logics that sustained the armed conflict. This extends Staub's (2006: 878) and Andrieu's (2010: 547) claims that plural and complex accounts of conflict can soften antagonisms and strengthen social cohesion by humanising the enemy 'other'. But it also validates Robins' (2017: 46, 58) assertion that TJ can reproduce exclusions when victims' voices are instrumentalised to serve state agendas without tackling the factors that caused the victimising act in the first place. These exclusions are detrimental for sustainable peace, as they often harden "biased notions of the self being innocent and righteous and the 'other' being guilty and inherently evil" (Aiken, 2013: 17; see also Huyse, 2003: 63).

An important caveat follows from my findings. Empirically, Sri Lanka's authoritarian closure has, to date, suppressed renewed large-scale armed violence more effectively than Colombia's plural settlement, where direct violence has persisted and even intensified (see Adhira and Triasari, 2024: 80; Johnson et al., 2025: 7). Whereas military victory in Sri Lanka granted post-2009 governments uncontested authority over official victim narratives (Höglund and Soderberg-Kovacs, 2010: 374), Colombia's negotiated settlement created space for greater

narrative pluralism. The nuance in my case analysis complicates claims in the conflict resolution literature that the means of war termination explain post-settlement stability. My findings could be taken to suggest that a victor's peace and repressive, closure-oriented TJ frameworks are more effective at pacifying post-war orders than more inclusive processes and mechanisms. Such a reading finds support in a strand of literature that associates military victories with reduced recurrence of violence (see Toft, 2010: 16; Wagner, 1993; Licklider, 1995).

Nevertheless, my analysis shows that this conclusion may be misleading. In Sri Lanka, I found that the negative peace of the post-war period was precarious, as it rested on repression, fear, and exclusion. The denial of accountability and the militarisation of Tamil-majority regions, coupled with the securitisation of dissent, yielded an incomplete peace defined by coercion rather than reconciliation. Far from being stable, this order has produced continued, systematic violence against minorities and civic repression, from the targeting of Tamils and Muslims since 2009 to the violent crackdown of the 2022 Aragalaya demonstrations. Sri Lanka's 'peace' is therefore contingent on continued oppression, and unlikely to be sustainable if the root causes of conflict and enduring grievances remain unaddressed.

This is consistent with a more recent body of scholarship that questions the durability of the "peace by victory" model (Kreutz, 2015: 2). Analysing the JVP's reintegration process in Sri Lanka, Hill (2013: 357-358) found that whilst military victory can indeed be effective at bringing stability to conflict settings in the short- and medium-term, long-term peaceful stability is threatened by patterns of repeated violence that can emerge over extended timeframes. Gromes and Ranft (2021) and Badran (2014) too, demonstrate that negotiated settlements can

be as durable as decisive military victories, and that exclusionary post-conflict arrangements often breed fragile social cohesion. Additionally, Call (2012: 4-7) identifies political exclusion as the most consistent predictor of renewed conflict, whilst Huyse (2003: 63) and Keen (2003: 80) emphasise how unrecognised grievances tend to harden divisions and trigger cycles of violence.

As such, authoritarian closure may quell direct violence and pluralism may democratise participation. But without confronting the deeper dynamics that fuel conflict, the peace it produces will be tenuous and incomplete. As I have argued, it may be overambitious to pin such expectations on TJ given its institutional limitations, but efforts to confront root causes of conflict, whether through TJ itself or accompanying policy frameworks, are essential if victim recognition is to translate into tangible transformations for peace.

Conclusion

Overview and Argument

This dissertation explored the construction and implications of victimhood narratives in TJ. It analysed how particular framings of 'legitimate' victims can organise modes of knowledge production, structure power relations, and give shape to the kind of peace being built during transitions from armed conflict. To guide this research, I began with the question: *How do the formal processes and mechanisms of transitional justice construct narratives of legitimate victimhood, and what are the implications of these narratives for post-settlement power relations and peacebuilding?* In response, I developed an analytical framework grounded in critical theory, which I applied to study practices of victim representation in Sri Lanka's and Colombia's formal TJ mechanisms using discourse analysis.

My central argument is that TJ is not merely a neutral and technocratic set of mechanisms designed to address legacies of conflict-related violence. Rather, I argue that TJ operates as a technology of governmentality: a collection of formal and informal mandates, criteria, registries, and categories through which the politics of recognition and memory are ordered. TJ constructs and naturalises hierarchies of suffering and (re)distributes legitimacy and voice in wartime, transition, and post-settlement moments alike. In design and implementation, then, TJ constitutes an epistemic architecture with important implications for power relations and peacebuilding in societies attempting to move from war to peace.

My work builds on and extends the rich body of literature on the politics of victimhood in TJ. It departs from the well-established notion that victimhood is a key political currency during post-conflict transitions, and applies my analytical framework to understand and interpret how victim identities are given meaning and governed through TJ. The critical theoretical lens I employed allowed me to expose how practices of victim representation in legal and non-legal TJ mechanisms visibilised certain subjectivities, memories, worldviews, and experiences of harm, whilst silencing or misrepresenting others. In both Sri Lanka and Colombia, I show that these choices were neither incidental nor purely technical. At times they appeared intentional and strategic, serving the interests of those in power, and at others they mirrored structural logics of bureaucracy and state authority that (re)produced particular narratives of victimhood.

My aim has not been to make value judgements around institutional successes or failures in the application of TJ. Rather, I have sought to demonstrate how narrative strategies to represent violence function as instruments of power. To design and implement a TJ mechanism is to decide which voices may be heard, which harms may be legible, and what kinds of futures may be imagined and pursued. My central finding is that TJ is far more than a site of memory or accountability. In practice, it operates an apparatus of epistemic governance and statebuilding that simultaneously reflects and constitutes structures of power.

Key Empirical Findings

In Sri Lanka, the language and mechanisms of TJ were deployed across a series of wartime and post-war moments. Their application helped consolidate a socio-political order grounded in

authoritarian closure and Sinhala-Buddhist hegemony. In the 1990s, the Zonal and All-Island Commissions produced a narrative of partisan victimhood that erased Tamil suffering and supported Kumaratunga's and the SLFP's electoral agenda. In the early 2000s, the Presidential Truth Commission on Ethnic Violence and the Committee on Disappearances in Jaffna briefly widened recognition by acknowledging Tamil suffering and state violence, but these openings remained overwhelmingly symbolic. In the absence of resolute follow-up action, they exacerbated the grievances and sense of injustice among conflict-affected communities. By 2006, with the Tilakaratne and Udalagama Commissions, victimhood became a tool of securitisation: abuses were reframed as isolated misconduct or justified, and minority grievances were silenced behind the veil of 'terrorism'.

In the immediate post-war years, the LLRC and Paranagama Commission worked to embed a narrative of denial for rights violations, equalising blame and legitimising the hyper-militarisation of the North-East. The UN PoE disrupted this trajectory by documenting war crimes and opening international debate on accountability, but its findings were rejected domestically and reframed as external interference, which galvanised nationalist resistance to plural truths. After 2015, ONUR, the OMP, and the OfR adopted more plural humanitarian language, though in a way that reduced inclusive recognition to depoliticised narratives of victim assistance and national unity that left structural injustices intact.

Across these stages, TJ (re)produced highly oppressive regimes of truth, in which political dissent was recast as destabilising and threatening, commemorative practices were policed, and reconciliation discourse contained claims for justice and structural change by translating them

into depoliticised forms of welfare support. My analysis and findings illustrate how TJ in Sri Lanka moved through partisan, symbolic, securitised, and humanitarian victimhood narratives, all of which ultimately served to entrench Sinhala-Buddhist majoritarianism and consistently negated the possibility of meaningful, transformative peace in the island.

Colombia followed a different trajectory. There, the proliferation of TJ mechanisms yielded a politics of recognition that expanded over time, though always mediated by the state's role as gatekeeper of legitimate victimhood. The JPL individualised blame and silenced state responsibility for violations, subordinating memory and truth to highly selective judicial procedures. Law 1424 replaced accountability with historical clarification, and elevated perpetrators as redeemable narrators of truth, whilst reducing victims to abstract referents. The Victims' Law was a key discursive rupture in that it centred civilian suffering across a wide spectrum of conflict-related harms and acknowledged state responsibility for abuses, but even this unprecedented recognition was filtered through registries, criteria, cut-off dates, and administrative procedures that depoliticised and individualised victimhood. Finally, the Comprehensive System opened the discursive field further, diversifying Colombia's regimes of truth across judicial, administrative, dialogic, forensic, and humanitarian forms. It crafted a highly plural and inclusive victim narrative that positioned historically marginalised groups as protagonists of the process, but only insofar as they conformed to the System's technocratic procedures, which kept this pluralism governable.

The result was what I term 'carefully threaded pluralism'. Over time, these mechanisms made victims more visible and audible across diverse transitional architectures. Yet, as recognition

expanded, it became increasingly regulated by state bureaucracies and procedures. The state featured simultaneously as perpetrator and redeemer, acknowledging its responsibility in form whilst preserving its authority as the ultimate arbiter of victim recognition and guarantor of their rights. Colombia's pluralism was thus ambivalent: it created unprecedented spaces for recognition, dignity, accountability, and diversity, but its transformative potential was limited, as it consistently cemented hierarchies of victimhood and made numerous victim identities illegible in the official narrative.

Analysing Sri Lanka and Colombia side by side and through a critical theory lens throws light on two distinct modalities of epistemic governance. Sri Lanka demonstrates how authoritarian closure can be manufactured through narrow mandates, a selective amplification of victim voices, and administrative recognition that translates political grievances into humanitarian assistance, thus containing dissent and consolidating majoritarian structures of domination. Colombia, in contrast, illustrates how recognition can be extended to a substantial range of victims and genres of truth, but still remain confined to statist processes that regulate whose voices can be heard and whose justice can be pursued.

Both country cases illustrate how TJ makes the politics of victimhood governable through the instruments of its design and implementation, such as mandates, registries, and thresholds. Authoritarian closure in Sri Lanka operated by narrowing the field of legible victimhood and consolidating existing forms of authority through the policing of knowledge and truth production. Meanwhile, carefully threaded pluralism in Colombia functioned by expanding

visibility and participation in the service of a statebuilding agenda, materialised through the very instruments that determined which stories of violence could be told.

Conceptual Contributions

Building on my argument and findings, this dissertation makes several conceptual contributions to the literature on victimhood, TJ, and peacebuilding. Interpreting TJ as a technology of governmentality unsettles conventional approaches that study the toolkit of contemporary TJ in light of its outputs and tangible results. Special courts, truth-seeking mechanisms, reparations schemes, and search units emerged in this thesis not as technocratic mechanisms to document and redress violence, but as epistemic architectures that classify and regulate the politics of victimhood. This shifts attention away from measurable indicators of institutional performance, which scholars interested in the 'peace versus justice' trade-off tend to focus on. Rather, it spotlights the process of institutional *production* – how conscious choices by those behind the design and/or implementation of TJ distribute voice and legitimacy, and the socio-political implications of these choices. My research provides fresh insights into the politics and legacies of TJ through the prism of victimhood.

My findings also reposition TJ within broader debates on the liberal peace and statebuilding. The ways in which victim recognition is organised and enacted operate as tools of bureaucratic legibility that extend state authority through the very act of cataloguing violence. This complements the well-established scholarly perspective that views TJ as a core part of the liberal peace and statebuilding paradigm (see Teitel, 2014: 37; Nagy, 2008: 275; Andrieu, 2010: 538).

However, the analysis pushes these debates forward in three directions. First, it highlights how narratives of victimhood in TJ not only reflect but also actively entrench or reconfigure forms of political authority. Practices of victim representation in TJ can sustain or contribute to transforming power relations by naturalising hierarchies of harm, and by fixing the parameters for inclusion and exclusion in the post-settlement status quo. This shows how the classificatory logics of TJ do political work beyond justice and peacebuilding. Second, it contributes to scholarship that interrogates the victim-centrism of contemporary TJ. Whilst policy frameworks often assume that recognising victims is inherently constructive and empowering, I show that victimhood, and the rights and benefits associated with it, is fundamentally a status conferred, withheld, and policed through institutional design. Third, my findings elucidate how TJ mechanisms generate distinct genres of truth, each with particular epistemic and material implications. Judicial processes, such as special courts or tribunals, establish truths that carry legal weight, but they also restrict who can speak and what can be heard through evidentiary standards and selective prosecutions. Humanitarian and administrative mechanisms, such as victim registries and reparation schemes, increase victims' visibility, though often in ways that divorce recognition from accountability and individualise experiences of harm. More dialogic initiatives, such as truth-seeking mechanisms, create space for plurality and localised testimonies, but even here participation tends to be shaped by access and pre-defined mandates. Both of my country cases reveal that greater pluralism and inclusion are not necessarily transformative: multiple truths can circulate, but all remain disciplined by the institutional scripts and structures that authorise them.

My research invites a reorientation in how TJ is understood and studied. It prompts us to consider TJ beyond its liberal peace objectives to address past injustices as a pathway to a more peaceful and democratic society, focusing instead on its epistemic and political work. I contend that, in rendering wartime violence knowable and governable, narratives of victimhood in TJ are constitutive of post-settlement orders. This conclusion opens space for a different set of questions to be asked about TJ, such as what categories they (re)produce, what hierarchies they naturalise, and what futures they make possible. Such a reframing does not replace existing debates on the outcomes of TJ, but reveals the normative and epistemic foundations through which those outcomes take shape in the first place.

Methodological Contributions

Methodologically, I showcase the value of a critical-interpretive epistemological orientation for studying victimhood and TJ. Central to this is the analytical framework I developed, rooted in critical theory and aimed at denaturalising how TJ mechanisms construct and discipline victimhood through representational practices. Approaching TJ as a contested discursive field, rather than as a set of institutions to be evaluated by the degree to which they fulfil their aims, made it possible to uncover how recognition is structured through categories and standards that are frequently taken for granted as neutral and apolitical. This perspective shifted my attention away from whether mechanisms 'delivered' truth or justice, and towards their role in (re)producing hierarchies of legitimacy and a politics of inclusion.

My analytical framework was operationalised using discourse analysis, as outlined by Dunn and Neumann (2016). This method enabled me to capture these narrative intricacies with rigour and structure. The genealogical approach, with its four analytical steps, systematically traced how 'legitimate' victimhood was constructed in specific institutional settings. For its part, the post-structuralist approach gave me the tools to examine the implications of these discursive constructs for post-settlement power relations and peacebuilding. Bringing these two approaches together proved well suited to find answers to my research question, since these dynamics are difficult to capture through positivist or legalist approaches, which tend to focus on outcomes or compliance rather than on the materiality of discourse.

The contribution, then, is to show what can be observed when victimhood, TJ, and peacebuilding are studied as fundamentally narrative processes. My ontological, epistemological, and methodological orientations reveal the productive power of design and implementation choices that could otherwise be read as mere technical detail. Discourse analysis illuminates how victimhood is not simply represented but governed, and how the (re)ordering of memory and recognition becomes constitutive of socio-political realities in the post-settlement.

Transferability and Applicability

Although my findings and insights are drawn from the analysis of Sri Lanka's and Colombia's experience with TJ, they speak more broadly to how hierarchies of victimhood are produced and contested in transitional societies. I have not sought to assess institutional performance or

to test causal hypotheses about measurable outcomes, but to illustrate how TJ mechanisms construct victimhood narratives and their implications for power relations and peacebuilding. The claims advanced here are proposed as contextually grounded insights, generated through a thick analysis of empirically rich case studies and systematic engagement with primary and secondary sources (Patton, 2002: 230). Their value does not rest on replicability or statistical generalisation, but on the coherence of my analytical framework and research methods, and the rigour with which I applied them to my case studies. These considerations of credibility and validity should allow readers to assess transferability (Bhattacherjee, 2012: 111).

Accordingly, the analytical framework I develop can travel well beyond my two country cases. It provides a structured lens to denaturalise victim narratives and examine how suffering is codified as legitimate in any society where TJ principles and mechanisms are applied. Importantly, it offers conceptual tools to call into question how the selective amplification and silencing of experiences of harm speaks to issues of power and peace. The framework's scope conditions are straightforward: it applies wherever a TJ mechanism institutionalises practices of victim representation. As I posit in the Literature Review, narratives of victimhood have been the subject of sustained scholarly attention and explored in multiple country cases, including Rwanda (King, 2010), Northern Ireland (Lawther, 2020), South Africa (Madlingozi, 2010), and the Basque Country (Álvarez Berastegi and Hearty, 2018). Still, my framework draws on the conceptual and analytical strengths of critical theory to move beyond case-specific accounts of the politics of victimhood, instead offering an approach for understanding and interpreting TJ in light of its order-making functions and legacies.

Implications for Policy and Practice

My findings also carry implications and challenges for the praxis of TJ and its associated policy frameworks. The ideas below are not meant as prescriptive recommendations, but as reflections drawn from the patterns traced across the case analysis. They are offered as prompts for further practical discussion and as considerations for those involved in designing, implementing, supporting, or funding TJ processes and mechanisms.

The main lesson is perhaps that TJ is never a neutral exercise for reckoning with a violent past. It is rooted in power structures and responsive to the political imperatives of the present. It can thus be instrumentalised by repressive states to reinforce or consolidate its power, exclude some groups and individuals from the post-settlement order, and perpetuate patterns of wartime oppression. Equally, it can be mobilised by 'successor' states to reverse exclusions and open the post-settlement socio-political space. Funders and supporters of TJ ought to remain attentive to what a given mechanism is being planned or leveraged for, and whose political agendas it might ultimately serve.

One recurring theme across my findings concerned the scope and reach of TJ mandates. What is written into founding texts fixes the terms of recognition, since every mechanism is designed to respond to a particular expression of violence in a particular time period. Mandates are never neutral directives. They are key epistemic tools through which recognition can be broadened or curtailed, and meaningful truth, justice, and reparations made possible or precluded from the outset. In Sri Lanka, mandates became a key instrument through which governments

conditioned mechanisms to promote their preferred accounts of violence, narrowing the space for plural, complex truths and progressively fostering authoritarian closure. In Colombia, the gradual expansion of mandates enabled recognition *en masse* and produced more plural narratives of victimhood, though in ways that disciplined them through bureaucracy and preserved the state's authority as the ultimate arbiter of conflict-related violence.

If mandates define a politics of recognition by design, the bureaucracies of TJ, including registries and accreditation or participation systems, configure how victim narratives are enacted in practice. They translate eligibility criteria into administrative status and procedures, granting some victims formal visibility whilst also constructing hierarchies through thresholds and standards of appropriate conduct. These processes matter because they not only define whose voice counts, but also how victimhood is experienced. In Sri Lanka, the OfR's exclusion of 'terrorists' and 'separatists' from its reparations registry politicised recognition by making it subject to compliance with state narratives. This effectively barred claims to justice from the communities most affected by violence. In Colombia, the Victims' Law Single Registry of Victims extended recognition to millions at an unprecedented scale, but in doing so fragmented collective claims into individualised files that diluted the political charge of recognition and made victims governable through paperwork. Victims' participation in the JEP's procedures, too, rested on prior accreditation and was assessed against their contribution to restorative aims, which structured how they could appear and speak as victims.

Because these institutional systems are where recognition is lived and judged, their legitimacy and responsiveness to the needs of affected populations hinges on design choices that balance

transparency, flexibility, and accessibility with protections against further exclusion and frustration for victims. Hierarchies of recognition and truth may be unavoidable during war-to-peace transitions, and the challenge is not to eliminate them but to manage them openly so that those excluded are not denied agency, and so that TJ does not become a site where grievances are inflamed. Even if not all harms can be legally codified, TJ ought to acknowledge victimhood as a powerful social force that shapes memory, truth, identity, and non-repetition beyond categories inscribed in law. Policymakers would therefore do well to confront hierarchies head-on, and not deny or obscure them.

This implication is illustrated by the provision of reparations. In both Sri Lanka and Colombia, the dominant model of reparations took the form of thin, individualised payments, often framed as humanitarian gestures of state assistance. These schemes offered visibility and even supported socio-economic development, as seen in Colombia. But they also fragmented suffering, risked deepening mistrust when implementation was difficult, and in some cases presented the state as benevolent without opening space for accountability.

My findings suggest that more collective approaches may offer stronger grounds for rethinking meaningful reparations. In line with Roht-Arriaza and Orlovsky (2009: 193), in contexts of resource scarcity, collective measures such as enhanced provision of health and education services, or even memorialisation practices, can provide substantive benefits to affected communities. They can also help mitigate exclusions associated with individual victim recognition. Reparations schemes can likewise be connected to initiatives of legal empowerment and political participation, so that the capacity of war-torn populations to

mobilise and claim rights is strengthened (Purkey, 2016: 21-23; Waisbich and Coelho, 2019: 217). This may also support the restoration of state-society relations. Despite being largely absent in Sri Lanka and only partially materialised in Colombia, these approaches emerge as a promising route for ensuring that reparations support the social and material reconstruction of affected communities, whilst also nurturing their political agency and promoting non-repetition. It may therefore be desirable for decision-makers to temper ambition with institutional capacities, to avoid falling into a façade of justice that perpetuates the tendency of TJ to "overpromise and underdeliver" (Dersso, 2021: 255).

International involvement in TJ was also an important element in both country cases. In Colombia, international norms and standards, particularly surrounding victims' rights and accountability, structured the realm of what was legally and politically possible. All TJ mechanisms analysed built on and referenced global commitments and norms, which were incorporated into state-led domestic policy frameworks. In Sri Lanka, international discourses were pulled in opposite directions. Successive governments drew on GWOT language to legitimise closure and securitise victimhood, whilst UN and international civil society and rights organisations acted as central counterweights promoting truth and accountability. These findings show that international actors do not simply apply pressure from outside, but also shape the very choices through which domestic TJ is designed and contested. The implication is that international engagement in TJ is most constructive when it promotes meaningful pluralism and accountability by opening space for complexity and nuance, rather than when it is instrumentalised in the service of closure or simplistic accounts.

These findings on international involvement also have implications for notions of local ownership, a well-established principle of TJ (see Shaw et al., 2010; McEvoy and McGregor, 2008). Beyond reifying the scholarly conviction that TJ should not be internationally controlled or imposed (Brett, 2018: 279), my analysis suggests that ownership cannot be understood as a binary between state sovereignty and international influence. In Sri Lanka, calls for national ownership were used to reinforce the state's capture of wartime narratives and close off space for plural truths, whereas in Colombia international norms were absorbed into statist frameworks in the name of domestic ownership, preserving the state's position as gatekeeper of legitimate victimhood. Significantly, I found that this domestic-international binary obscures the role of victims as political subjects with their own demands and visions, as well as their capacity to shape the meaning of justice.

To take ownership seriously, then, is to treat victims and their collectives as political agents who can co-create agendas and contest priorities, and not just as sources of testimony. It requires acknowledging that many individuals do not fit neatly into categories of victim or perpetrator, as recognising these hybrid identities prevents reductive dichotomies that suppress complexity. Ownership also entails drawing perpetrators of violence into TJ to acknowledge responsibility, engaging them as political actors with a critical role to play in the pursuit of truth, justice, reparations, and non-repetition. Rethinking local ownership through a lens of agency moves the field of scholarship and praxis away from the well-explored question of external pressure versus national sovereignty, and towards a more grounded politics in which those most affected by conflict drive the meaning and direction of TJ. A central lesson from my findings is that the

discourse of victim-centrism needs more than performative pluralism and procedural inclusion. Indeed, it must translate to meaningful agency and participation in the TJ process.

My findings also question the assumption among TJ scholars that, owing to their non-legal nature, truth-seeking mechanisms are particularly conducive to post-war societal healing (see Humphrey, 2003: 176; Hayner, 2011: 5). My findings do suggest that rich and plural narratives of victimhood can sow the seeds of reconciliation, since they help conflict parties to humanise the enemy 'other', their experiences and identities, whereas reductive and exclusionary narratives risk intensifying grievances among marginalised groups and revitalising conflict patterns. In Colombia, the Truth Commission blurred rigid divides between victims and perpetrators and spotlighted complex victim identities conventionally excluded by legal frameworks. These efforts expanded the discursive landscape of legitimate harm and created openings for empathy and recognition across entrenched divides. But my findings also show that truth cannot be assumed to be a panacea. The analysis of Sri Lanka's long list of commissions of inquiry reveals that without independence – both actual and perceived – and sufficient space for plural voices, TJ mechanisms can fuel competitive victimhood, and powerful groups can weaponise official 'truths' to advance their political agendas. The quest for truth in Sri Lanka turned TJ into a vehicle of closure and denial, with lasting implications for trust-building and the prospects of reconciliation. The substantive contribution of truth in transitional societies, and of TJ more broadly, depends on timing and independence, and on careful sequencing with wider political processes, so that reconciliation remains an ongoing, intergenerational process rather than a fixed endpoint.

Lastly, my work calls for challenging and transcending what Kendall and Nouwen (2013: 241) term the "juridification" of victimhood in TJ. As others before me have argued, TJ tends to overstate what legalism alone can deliver in confronting violent legacies and underestimate the politics inherent to such efforts (Robins, 2017: 50; McEvoy, 2007: 412-413; Bell, 2009). My analysis exposed the degree to which the design and implementation of TJ, and its outcomes and implications, are mediated by power. Whilst law can provide the scaffolding for TJ, it cannot substitute the imperatives of political transformation for building more inclusive and peaceful societies during transitions from conflict. Of course, the enabling conditions for such transformations may not be immediately available in some transitional and early post-settlement moments. In both Sri Lanka and Colombia, legal texts recognised harms and promised to fulfil victims' rights, but their implementation and uptake were consistently diluted or deferred by political constraints. Even the most comprehensive legal frameworks operated within the limits of fiscal capacity and partisan negotiation.

In the face of these restrictions, an implication for policy is that TJ must be modest about its capacities and realistic about its potential to deliver. Overpromising can be highly detrimental to the legitimacy and efficacy of peacebuilding efforts more generally. To borrow from Waldorf (2019: 131), a "good enough" TJ would be attuned and responsive to the power-political and institutional conditions around it, and adjust its ambitions to what can credibly be implemented under such a context. Law should support, not replace, the socio-political transformations on which sustainable peace and justice ultimately rest.

Building on the above, my findings resonate with critiques that TJ remains anchored in neoliberal logics and principles, which prioritise state-centric legal frames and technocratic order at the expense of deeper, structural reforms (see Gready and Robins, 2019; Sriram, 2007; Andrieu, 2010). Decentring TJ from these normative foundations is essential if it is to meaningfully confront entrenched drivers of conflict and enable more inclusive and locally grounded approaches to justice and peacebuilding.

Avenues for Future Research

My theoretical and empirical contributions invite further inquiry along several lines. One concerns the life cycle of victim narratives beyond their initial production. My analysis showed how the bureaucratic devices of TJ codify hierarchies of victimhood within specific mechanisms and moments, but it also evidenced that narratives are not static and take on new meanings over time. In Colombia, the legal texts of the JPL and the Victims' Law were revised years after their enactment, introducing changes to provisions for victim recognition and participation. Future work could follow such trajectories over time, asking how formal or informal categories are reopened, revised, or contested as political contexts shift or waves of violence recur. It could also explore the conditions under which recognition practices fade or are repurposed beyond the particular mechanism that first institutionalised them.

A second line relates to the transformative potential of reparations. As seen in my case analysis, reparations schemes tend to operate as administrative and largely symbolic measures, but are rarely designed to alter power asymmetries or rebuild formal and informal institutions of

everyday life in conflict-affected communities. Research that traces individual and collective reparations from planning through implementation and maintenance could clarify when they enable sustained, inclusive agency and institutional change, and when they reduce recognition to narrow compensation that leaves underlying grievances untouched.

A third avenue concerns the quality of victim participation in TJ. Participation is often hailed as a silver bullet for fulfilling victim agency and rights, but as my findings show, it is frequently reduced to the provision of testimony or constrained by carefully scripted procedures. A comparative analysis of the bureaucracies of victim participation, such as agenda-setting powers, opportunities to contest accounts or decisions, or the capacity to shape policies for sanctions and redress, could illuminate when participation moves beyond performance and becomes a site where victims meaningfully influence the TJ process. Ongoing developments in the implementation of the JEP in Colombia offer fertile ground for this kind of inquiry.

Another line of research could address the interaction between top-down and bottom-up narratives. My aim in this thesis was to reflect on the role and politics of formal architectures of victimhood in relation to power relations and peacebuilding, emphasising the central role of the state and its institutions in the TJ process. However, I am aware that formal, statist mechanisms rarely paint a full picture of political phenomena. Future work could trace how community-led practices, including grassroots memorialisation and vernacular truth-telling practices, contest or escape formal classifications, and when their interaction with official scripts may work to stimulate or prevent conflict. Scholars could also consider how these dynamics vary depending on whether and to what extent conflict violence is ongoing, since

continued insecurity can influence the kinds of narratives that gain traction in or are excluded from TJ frameworks.

In this sense, researchers could more comprehensively unpack the role and positionality of actors beyond the state in defining what narratives of victimhood 'win out' in the TJ process, and *how* they do so. Further inquiry could probe how donors, UN bodies, NGOs, and the media are implicated in the epistemic design of victimhood, and whether their involvement bolsters or undermines the legitimacy of formal TJ. Particular attention could be given to the media – both traditional and social media – in amplifying or distorting official accounts, and also determining how widely these circulate in public discourse. Whilst my analysis touched on how international norms and standards are absorbed or resisted within domestic narratives, the scholarship could more systematically examine how external engagement shapes the parameters of recognition and accountability across transitional contexts.

Applying alternative epistemologies of justice and peace to the study of TJ also promises to take the field of study in uncharted directions. As seen in Colombia's Comprehensive System, TJ practitioners are beginning to experiment with approaches that recognise the extent to which victimhood is shaped by intersectional and intergenerational factors, and by the wider socio-political and environmental landscapes in which violence unfolds. Future research could build on these initiatives to assess their potential and limits, exploring how intersectional, intergenerational, gendered, or climate-sensitive lenses inform notions of legitimate victimhood and what challenges emerge when such approaches are institutionalised in TJ.

Closing Note

As contemporary armed conflicts become increasingly fragmented and intractable, the kinds of questions raised in this dissertation are likely to become ever more pressing. A better understanding of the templates through which peace, justice, truth, and reconciliation are pursued, including their politics and legacies, is essential if efforts to address violent pasts – or presents – are to contribute to more inclusive and peaceful futures. Taking narratives of victimhood as a point of departure, in this dissertation I have attempted to make visible how TJ processes and mechanisms inform the organisation of post-settlement social orders and the nature of the peace being built during transitions from conflict.

My case analysis highlighted two different modalities of epistemic governance exercised via TJ. In Sri Lanka, authoritarian closure narrowed recognition, sanitised state violence, and mobilised reconciliation discourses to cement Sinhala-Buddhist hegemony. In Colombia, carefully threaded pluralism extended recognition across multiple genres of truth, but did so through bureaucratic processes that preserved the state's authority as the arbiter of legitimate victimhood. My case-specific findings, mediated by my analytical framework, demonstrate how TJ operates as a technology of governmentality, with victim narratives functioning as a central medium for disciplining the (re)production of truth, knowledge, legitimacy, and power in the wake of mass violence. Crucially, they show that victimhood is a site of politics where stories of grief and suffering are negotiated, and where competing visions of the post-conflict future are articulated. It is in the ways TJ narrates violence that post-settlement power structures, and the prospects of justice and peace, begin to take shape.

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Appendix A: Empirical Landscape Data

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Afghanistan	YES	Afghan Independent Human Rights Commission (2002), National Action Plan for Peace, Reconciliation and Justice in Afghanistan (2006), National Reconciliation, General Amnesty, and National Stability Law (2009)	Afghan Independent Human Rights Commission (2002), National Action Plan for Peace, Reconciliation and Justice in Afghanistan (2006), National Reconciliation, General Amnesty, and National Stability Law (2009)
Afghanistan, Russia (Soviet Union)	NO	N/A	N/A
Afghanistan, United Kingdom, United States of America	NO	N/A	N/A
Albania, United Kingdom	NO	N/A	N/A
Algeria	YES	Law of Civil Concord (1999), Ad Hoc Inquiry Commission in Charge of the Question of Disappearances (2003), Charter for Peace and National Reconciliation (2006)	Law of Civil Concord (1999), Ad Hoc Inquiry Commission in Charge of the Question of Disappearances (2003), Charter for Peace and National Reconciliation (2006)
Algeria, Morocco	N/A	N/A	N/A
Angola	YES	Lusaka Protocol (1994), Luena Memorandum of Understanding (2002)	Lusaka Protocol (1994), Luena Memorandum of Understanding (2002)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Argentina	YES	Law of Pacification (1983), Amnesty Annulment Law (1983), Nunca Más Report (1983), Trials of the Juntas (1985), Full Stop Law (1986), Due Obedience Law (1987), Amnesty Annulment Law (2003)	Amnesty Annulment Law (2003)
Argentina, United Kingdom	NO	N/A	N/A
Australia, Iraq, United Kingdom, United States of America	NO	N/A	N/A
Azerbaijan	NO	N/A	N/A
Bangladesh	YES	International Crimes Tribunal Act (1973), International War Crimes Tribunal (2009)	International War Crimes Tribunal (2009)
Bolivia	YES	National Commission of Inquiry into Disappearances (1982)	N/A
Bosnia-Herzegovina	YES	International Criminal Tribunal for the former Yugoslavia (1993), War Crimes Chamber (2005), Missing Persons Institute (2005)	International Criminal Tribunal for the former Yugoslavia (1993), War Crimes Chamber (2005), Missing Persons Institute (2005)
Brunei	NO	N/A	N/A
Burkina Faso	NO	N/A	N/A
Burkina Faso, Mali	NO	N/A	N/A
Burundi	YES	Truth and Reconciliation Commission (2014)	Truth and Reconciliation Commission (2014)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Cambodia (Kampuchea)	YES	People's Revolutionary Tribunal (1979), Extraordinary Chambers in the Courts of Cambodia (2001)	Extraordinary Chambers in the Courts of Cambodia (2001)
Cambodia (Kampuchea), Thailand	NO	N/A	N/A
Cambodia (Kampuchea), Vietnam (North Vietnam)	NO	N/A	N/A
Cameroon	NO	N/A	N/A
Cameroon, Nigeria	NO	N/A	N/A
Central African Republic	YES	National Reconciliation Forum (2003), Special Criminal Court (2015), Truth, Justice, Reparation and Reconciliation Commission (2021)	National Reconciliation Forum (2003), Special Criminal Court (2015), Truth, Justice, Reparation and Reconciliation Commission (2021)
Chad	YES	Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories (1990), Extraordinary African Chambers (2013)	Extraordinary African Chambers (2013)
Chad, Libya	NO	N/A	N/A
Chad, Nigeria	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Chile	YES	Amnesty Law (1978), National Commission for Truth and Reconciliation (1991), National Commission on Political Imprisonment and Torture (2003)	National Commission on Political Imprisonment and Torture (2003)
China	NO	N/A	N/A
China, India	NO	N/A	N/A
China, Myanmar (Burma)	NO	N/A	N/A
China, Russia (Soviet Union)	NO	N/A	N/A
China, Taiwan	NO	N/A	N/A
China, Vietnam (North Vietnam)	NO	N/A	N/A
Colombia	YES	Law 35 of 1982 (1982), Law 77 of 1989 (1989), Decree 213/1991 (1991), Justice and Peace Law (2005), Law 1424 of 2010 (2010), Victims' Law (2011), Special Jurisdiction for Peace (2017), Commission for the Clarification of Truth, Coexistence and Non-repetition (2017), Missing Persons Search Unit (2017)	Justice and Peace Law (2005), Law 1424 of 2010 (2010), Victims' Law (2011), Special Jurisdiction for Peace (2017), Commission for the Clarification of Truth, Coexistence and Non-repetition (2017), Missing Persons Search Unit (2017)
Comoros	NO	N/A	N/A
Congo	NO	N/A	N/A
Costa Rica	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Croatia	YES	Commission of the Government of the Republic of Croatia on Detained and Missing Persons (1991), International Criminal Tribunal for the former Yugoslavia (1993), Amnesty Law (1996), Directorate fror Detained and Missing Persons (2001), County Courts War Crimes Councils (2003)	International Criminal Tribunal for the former Yugoslavia (1993), Amnesty Law (1996), Directorate fror Detained and Missing Persons (2001), County Courts War Crimes Councils (2003)
Cuba	NO	N/A	N/A
Cyprus	NO	N/A	N/A
Cyprus, Turkey	NO	N/A	N/A
Djibouti	NO	N/A	N/A
Djibouti, Eritrea	NO	N/A	N/A
Dominican Republic	NO	N/A	N/A
DR Congo (Zaire)	YES	Truth and Reconciliation Commission (2003)	Truth and Reconciliation Commission (2003)
East Timor	YES	Special Panels for Serious Crimes (2000), Serious Crimes Investigation Unit (2000), Commission for Reception, Truth and Reconciliation in East Timor (2001), Commission of Truth and Friendship (2005), Serious Crimes Investigation Team (2006)	Special Panels for Serious Crimes (2000), Serious Crimes Investigation Unit (2000), Commission for Reception, Truth and Reconciliation in East Timor (2001), Commission of Truth and Friendship (2005), Serious Crimes Investigation Team (2006)
Ecuador, Peru	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Egypt	YES	Commission of inquiry into 18-day uprising in Jan/Feb 2011 (2011), National Council for Care of the Revolution Martyrs' Families and Wounded (2011), Fact-finding commission into deaths of protestors during January 25 revolution (2012)	Commission of inquiry into 18-day uprising in Jan/Feb 2011 (2011), National Council for Care of the Revolution Martyrs' Families and Wounded (2011), Fact-finding commission into deaths of protestors during January 25 revolution (2012)
Egypt, France, Israel, United Kingdom	NO	N/A	N/A
Egypt, Iraq, Israel, Jordan, Lebanon, Syria	NO	N/A	N/A
Egypt, Israel	NO	N/A	N/A
Egypt, United Kingdom	NO	N/A	N/A
El Salvador	YES	Commission on the Truth of El Salvador (1991), Law of National Reconciliation (1992), Amnesty Law (1993), Amnesty Annulment (2016)	Law of National Reconciliation (1992), Amnesty Law (1993), Amnesty Annulment (2016)
El Salvador, Honduras	NO	N/A	N/A
Eritrea	NO	N/A	N/A
Eritrea, Ethiopia	NO	N/A	N/A
Ethiopia	YES	Special Prosecutor's Office (1992), Ethiopian Reconciliation Commission (2018), National Dialogue Commission (2021)	Special Prosecutor's Office (1992), Ethiopian Reconciliation Commission (2018), National Dialogue Commission (2021)
Ethiopia, Somalia	NO	N/A	N/A
France	NO	N/A	N/A
France, Thailand	NO	N/A	N/A
France, Tunisia	NO	N/A	N/A
Gabon	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Gambia	YES	Truth, Reconciliation and Reparations Commission (2017)	Truth, Reconciliation and Reparations Commission (2017)
Georgia	NO	N/A	N/A
Ghana	YES	National Reconciliation Commission (2002)	National Reconciliation Commission (2002)
Greece	YES	Amnesty Law (1974)	N/A
Grenada, United States of America	NO	N/A	N/A
Guatemala	YES	Amnesty Law (1986), Commission for Historical Clarification (1994), Law of National Reconciliation (1996) National Reparations Program (2003)	Commission for Historical Clarification (1994), Law of National Reconciliation (1996) National Reparations Program (2003)
Guinea	YES	Provisional Commission for Reflection on National Reconciliation (2011), National Commission for Truth and Forgiveness (2017)	Provisional Commission for Reflection on National Reconciliation (2011), National Commission for Truth and Forgiveness (2017)
Guinea-Bissau	YES	Amnesty Law (1999)	Amnesty Law (1999)
Haiti	YES	Amnesty Scheme (1994), National Commission for Truth and Justice (1995)	Amnesty Scheme (1994), National Commission for Truth and Justice (1995)
Honduras, Nicaragua	NO	N/A	N/A
Hungary, Russia (Soviet Union)	NO	N/A	N/A
Hyderabad, India	NO	N/A	N/A
India	NO	N/A	N/A
India, Pakistan	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Indonesia	YES	Komnas HAM I (1993), National Commission on Violence against Women (1998), Independent Commission for the Investigation of Violence in Aceh (1999), Ad Hoc Human Rights Court (2001), Commission of Truth and Friendship (2005)	Komnas HAM I (1993), National Commission on Violence against Women (1998), Independent Commission for the Investigation of Violence in Aceh (1999), Ad Hoc Human Rights Court (2001), Commission of Truth and Friendship (2005)
Indonesia, Malaysia	NO	N/A	N/A
Indonesia, Netherlands	NO	N/A	N/A
Iran	NO	N/A	N/A
Iran, Iraq	NO	N/A	N/A
Iran, Israel	NO	N/A	N/A
Iraq	YES	Iraqi Special Tribunal (2003), Iraqi de-Ba'athification Council (2003)	Iraqi Special Tribunal (2003), Iraqi de-Ba'athification Council (2003)
Iraq, Kuwait	YES	United Nations Compensation Commission (1991)	N/A
Israel	NO	N/A	N/A
Israel, Jordan	NO	N/A	N/A
Israel, Syria	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Ivory Coast	YES	Mediation Committee for National Reconciliation (2000), Amnesty Law (2003), Amnesty Law (2007), Special Investigative Unit (2011), National Commission of Inquiry (2011), Commission for Dialogue, Truth and Reconciliation (2011), National Programme for Social Cohesion (2012), National Committee for Reconciliation and Victims' Compensation (2015)	Mediation Committee for National Reconciliation (2000), Amnesty Law (2003), Amnesty Law (2007), Special Investigative Unit (2011), National Commission of Inquiry (2011), Commission for Dialogue, Truth and Reconciliation (2011), National Programme for Social Cohesion (2012), National Committee for Reconciliation and Victims' Compensation (2015)
Jordan	NO	N/A	N/A
Kenya	YES	Truth, Justice and Reconciliation Commission (2008), National Accord and Reconciliation Act (2008), National Cohesion and Integration Commission (2008), Waki Commission (2008), Independent Review of the Elections Commission (2008), International Crimes Division in the High Court of Kenya (2016)	Truth, Justice and Reconciliation Commission (2008), National Accord and Reconciliation Act (2008), National Cohesion and Integration Commission (2008), Waki Commission (2008), Independent Review of the Elections Commission (2008), International Crimes Division in the High Court of Kenya (2016)
Kosovo	YES	Kosovo Specialist Chambers and Specialist Prosecutor's Office (2015), Commission for the Verification and Recognition of Sexual Violence Victim Status (2018)	Kosovo Specialist Chambers and Specialist Prosecutor's Office (2015), Commission for the Verification and Recognition of Sexual Violence Victim Status (2018)
Kyrgyzstan, Tajikistan	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Laos	NO	N/A	N/A
Laos, Thailand	NO	N/A	N/A
Lebanon	YES	General Amnesty Law (1991), Official Commission of Inquiry (2000), National Commission for the Missing and Forcibly Disappeared (2020)	Official Commission of Inquiry (2000), National Commission for the Missing and Forcibly Disappeared (2020)
Lesotho	NO	N/A	N/A
Liberia	YES	Truth and Reconciliation Commission (2005)	Truth and Reconciliation Commission (2005)
Libya	YES	Law 35 (2012), Transitional Justice and National Reconciliation Law (2012), Law 50 (2012), Law 13 (2013), Transitional Justice Law (2013), Political Isolation Law (2013), General Amnesty Law (2015)	Law 35 (2012), Transitional Justice and National Reconciliation Law (2012), Law 50 (2012), Law 13 (2013), Transitional Justice Law (2013), Political Isolation Law (2013), General Amnesty Law (2015)
Madagascar (Malagasy)	NO	N/A	N/A
Malaysia	NO	N/A	N/A
Mali	YES	Dialogue and Reconciliation Commission (2013), Truth, Justice and Reconciliation Commission (2014)	Dialogue and Reconciliation Commission (2013), Truth, Justice and Reconciliation Commission (2014)
Mauritania	YES	Amnesty Law (1993)	Amnesty Law (1993)
Mauritania, Morocco	NO	N/A	N/A
Mexico	NO	N/A	N/A
Moldova	NO	N/A	N/A
Morocco	YES	Equity and Reconciliation Commission (2004)	Equity and Reconciliation Commission (2004)
Mozambique	YES	Amnesty Law (1987), Amnesty Law (1992), Amnesty Law (2014), Amnesty Law (2019)	Amnesty Law (1992), Amnesty Law (2014), Amnesty Law (2019)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Myanmar (Burma)	YES	Independent Investigative Mechanism for Myanmar (2018)	Independent Investigative Mechanism for Myanmar (2018)
Nepal	YES	Mallik Commission (1990), Commission of Inquiry to Locate the Persons Disappeared during the Panchayat Period (1990), Truth and Reconciliation Commission (2015), Commission of Investigation on Enforced Disappeared Persons (2015)	Truth and Reconciliation Commission (2015), Commission of Investigation on Enforced Disappeared Persons (2015)
Nicaragua	NO	N/A	N/A
Niger	NO	N/A	N/A
Nigeria	YES	The Human Rights Violations Investigation Commission of Nigeria (1999)	The Human Rights Violations Investigation Commission of Nigeria (1999)
North Korea, South Korea	NO	N/A	N/A
North Macedonia	YES	International Criminal Tribunal for the former Yugoslavia (1993), Amnesty Law (2002)	International Criminal Tribunal for the former Yugoslavia (1993), Amnesty Law (2002)
Oman	NO	N/A	N/A
Pakistan	YES	Commission of Inquiry on Enforced Disappearances (2011)	Commission of Inquiry on Enforced Disappearances (2011)
Panama	YES	Panama Truth Commission (2001)	Panama Truth Commission (2001)
Panama, United States of America	NO	N/A	N/A
Papua New Guinea	YES	Amnesty Scheme (2002)	Amnesty Scheme (2002)
Paraguay	YES	Commission on Truth and Justice (2003), General Directorate of Truth, Justice and Reparation (2009)	Commission on Truth and Justice (2003), General Directorate of Truth, Justice and Reparation (2009)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Peru	YES	Amnesty Law (1995), Truth and Reconciliation Commission (2001), Comprehensive Reparations Plan (2006), National Plan to Search for Disappeared Persons (2016)	Amnesty Law (1995), Truth and Reconciliation Commission (2001), Comprehensive Reparations Plan (2006), National Plan to Search for Disappeared Persons (2016)
Philippines	YES	Presidential Committee on Human Rights (1986), Commission on Human Rights (1987), Human Rights Victims Reparation and Recognition Act (2013), Human Rights Victims' Claims Board (2013), Human Rights Violations Victims' Memorial Commission (2013), Transitional Justice and Reconciliation Commission (2014)	Human Rights Victims Reparation and Recognition Act (2013), Human Rights Victims' Claims Board (2013), Human Rights Violations Victims' Memorial Commission (2013), Transitional Justice and Reconciliation Commission (2014)
Romania	YES	Decree-law 118 (1990), Emergency Ordinance 214 (1999), Presidential Commission for the Study of the Communist Dictatorship in Romania (2006), Law 221 (2009)	Emergency Ordinance 214 (1999), Presidential Commission for the Study of the Communist Dictatorship in Romania (2006), Law 221 (2009)
Russia (Soviet Union)	NO	N/A	N/A
Rwanda	YES	International Criminal Tribunal for Rwanda (1994), National Unity and Reconciliation Commission (1999), Gacaca Courts (2001), National Commission for the Fight against Genocide (2007)	International Criminal Tribunal for Rwanda (1994), National Unity and Reconciliation Commission (1999), Gacaca Courts (2001), National Commission for the Fight against Genocide (2007)
Saudi Arabia	NO	N/A	N/A
Senegal	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Serbia (Yugoslavia)	YES	International Criminal Tribunal for the former Yugoslavia (1993), State Commission for Humanitarian Issues (1994), Commission for Truth and Reconciliation in Yugoslavia (2001), Special War Chambers (2003), Commission on Missing Persons (2006)	International Criminal Tribunal for the former Yugoslavia (1993), State Commission for Humanitarian Issues (1994), Commission for Truth and Reconciliation in Yugoslavia (2001), Special War Chambers (2003), Commission on Missing Persons (2006)
Sierra Leone	YES	Amnesty Scheme (1999), Truth and Reconciliation Commission (2000), Special Court for Sierra Leone (2001), Sierra Leone Reparations Programme (2008)	Amnesty Scheme (1999), Truth and Reconciliation Commission (2000), Special Court for Sierra Leone (2001), Sierra Leone Reparations Programme (2008)
Somalia	YES	National Reconciliation Framework (2019)	National Reconciliation Framework (2019)
South Africa	YES	Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation (1991), Truth and Reconciliation Commission (1995), Missing Persons Task Team (2005)	Truth and Reconciliation Commission (1995), Missing Persons Task Team (2005)
South Sudan	NO	N/A	N/A
South Sudan, Sudan	NO	N/A	N/A
South Vietnam	NO	N/A	N/A
South Vietnam, North Vietnam	NO	N/A	N/A
South Yemen	NO	N/A	N/A
South Yemen, Yemen (North Yemen)	NO	N/A	N/A
Spain	YES	Amnesty Law (1977)	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Sri Lanka	YES	Sansoni Commission (1977), Kokkadicholai Commission (1991), Zonal Commissions of Inquiry (1994), All-Island Commission of Inquiry (1998), Truth Commission on Ethnic Violence (2001), Committee on Disappearances in the Jaffna Region (2002), Tilakaratne Commission (2006), Udalagama Commission (2006), Lessons Learnt and Reconciliation Commission (2010), Secretary-General's Panel of Experts on Accountability in Sri Lanka (2010), Paranagama Commission (2013), Office for National Unity and Reconciliation (2015), Office on Missing Persons (2016), Office for Reparations (2018)	Zonal Commissions of Inquiry (1994), All-Island Commission of Inquiry (1998), Truth Commission on Ethnic Violence (2001), Committee on Disappearances in the Jaffna Region (2002), Tilakaratne Commission (2006), Udalagama Commission (2006), Lessons Learnt and Reconciliation Commission (2010), Secretary-General's Panel of Experts on Accountability in Sri Lanka (2010), Paranagama Commission (2013), Office for National Unity and Reconciliation (2015), Office on Missing Persons (2016), Office for Reparations (2018)
Sudan	YES	National Commission of Inquiry (2004), Specialized Attorney Office for Crimes Against Humanity (2005), Special Criminal Court on the Events in Darfur (2005), National Human Rights Commission (2012)	National Commission of Inquiry (2004), Specialized Attorney Office for Crimes Against Humanity (2005), Special Criminal Court on the Events in Darfur (2005), National Human Rights Commission (2012)
Suriname	NO	N/A	N/A
Syria	YES	International, Impartial and Independent Mechanism (2016)	International, Impartial and Independent Mechanism (2016)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Tajikistan	YES	Commission on National Reconciliation (1997), Act of Mutual Forgiveness (1997), General Amnesty Law (1998), Resolution on Amnesty for Opposition Fighters (1999), Amnesty Law (2006)	Commission on National Reconciliation (1997), Act of Mutual Forgiveness (1997), General Amnesty Law (1998), Resolution on Amnesty for Opposition Fighters (1999), Amnesty Law (2006)
Tanzania	NO	N/A	N/A
Tanzania, Uganda	NO	N/A	N/A
Thailand	YES	Independent Commission of Enquiry into Facts about the Krue Se Mosque Case (2004), National Reconciliation Commission (2005), Truth and Reconciliation Commission for Thailand (2010), Reparations Fund (2010)	Independent Commission of Enquiry into Facts about the Krue Se Mosque Case (2004), National Reconciliation Commission (2005), Truth and Reconciliation Commission for Thailand (2010), Reparations Fund (2010)
Togo	YES	National Independent Special Commission of Inquiry (2005), Togolese Historical Commission (2005), Truth, Justice and Reconciliation Commission (2009), High Commission for Reconciliation and Reinforcement of National Unity (2015)	National Independent Special Commission of Inquiry (2005), Togolese Historical Commission (2005), Truth, Justice and Reconciliation Commission (2009), High Commission for Reconciliation and Reinforcement of National Unity (2015)
Trinidad and Tobago	NO	N/A	N/A

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
Tunisia	YES	Amnesty Decree (2011), Compensation Scheme (2011), Human Rights and Transitional Justice Ministry (2012), Truth and Dignity Commission (2013), Specialized Criminal Chambers (2014), Dignity and Rehabilitation Fund for the Victims of Totalitarianism (2020)	Amnesty Decree (2011), Compensation Scheme (2011), Human Rights and Transitional Justice Ministry (2012), Truth and Dignity Commission (2013), Specialized Criminal Chambers (2014), Dignity and Rehabilitation Fund for the Victims of Totalitarianism (2020)
Turkey	YES	Village Return and Rehabilitation Development Plan (2001), Law on Compensation for Damage Arising from Terror and Combating Terror (2004)	Village Return and Rehabilitation Development Plan (2001), Law on Compensation for Damage Arising from Terror and Combating Terror (2004)
Uganda	YES	Commission of Inquiry into the Disappearances of People in Uganda Since 25 January, 1971 (1974), Commission of Inquiry Into Violations of Human Rights (1986), Amnesty Act (2000), Amnesty Commission (2000), National Reconcilation Bill (2008), International Crimes Division (2008), National Transitional Justice Policy (2019)	Amnesty Act (2000), Amnesty Commission (2000), National Reconcilation Bill (2008), International Crimes Division (2008), National Transitional Justice Policy (2019)
Ukraine	YES	Law on Government Cleansing (2014)	Law on Government Cleansing (2014)

Country Context	TJ Established	TJ Mechanism(s)	TJ Mechanism(s) Part of Landscape
United Kingdom	YES	Saville Inquiry (1998), Historical Enquiries Team (2005), Commission for Victims and Survivors for Northern Ireland (2008), Legacy and Reconciliation Act (2023), Independent Commission for Reconciliation and Information Recovery (2023)	Saville Inquiry (1998), Historical Enquiries Team (2005), Commission for Victims and Survivors for Northern Ireland (2008), Legacy and Reconciliation Act (2023), Independent Commission for Reconciliation and Information Recovery (2023)
Uruguay	YES	Pardon Scheme (1986), Commission for Peace (2000)	Commission for Peace (2000)
Uzbekistan	YES	Commission for the Promotion of the Memory of Victims (1999)	Commission for the Promotion of the Memory of Victims (1999)
Venezuela	NO	N/A	N/A
Vietnam (North Vietnam)	NO	N/A	N/A
Yemen (North Yemen)	YES	National Commission to Investigate Alleged Violations to Human Rights (2012)	National Commission to Investigate Alleged Violations to Human Rights (2012)
Zimbabwe (Rhodesia)	YES	Chihambakwe Commission of Inquiry (1983), Dumbutshena Commission of Inquiry (1983), National Peace and Reconciliation Commission (2016)	National Peace and Reconciliation Commission (2016)

Appendix B: Search Terms

Search terms in English:	Search terms in Spanish:
Victim	Víctima
Victims	Víctimas
Victimhood	Victimismo
Survivor	Sobreviviente
Survivors	Sobrevivientes
Victimisation	Victimización
Casualty	Fatalidad
Casualties	Fatalidades
Martyr	Mártir
Martyrs	Mártires
Injury	Herida
Injuries	Heridas
Fatality	Herido
Fatalities	Desaparecido
Disappearance	Desaparecida
Disappeared	Desaparición

Appendix C: Full Genealogical Analyses – Sri Lanka

Zonal Commissions of Inquiry (1994) and All-Island Commission of Inquiry (1998)

Genealogy

Presupposition Analysis

The four commissions defined victims as persons who "have been involuntarily removed or have disappeared from their places of residence" after January 1st, 1988 (GoSL, 1995: 2A). The Zonal Commissions investigated 27,526 complaints and recognised 16,742 disappearances (UN Commission on Human Rights, 1999: 5), whilst the All-Island Commission (2001: Ch.II) found evidence of 4,473 disappearances. From the outset, the mandate and investigations of the commissions presupposed that victimhood was tied to reported cases of enforced disappearance. Doing so reduced the language of human rights violations to this particular expression of harm, invisibilising other forms of documented violence such as torture; forced labour; killings where bodies were recovered, and ethnic, racial, and religious discrimination (see Clarance, 2007; HRW, 1991). This narrow understanding of violations failed to provide meaningful truth and accountability to victims and survivors of abuses beyond enforced disappearances. It also served to spotlight the crimes of state forces, following evidence that the LTTE and the JVP seldom utilised enforced disappearances as a strategy of war (Hopgood, 2005: 44; Watkins, 2005: 217).

Owing to their distinct geographical scope, the Zonal Commissions were designed to address the conflicts with the JVP and the LTTE separately. Whereas the North-East Commission focused on the conflict with the LTTE, the Central and Southern Commissions investigated killings and disappearances resulting from the JVP's 1987-1989 uprising and the government's response (Fernández-Torné, 2017: 196). Though the All-Island Commission extended its investigations to both conflicts across the entire island, the majority of its investigations took place in the Central and North-Western provinces, which suggests continued attention to the conflict with the JVP (All-Island Commission, 2001: Ch.I). This exposed an underlying presupposition that each conflict was self-contained and territorially bounded, rather than overlapping or intertwined.

The commissions' mandates presupposed that disappearances were overwhelmingly perpetrated during UNP rule. This deliberately excluded violations that occurred in previous stages of the conflict, such as the 1983 anti-Tamil pogrom and the 1987 JVP uprising. In these episodes, thousands of Sri Lankans from all ethnic and religious groups are reported to have disappeared (Venugopal, 2010; Ganguly, 2018). The period covered by the commissions thus appears to have been arbitrarily selected to focus on the UNP's violent response to the 1987 JVP insurrection, rather than to comprehensively account for disappearances on all sides of the conflict.

Additionally, the commissions' presuppositions were informed by the actual or alleged political and ideological orientations of victims. The Southern and Central Commissions spotlighted the targeting of SLFP organisers and activists, which portrayed disappearances as part of a systemic

effort by the UNP government to eliminate political opposition. The Central Commission (1997a: 5), for instance, concluded that "most of the victims were organizers of the [SLFP]", who were "branded as subversives, [members of the JVP], and their names given to the police and armed forces for elimination". Both of these commissions found that UNP politicians provided security forces with the names of political adversaries for their execution (Ibid: Ch.1; Southern Commission, 1997: Ch.4).

This framing associated victimhood to political stigmatisation, presupposing a narrative of state violence against political adversaries during the UNP government. The All-Island Commission (2001: Ch.III) established that nearly 700 of the disappearances it investigated were rooted in victims' participation in political activities in opposition to the UNP government. The Southern Commission (1997: Ch.2) went further to note that victims were targeted "because he was a political activist"; "because he was involved in and/or took the lead in strike (employee/trade union) action"; "because he went to vote at the Provincial Council Elections"; or "because another family member" was an activist. In contrast, the voices of survivors or individuals with contested experiences of harm, such as UNP activists, were largely absent from the commissions' account, despite the Southern Commission implying that UNP affiliates had been targeted and disappeared by non-state armed groups (Ibid: Ch.1).

The commissions' focus on partisan violence effaced ethnicity from their narrative of human rights violations. The temporal limitation, for one, excluded violations against Tamils before 1988. Between 1984 and 1987, over 680 Tamil disappearances were reported at the hands of security forces in the North-East (Amnesty International, 1995: 9). Other omitted episodes rife

with abuses against Tamils were ‘Operation Liberation’ and ‘Operation Pawan’ in 1987, when the Sri Lankan military and Indian Peacekeeping Forces sought to regain control of Jaffna from the LTTE (Fernández-Torné, 2017: 197). Notably, the North-East Commission – mandated with investigating disappearances in Tamil-majority areas – completed under half of the investigations that the Central and Southern Commissions did in Sinhala-majority regions, arguing that it had faced challenges accessing these regions (North-East Commission, 1997: Ch.9). Whilst this is a persuasive explanation, considering that the war with the LTTE intensified in 1995, the erasure of ethnicity from the work of the four commissions points to a narrative of victimhood that privileged partisan violence and obscured the conflict’s ethnic dimensions.

The All-Island Commission continued this pattern. Of the 10,316 files inquired into by this commission, less than 100 involved disappearances in the North-East, with most investigations focused on Sinhalese regions. The majority of the files came from Kandy and Matale in the Central Province; Kurunegala in the North-Western Province; and Anuradhapura in the North-Central Province (All-Island Commission, 2001: Ch.I). These presuppositions evidence the silencing of Tamil victimhood and suggest that the commissions sought to elevate narratives that buttressed Kumaratunga’s political agenda over a comprehensive account of rights violations.

Predicate Analysis

Predicate analysis investigates how the descriptive language deployed by a TJ mechanism grants moral and emotional weight to victims and perpetrators, and how it shapes perceptions of innocence, guilt, and harm. This sub-section explores the verbs, adjectives, and adverbs used to describe discourse participants, examining how these linguistic choices construct their identities and actions.

The language used by the commissions to depict victims was evocative, emphasising their innocence and vulnerability. The verbs "abducted", "removed", "dragged", and "disappeared" dominated descriptions of victims' experiences, which portrayed them as passive subjects of violence (Southern Commission, 1997: Ch.1; All-Island Commission, 2001: Ch.II). For example, the Central Commission (1997a: 7) described how "1,000 persons were detained in this camp and systematically tortured before being taken away and killed". The adjectives "young", "teacher", "activist", or "student" humanised victims, evoking outrage and sympathy whilst framing them as morally righteous individuals unjustly targeted by state forces (Southern Commission, 1997: Ch.2-3; Central Commission, 1997a: 5). According to the Southern Commission (1997: Ch.2), "the evidence suggested that [many] disappearances had been orchestrated by persons out of personal jealousy with the aid of paramilitary groups". This linguistic trope positioned victims as symbols of innocence and purity, and also emphasised the brutality of their treatment to heighten the narrative's emotional resonance.

In contrast, the language used to describe perpetrators was active and accusatory, portraying them as deliberate agents of violence. The verbs "arrested", "tortured", "assaulted", and "murdered" were imbued with agency and intent (All-Island Commission, 2001: Ch.II, Ch.V; North-East Commission, 1997: Ch.1-3). This crystallised their culpability for systemic abuses, whilst the adverbs "repeatedly" and "systematically" drew attention to the calculated and entrenched nature of state violence (Central Commission, 1997b: Ch.II). Testimonies of victimhood at the hands of the state were frequently reproduced in gruesome detail:

> […] a resident of Katupotha was taken into custody by the police, tied to the rear of a jeep and dragged along the streets of Katupotha town, before being shot dead and strung up on a tree at the market place for public exhibition (All-Island Commission, 2001: Ch.II).

Furthermore, the commissions utilised relational framing to create and sustain a normative dichotomy between victims and perpetrators. Victims were often described in familial terms – "fathers", "sons", or "brothers" – to situate their suffering within contexts of community and personal relations (Ibid.: 21; Southern Commission, 1997: Introduction, Ch.5). This emphasis on familial bonds amplified the emotional resonance of victimhood and humanised those affected by violence – particularly the relatives of the disappeared. Referring to victims' families, the Southern Commission noted, "we saw how emotionally shattered people were when they came before the Commission. These people urgently need emotional help" (Ibid: Ch.9).

Conversely, perpetrators were depicted in institutional terms, such as "security forces" or "agents of the state", abstracting their identities to foster a narrative of collective responsibility. The finding that "most of the arrests by the Army were made in full public view with many witnesses" shifted the focus from individuals to broader systems, even though all four

commissions recommended individual prosecutions in addition to institutional reform (North-East Commission, 1997: Ch.10). According to an officer testifying before the Southern Commission (1997: Ch.5), "alternative structures of command were put in place within the Police Force for [disappearances]. I realised that a system of promotion to this effect was being put into operation".

The commissions also documented the obstruction of justice by state institutions, noting instances where officials "denied", "concealed", or "refused" to cooperate with investigations. The Southern Commission (1997: Ch.10) claimed that state investigative agencies "failed to take adequate measures to prevent disappearances", disregarded "the requirements on registration of detainees" and even engaged in acts of "intimidation and reprisal against witnesses and relatives of disappeared persons. This language exposed a deliberate effort by state agencies to elude accountability and perpetuate impunity, strengthening the narrative of systemic state responsibility for violations and their cover-up.

Subject Positioning

Subject positioning explores how TJ distributes roles and agency to different discursive participants, illustrating how a given mechanism constructs particular identities and subjectivities. This step interrogates the victim voices that are given a platform, the patterns in victim and perpetrator profiles, and the moral hierarchies embedded in the discourse.

All four commissions frequently featured testimonies from victim relatives, particularly parents and spouses, who were positioned as symbols of justice and truth-seeking. The commissions repeatedly emphasised their suffering, which amplified the emotional weight of victimhood and bolstered the moral authority of those who testified. For example, the Southern Commission (1997: Ch.2) echoed a mother's testimony of receiving threats "that her son will be 'lifted' because of the daughter's involvement with the SLFP". This casting humanised victims and fixed a discursive hierarchy that positioned relatives as drivers of justice. Such testimonies served to validate victims' experiences and challenge institutional barriers to accountability.

Although the commissions acknowledged gendered forms of violence underlying disappearances, these were framed as secondary and tied to crimes committed against men. The Southern Commission (1997: Ch.2, Ch.11) documented "cases where girls who had been abducted from their homes as hostages by unidentified persons who had come looking for their brothers or fathers were later found to be raped and killed", and claimed that violence disproportionately affected "the persons who were most at home – women and children". This framing positioned women and children as collateral victims. It also reproduced a narrative built on traditional gender roles, where the suffering of women and girls emerged as a consequence of their relational ties rather than their own political or social agency.

Patterns in victim profiles also hinted at the political imperatives driving the commissions' narratives of victimhood. Victims were often described as young men, students, and activists targeted for their political or ideological affiliations – particularly with the SLFP and in opposition to the UNP. This framing elevated victims as figures of resistance to

authoritarianism, positioning them as political martyrs in a broader struggle for justice and accountability.

The commissions' positioning of state actors strongly condemned their ability to abuse their power with impunity. The Southern Commission (1997: Ch.6) found that "where evidence regarding removals of persons existed and those responsible were revealed, not only was there a failure to take further action (prosecution, disciplinary actions) but some of them even received promotions and medals". All four Commissions recommended "vigorous prosecution" of perpetrators (Ibid: 175; see also All-Island Commission, 2001: VI). The commissions even named specific perpetrators, including UNP politicians who allegedly facilitated disappearances, including Provincial Council members, chief provincial ministers, and one Member of Parliament (Central Commission, 1997b: Ch.II). Yet, alleged perpetrators were not heard by the commissions. This explicit and uncontested attribution of guilt ratified a narrative of institutional failure and systemic abuse, positioning perpetrators as embodiments of cruelty and guilt against whom justice ought to be pursued.

The actions of the LTTE and JVP were described in less detail, with their culpability downplayed in comparison to that of state forces. The Southern Commission (1997: Ch.4) attributed 13.8% of disappearances to subversive groups, whilst the North-East Commission (1997: Ch.10) attributed 10% of disappearances to the LTTE. According to the latter, "the fact is that [the] Army arrested people in large numbers (…). It was no use denying that they have nothing to do with these arrests" (Ibid.). The Central Commission did not investigate non-state actors at all, concluding that all 6,443 cases it examined were the responsibility of state forces.

The All-Island Commission recognised that insurgent groups were implicated, but documented no violations by them. Its final report only highlighted cases where state actors were responsible, concluding that armed forces personnel were repeatedly implicated in serious abuses and that perpetrators continue to serve in the military, many even having received promotions (All-Island Commission, 2001: Ch.IV-V).

A Central Commission (1997b: Ch.IV) interim report included a list of named perpetrators against whom sufficient evidence was found for prosecution. These featured police, army, and navy personnel, as well as UNP politicians. The North-East Commission (1997: Ch.3, Ch.10), too, drew a list of names of individuals who were responsible for violations, all of whom were police and army officers. This selective framing prioritised state violence over insurgent violence, which reduced complexity of the conflict merely to the phenomenon of state-sponsored disappearances, strengthening calls for state accountability. It also fostered a hierarchical structure of violence that made disappearances perpetrated by state agents during UNP rule as the only systematic harm deserving of the state's attention.

Presidential Truth Commission on Ethnic Violence (2001)

Genealogy

Presupposition Analysis

The Commission's focus on ethnic violence between 1981 and 1984 was a central presupposition. Its mandate extended the time period covered by previous mechanisms and

placed a special focus on the July 1983 Tamil pogrom – a major turning point in Sri Lanka's history of ethnic tensions (Bush, 2003). The government's decision to focus on that period restricted the Commission's investigative reach to exclude earlier and later instances of systemic violence. In particular, it omitted atrocities perpetrated under Kumaratunga, including those tied to the escalating civil war (HRW, 2001a), which shows that the Commission's mandate was based on a narrow understanding of Sri Lanka's conflict. Moreover, whilst the Commission recognised 949 individual victims (Presidential Truth Commission on Ethnic Violence, 2003: 64), it did not specify the criteria by which victimhood was determined, nor did it acknowledge the role of ethnicity, political affiliation, or other relevant factors in shaping the victim recognition process. This points to an underlying assumption that Tamil victimhood was self-evident and did not require justification or differentiating among victims.

The presupposition that Tamil victimhood was a cornerstone of Sri Lanka's ethnic violence underpinned the report's acknowledgment of the structural injustices faced by Tamils since 1949. The Commission criticised "the failure on the part of the ruling parties to understand the genuine grievances of the Tamil people" (Ibid.: 81), and highlighted successive governments' discriminatory practices against Tamils, such as limitations on voting rights and oppressive legislation (Ibid.: 18). Its inquiries focused on the 1981 burning of the Jaffna Public Library, the 1983 anti-Tamil pogrom, and the 1983 killing of Tamil prisoners at Welikada Prison – all episodes of systematic violence perpetrated by Sinhalese against Tamils. The Commission also recognised that such attacks were taking place long before 1983, addressing instances of ethnic violence against Tamils and Tamil-owned properties in 1958, 1977, and 1981 (Ibid.: 14-15). According to the Commission, these experiences of structural and direct violence made Tamils

"feel they are not wanted, as they are second class citizens" (Ibid.: 74). This centred Tamil suffering as part of a continuous pattern of subjugation and violence.

The Commission made no mention of 'armed conflict' or 'civil war', but used the terms "ethnic question", "Tamil problem", "troubles", and "civil disorder" instead (Ibid: 22, 29, 33, 37). The usage of these terms presupposed that ethnic violence in Sri Lanka was a political or social issue as opposed to a militarised conflict with legal and humanitarian implications. Framing the war as an ethnic dispute – in contrast to an armed confrontation – implied that state violence was a failure of governance rather than conduct governed by the laws of war. This built a classificatory scheme where Tamil militancy was seen as a manifestation of an ethnic problem, rather than an organised armed struggle. It also positioned Tamil militancy as a disorder to be managed and not a political movement to be engaged with.

The Commission further presupposed that reconciliation could be achieved through truth-seeking, mutual forgiveness, and compensation payments. The report called for a "new era of ethnic reconciliation and national unity" (Ibid.: 93), away from "racialism, fanaticism and terrorism" (Ibid: 70). It highlighted the harmful role of racism in "predominating most political decisions and actions", and regretted "the consequences thereof permeating all communities and all walks of life" (Ibid.: 69). It recommended financial compensation to the victims of ethnic violence, alluding to the importance of ensuring "equal opportunities to all irrespective of race and religion" (Ibid.: 84), so that every citizen feels assured "that he is neither a second nor third class citizen" (Ibid.: 90). It also recommended that "ethnic amity be fostered with due regard and recognition for pluralism and diversity" (Ibid.: 93), and that the "government represents the

entire population and affords equal protection to all, not only to the Sinhalese majority" (Ibid.: 87).

This approach was grounded in a narrow vision of reconciliation, in which financial reparations and rhetorical commitments could substitute for accountability or meaningful institutional transformation. The Commission did not recommend specific structural reforms and only issued vague, aspirational appeals to the state to, for example, establish "a just and fair governance that will eliminate all forms of racism and discrimination" (Ibid.: 90, 91). Neither did it recommend retrospective prosecutions – only "whenever any ethnic violence occurs in the future" (Ibid.: 94) – nor redress for victims beyond monetary compensation. This presupposed that reconciliation was more a process of symbolic appeasement than of substantive redress. Far from recommending concrete steps to resolve ethnic grievances, the Commission called for

> each side to acknowledge that each had made mistakes, has committed offences and have been in the wrong, not merely to justify what the Sinhalese have done to the Tamils or the Tamils have done to the Sinhalese, not to just justify but say, yes, we have made mistakes, we have wronged the other side (Ibid.: 74-75).

Predicate Analysis

The Commission's report offered an evocative and emotionally charged account of Tamil victimhood, which portrayed Tamils as the foremost victims of ethnic violence. The report frequently described the violence against the Tamil people in graphic terms, referring to the "horrors suffered", "brutality", and "ruthlessness" that characterised the different episodes of ethnic violence against them (Ibid.: 36-40). The phrases "innocent men, women and children from the Tamil community" being subjected to "intense violence" and "inhuman atrocities" (Ibid.: 38, 82-84) highlighted the severity of state- and civilian-perpetrated attacks

against Tamils. The Commission went as far as to claim that "the violations of human rights directed against the Tamils were unquestionably the worst in Sri Lanka's modern history" (Ibid.: 36).

However, the report's language occasionally muddled its recognition of Tamil suffering and grief. For instance, the Commission contextualised these injustices by acknowledging the historical "disadvantages" experienced by the Sinhalese during the colonial period (Ibid.: 18). It also condemned "Tamil exclusivism and chauvinism", arguing that the "inflammatory" speeches of Tamil leaders "contributed to the spread of violence against the Tamils in many parts of the island" (Ibid.: 19-20). This followed an apparent disqualification of the group's struggle for a separate state as "political extremism", and the responsibility of Tamil militants for the death of 50,000 Sri Lankans (Ibid.: 19, 22). Lastly, the report suggested that discrimination against Tamils may have been more 'perceived' than actual, claiming that "Tamil youth continued to perceive post-independence governance as being directed against them (…). This perception got further reinforced by the ethnic violence" (Ibid: 20).

The Commission's choice to avoid describing the conflict as a civil war, discussed above, operated as a euphemistic rhetorical device that downplayed the militarised nature of the violence and its systematicity. That terms associated with civil war were absent framed the conflict as a governance issue more than a structured confrontation between state and non-state forces. This minimised the moral and legal weight of the war, and upheld the idea that state-sponsored violence was a response to internal tensions and not a full-scale military campaign against an organised adversary. In a way, it also depoliticised the violence of the LTTE and

other Tamil militant groups, making it seem like a social dispute between ethnic groups rather than a case of armed struggle with identifiable conflict parties.

Besides, Tamil militancy was frequently labelled as "terrorism" (Ibid, 14, 22, 34). The absence of an equivalent description for mass killings, enforced disappearances, and other atrocities perpetrated or enabled by state actors revealed a state-centric understanding of violence. It also created an asymmetry in how different expressions of violence were morally and legally framed. This asymmetry was further evidenced in descriptions of Tamil victims as "innocent", "unarmed", and "helpless" (Ibid.: 38, 61), which emphasised their passivity and vulnerability. In doing so, the report's language constructed a stark contrast between Tamil victims – portrayed as innocent and vulnerable – and Tamil militants, whose actions were criminalised and detached from the arena of legitimate, politically motivated resistance.

Lastly, the Commission's linguistic framing of state complicity in the 1983 pogrom was particularly vigorous in condemning the UNP government – at the time under J.R. Jayewardene. The report argued that the Sri Lankan state was responsible "for both acts of omissions and commissions, in the run up to the events that resulted in the communal conflagration of July 1983" (Ibid.: 37), which expanded state responsibility beyond inaction to include deliberate wrongdoing. The Commission not only argued that the government was guilty of "gross negligence in failing to appeal to the people for restraint, peace and calm", but also determined the "complicity" of a section of the government in "teaching the Tamils a lesson for the terrorism in the North" (Ibid.). This wording fostered a narrative of state-endorsed retaliation, marked by an intentional effort to instil fear among Tamils as a form of collective punishment.

Subject Positioning

Tamils were positioned as the primary victims of violence. They were often depicted as innocent individuals subjected to persecution, discrimination, and mass atrocity, and hence as deserving of collective sympathy and protection (Ibid.: Ch.2-3). Tamil militants, instead, were labelled as terrorists and violent extremists (Ibid.: Ch.1, 3), which formulated a victim-perpetrator binary within the Tamil community that sets 'good' Tamils apart from 'bad' Tamils – a linguistic and discursive positioning that ensured that Tamil victimhood remained unambiguous, and that Tamil militancy was stripped of political legitimacy.

Still, the Commission constructed Tamil militancy as a force shaped more by government failures than by ideological convictions. Tamil youth were described as justified in their frustration, since they "would naturally see nothing to hope for from the Government" (Ibid.: 27). Militancy was thus framed as a reaction instead of an ideology, as seen in the claim that "Bereft of any meaningful solution to the Tamil problems, Tamil militancy grew fiercely" (Ibid.: 22). However, the Commission drew a moral and political boundary at terrorism, marking a discursive shift from rational, justified frustration to illegitimate extremism the moment Tamil youth "embarked on their object of a separate state" (Ibid.: 29). Through this positioning of Tamil militants, the Commission explained the roots of Tamil armed resistance without legitimising or justifying it.

Interestingly, the report also suggested that Tamil militancy was an avoidable consequence rather than an inevitable outcome of oppression and discrimination. Even though the Commission admitted that "the manner in which the armed forces handled the growing militancy in the North compounded the problems" (Ibid.: 23), it also claimed that, "The country's leadership failed to meet and explain to the Tamil speaking people […] the justification if any for the enactment of these measures seen by the latter as ranging from discriminatory' to 'oppressive'" (Ibid: 21). This statement weakened the report's claim that Tamil militancy was a direct response to decades of structural oppression and discrimination, and instead attributed its emergence to poor leadership and flawed communication. It resonated with the above-mentioned idea that discrimination against Tamils may have been more perceived than actual, helping position Tamil resistance as a byproduct of state ineptitude, as opposed to a struggle over self-determination, an assertion of fundamental rights, or a challenge to Sinhalese Buddhist hegemony.

Though most of the report's references to violence were of Tamil victimhood, the Commission also mentioned the suffering experienced by Sinhala and Muslim communities during episodes of ethnic tension. Adding to its recognition of Sinhalese subjugation under unequal colonial structures, the report gathered testimony from numerous Sinhalese victims of LTTE terrorism or of other Sinhalese for protecting Tamils (Ibid.: 22, 39-42). It also acknowledged that Muslims were structurally marginalised, and their political rights violated for decades (Ibid.: 22). The report noted that "nearly 75,000 [Muslims] were driven out of the North overnight by the LTTE" (Ibid.: 31), in reference to the 1990 expulsion of Muslims from Jaffna. Despite this, Muslim suffering was positioned as secondary: the report argued that the Sri Lankan conflict affected

people "on both sides" and alienated "the two major communities and also to some extent the Muslim community" (Ibid: 74). This framing advanced a hierarchy of victimhood that relegated Muslim experiences of violence to a peripheral position.

Finally, the Commission's report constructed a narrative of blame that positioned state actors as primarily responsible for ethnic tensions and violence. Although the report did not name specific perpetrators, responsibility was attributed to 'the Sinhalese' as a collective, Tamil leadership, and – most frequently – the UNP government between 1981 and 1984. In keeping with previous mechanisms' narrative of state blame, the report accused the Jayewardene administration of "indifference" to Tamil grievances (Ibid.: 27), and of "failing to perform its fundamental obligations to protect the life and property of its citizens" (Ibid.: 37). It also speculated that "sections of the then ruling party were behind the [July 1983] riots" and criticised Jayewardene for giving "prominence to 'Sinhala aspirations' at a delicate time", which created "the environment for the perpetrators to act with impunity" (Ibid.: 37-39). The report's condemnation of the UNP even extended beyond incidents of ethnic violence, finding evidence of a "clear attempt by the government to rig the [Council] elections" in 1981 (Ibid.: 24) and faulting the party's continued belligerence:

> All the political parties have realised the need for some political solution. There is only [the UNP], out of 49 parties in the country, which does not. There is only [the UNP], which says that we must have a military solution, a pure military solution (Ibid.: 80).

Committee on Disappearances in the Jaffna Region (2002)

Genealogy

Presupposition Analysis

The Committee's mandate presupposed that disappearances were systematic events and a defining feature of Sri Lanka's armed conflict. Whilst this assumption was informed by the Committee's mandated purpose, it excluded numerous conflict-related rights abuses – much like the Zonal and All-Island Commissions did. The Committee's victim narrative invisibilised other forms of systemic and widespread violations, such as sexual violence, forced recruitment, killings where victims' remains were found, forced displacement, and institutionalised ethnic and religious discrimination (see Subramanian, 2014, Clarance, 2007). The Committee's selective emphasis also privileged state accountability, given that enforced disappearances were predominantly perpetrated by security forces, whilst non-state armed groups relied on other forms of violence (Hopgood, 2005: 44).

Victims were defined as those individuals who have gone missing, in addition to "the members of the family of, and others dependant on, the person who has disappeared" (Human Rights Commission, 2003: 46). This presupposition expanded victimhood to include indirect forms of suffering, acknowledging the wider societal impacts of enforced disappearances. Unlike previous TJ mechanisms, which limited their recognition to individuals directly affected by violence, the Committee explicitly recognised wider familial and communal harms. It also complicated linear narratives of victimhood centred on the violent act alone, and emphasised the importance of comprehensive redress for those indirectly affected by abuses.

The temporal and geographic scope of its mandate reflected key assumptions about the concentration of violence. It constructed the Jaffna region as the primary epicentre of disappearances in the Tamil-majority North, implying that disappearances elsewhere or in other time periods were less relevant or less deserving of immediate attention. The Committee noted that its work was based on 327 complaints it received from human rights organisations in the mandated districts, and that it investigated 281 of these (Ibid.: 10). It acknowledged that these may constitute "only a minor fraction of the total number of disappearances", but that they "may form a significant proportion of those who disappeared from Jaffna during the period 1990 to 1998" (Ibid.: 12). This assumption is problematic as it ignores the thousands of victims unable or unwilling to report, and diverges greatly from the 30,000 cases investigated by the Zonal and All-Island Commissions. It also contradicts UN (1992: 2) figures, which reported 622 disappearances in Jaffna in 1996 alone (UN, 1999: 2). This understated the scale of violations under Kumaratunga.

The report presupposed that young, male, Tamil and – to a lesser extent – Muslim individuals were the primary victims of disappearance. Of the cases investigated, 256 victims were Tamil and 25 Muslim (Ibid.: 18). The Committee found that 84% of victims were under 30 at the time of their disappearance and an overwhelming majority were male (Ibid.). It also recommended payment of reparations to 288 relatives of the disappeared, most of whom were low-income Tamil females with little or no formal education (Ibid.: Annex IV). This presupposed that ethnicity was the key determinant of violence during the conflict, and materialised a victim narrative centred on disappeared men and left-behind women. The Committee did not address cases where victims may have been politically active or affiliated with militant groups, which

formulated a reductive binary between apolitical, civilian victims and politically motivated perpetrators. These presuppositions obscured other dimensions of victimhood in Sri Lanka, including political affiliation, class-related vulnerabilities, and forms of conflict-related violence that targeted women or minorities beyond disappearances.

Lastly, the Committee treated violence in the island as a feature of a "protracted civil war" (Ibid.: 19). It also assumed that international human rights obligations, most notably the Geneva Conventions, "bind all actors including the police, the armed services and the LTTE", all of whom "have flouted [these obligations] with impunity" (Ibid.: 44). Despite this being a taken-for-granted assumption, it constituted an unprecedented recognition of an armed conflict in Sri Lanka, which I have demonstrated earlier TJ mechanisms consistently obfuscated – including the contemporaneous 2001 Commission. This presupposition marked a departure from Sri Lanka's TJ experience for three reasons. First, because it amended the narrative that enforced disappearances were isolated incidents of violence. Second, because it foregrounded ethnicity and unequal ethnic relations as the root causes of violence, which earlier mechanisms had failed to appreciate. And third, because it tapped into the deep-seated grievances of Sri Lanka's minorities, recognising their oppression as systematic.

Predicate Analysis

The language used by the Committee constructed an unambiguous dichotomy between victims and perpetrators. Victims of disappearance – predominantly Tamil youth and Muslims – had their vulnerability and innocence emphasised. The terms "abducted", "blindfolded", "raped",

and “tortured” were used to portray victim’s passive subjugation (Ibid.: 11, 21, 37-39). Descriptors such as “young”, “sturdy”, “innocent”, or references to victims’ occupation – “priest”, “teacher”, “boutique owner”, “mechanic” – highlighted their blamelessness and civilian status (Ibid.: 22-25, 38, 52). The report's vivid accounts of victimisation, such as the case of a mother whose “two children (aged 3 months and 13 years) had been shot dead in cold blood” (Ibid.: 14), amplified the emotional resonance of the violence.

Perpetrators, predominantly state forces and the LTTE, were portrayed as agents of systemic brutality. The report criticised the LTTE’s “criminal” oppression of sections of the population (Ibid.: 19). For instance, the insurgency was blamed for the “brutal” abduction of a 13-year-old boy “while playing” (Ibid.: 201). The report also offered an extensive account of state-sponsored violence: it criticised the “institutional racism” (Ibid.: 28) of state forces, their “systematic deception” practices, and their “callous disregard for human life” (Ibid.: 39). For the Committee, a key consequence of the conflict was the “brutalisation and corruption of state institutions”, which “went to the extent of being actively involved in the most terrible crimes against citizens” (p.19). The Sri Lankan police, too, was faulted for systematically attempting to cover up abuses. The Committee found that the police

> refused to take down the statements by the complainants in respect of the arrests and when they did belatedly record statements, they were nearly all in Sinhala (which none of the complainants understood) and moreover, were badly and systematically distorted to avoid revealing the institutional identity of those making the arrests. […] They reveal police complicity if not in the disappearance, at least in attempts to cover up (Ibid.: 27).

The Committee’s use of value-laden and emotionally charged language served to portray state forces as ruthless perpetrators of war crimes. The report’s linguistic choices crystallised its condemnation of state actors’ deliberate and systematic brutality, framing these abuses as

purposeful rather than incidental. Such language framed state forces as morally nefarious and institutionally corrupt.

Subject Positioning

The Committee constructed a narrative of victimhood around male Tamil and Muslim identities, which positioned these groups as the primary victims of the conflict. Although missing persons were portrayed as passive recipients of violence, they were also represented through familial relationships – "brother", "son", "father" – and emphasised as the "breadwinners" and "economic mainstay" of their families (Ibid.: 19, 22, 26, 49-50). The Committee regularly drew attention to the vulnerability of families following the disappearance of a loved one, including the loss of property and the "social disintegration of the family and the communities" (Ibid.: 53).

This, the Committee noted, left family members "in need of social and economic rehabilitation" (Ibid.). Yet, the families of the disappeared were also depicted as "courageous" individuals in a relentless pursuit of justice despite institutional barriers and past disappointments (Ibid.: 17). This narrative trope recognised the harm experienced by families, highlighted their ongoing marginalisation and vulnerability, and construed them as subjects deserving of redress. But it also positioned them as active agents of justice and accountability, upholding their role in documenting abuses and challenging impunity. Their struggle for truth and accountability was hence portrayed as essential for justice.

Accounts of abductions reinforced the Committee's narrative that both the army and the LTTE systematically violated civilian rights in Jaffna. Even then, a notable ethnic distinction was drawn: all Muslim disappearances were attributed to the LTTE, whilst state forces were held responsible for nearly all Tamil disappearances (Ibid.: 18). This produced a binary narrative of Tamils as victims of state violence and Muslims as victims of LTTE aggression. Yet, the state carried the burden of blame for engaging in 'witch-hunts'. The report claimed that "those with injuries seem to have been routinely picked up for disappearance on the suspicion that the victim could have been a battle scarred LTTE combatant" (Ibid.: 23). It also described how civilians manipulated army personnel to "punish other local citizens on account of private disputes" (Ibid.: 22). One case involved a boy abducted by the army after being falsely reported as an LTTE member by another boy with whom he had argued over a shared video rental (Ibid.: 23). These reports were tied to accounts of torture, with victims often being described as having "marks such as cigarette burns, beatings, eye trouble and pain in the chest caused through suffocation caused by his head being covered with a bag with a little petrol in it" (Ibid.: 11).

As observed above, the Committee also faulted state actors for enabling impunity. It condemned the hierarchy of the police and army for "distortions" and "denials of responsibility" and assigned chain-of-command culpability to those "at the apex of the command structure" (Ibid.: 27, 29, 35). The report further identified 38 alleged perpetrators – 37 army officers and one LTTE cadre – and recommended their prosecution (Ibid.: 18), which propped up a narrative of systemic – rather than individual – responsibility for disappearances.

Lessons Learnt and Reconciliation Commission (2010)

Genealogy

Presupposition Analysis

The LLRC did not provide a victim definition. Rather, it stated that victims came "from all communities, from all walks of life and from all strata of society irrespective of ethnicity, religion, caste or creed" (Ibid.: 290). Its objective, it argued, was to promote reconciliation through the recognition of "all victims of conflict, providing redress to them and thereby promoting national unity, peace, and harmony" (Ibid.: 6). This homogenising language was underpinned by a series of assumptions that constrained victim recognition.

A key presupposition of the LLRC was that LTTE violence was the primary driver of conflict. The Commission's mandate focused on the "failure of the ceasefire agreement" and Sri Lanka's subsequent "experience in dealing with terrorism" (Ibid: 2). Indeed, most of its mandated tasks related to the LTTE's conduct, including "the LTTE strategy of using human shields" and the "conscription of children by the LTTE" (Ibid: 2-3). Although the state's actions were formally included within the scope of inquiry, these were limited to the "measures taken to safeguard civilians and to avoid civilian casualties during military operations", "supply of humanitarian relief including food and medicine to civilians in conflict areas", "conduct of the Security Forces during the movement of civilians and combatants to cleared areas", and, notably, "*allegations* concerning abductions" and disappearances (Ibid., emphasis added). From the outset, the

Commission's mandate presupposed the primacy of LTTE responsibility for abuses during 2002 and 2009.

These presuppositions built a classificatory scheme that divided experiences of harm into two categories: "victims of conflict" and "victims of LTTE terrorism" (Ibid.: 164). This produced a hierarchy of victimhood grounded in blame, which made LTTE victims legible and unambiguous, whilst the broader 'victims of conflict' was formulated as a nebulous category that may or may not have implicated state actors. That the Commission did not offer a legal or conceptual definition of victimhood facilitated this ambiguity, as it allowed it to maintain a seemingly inclusive narrative whilst upholding an exclusionary logic. Experiences of wartime violence were, in turn, recognised only insofar as they aligned with this narrative of LTTE culpability.

The Commission obscured the systematic character of state violence, particularly during the final stages of the war. Despite extensive documentation– including from the UN (2011; 2014; 2015), HRW (2008a; 2009a, 2009b), Amnesty International (2010; 2011), and ICG (2007; 2011) – pointing to deliberate shelling of civilian areas, extrajudicial executions, and widespread abductions, the LLRC glossed over the possibility that these may have been state-sanctioned or institutional crimes. Instead, it presupposed the good faith and professionalism of the military, describing security forces as operating under a zero civilian casualty policy (LLRC, 2011: 75) and presenting their actions as restrained and in accordance with IHL (Ibid.: 53). The Commission was "satisfied that the military strategy that was adopted to secure the LTTE held areas was one that was carefully conceived, in which the protection of the civilian population

was given the highest priority" (Ibid.: 115). Civilian casualties, which the Commission recognised did occur "in the course of the crossfire", were attributed to land mines, to "the perils inherent" to escaping conflict zones, and to "the LTTE targeting and killing of civilians who attempted to flee the conflict into safe areas" (Ibid.: 328).

For the LLRC, reconciliation hinged on promoting a common Sri Lankan identity rooted in "oneness" (Ibid.: 306). This conciliatory and seemingly inclusive language implied that reconciliation required overcoming identitarian divisions – indirectly attributing blame for the conflict to those who articulated ethno-political grievances or called attention to structural injustices. This recharacterised minority demands for self-determination and the recognition of harm as threatening to national unity. It also denied identity-based grievances – particularly Tamil victimhood – and shifted the burden of reconciliation to those most affected by the conflict. Meanwhile, its account of the conflict wholly disregarded structural violence or the marginalisation of minority groups as drivers of violence.

Predicate Analysis

The LLRC's descriptive language portrayed the LTTE through a lens of cruelty and inhumanity. The insurgency was accused of perpetrating "atrocities", including "violent killings", "indiscriminate bomb attacks", and "ethnic cleansing" (Ibid.: 156, 208, 295). It was described as a "widely condemned terrorist group who used most inhumane tactics in combat" (Ibid.: 151-152), and their practices labelled as "abhorrent", "deplorable", and "ruthless" (Ibid.: 29, 130, 174). The verbs "massacre", "maim", and "intimidate" dominated descriptions of LTTE

conduct (Ibid.: 28, 212 269), and civilians living in LTTE-controlled areas were depicted as experiencing "severe security risks" and "fractured livelihoods" (Ibid.: 297). LTTE victims were innocent civilians, including Muslims subjected to "acts of cruelty perpetrated by the LTTE" (Ibid.: 295); Sinhalese civilians murdered in "cold-blooded" acts (Ibid.: 29); and children recruited "forcibly" into combat (Ibid.: 167). These linguistic choices were deployed to represent the LTTE as a brutal and unequivocal perpetrator of violence, whose actions lay outside the realm of legitimate political struggle.

In contrast, the Commission's language individualised and sanitised state-perpetrated violence. It described state forces as acting with "honour, "professionalism", and "restraint" (Ibid.: 18, 151), whilst praising the "humane endeavors of security personnel risking their lives to take care of the civilian victims" (Ibid.: 144). The report concluded that "there was no deliberate targeting of civilians by the Security Forces" (Ibid.: 120), and allegations of misconduct were referred to with distancing or minimising verbs, such as "alleged", "purported", and "claimed" (Ibid.: 73, 109, 147-148). Where harm by state actors was acknowledged, it was characterised as isolated episodes, and described using neutral or conditional constructions – "Offences, if any, of a few cannot be allowed to tarnish the honour of the many who upheld the finest traditions of service" (Ibid.: 152). This discrepancy between the Commission's vivid condemnation of the LTTE and the praiseworthy account of state forces' actions vilified the former and vindicated the latter.

This differential use of language also extended to descriptions of victims' experiences. Tamil victims of state violence were seldom described with the affective depth or narrative weight

given to victims of LTTE violence. Their suffering was often conveyed as passive or abstract – civilians "caught in the cross fire" or "caught up in the theatre of conflict" (Ibid.: 65, 74), or even "collateral damage" (Ibid.: 116). Significantly, the report noted that "representations were made before the Commission alleging the violation of fundamental rights and freedoms of people" by security forces (Ibid.: 154), but failed to validate these accounts, and occasionally veered into framing them as possible exaggerations or misperceptions (Ibid.: 138). This linguistic ambiguity undermined the credibility of Tamil testimony and de-centred Tamil suffering from the Commission's scope of inquiry – a divergence from the evocative and detailed descriptors of LTTE victims.

Subject Positioning

Although the LLRC claimed to have listened to perspectives "from all corners of the country and from all strata of society" (Ibid.: 1), its final report distributed voice and subjectivity unevenly. In addition to muddling state violence, it positioned state forces as virtuous and professional. Security personnel were often praised for risking their lives to protect civilians, and were elevated as defenders of "the territorial integrity of Sri Lanka", who carried out their duties "cleanly and professionally" (Ibid.: 144, 151). The Commission also positioned state forces as moral beacons who "expressed their sentiments that they have no hatred or rancour against the LTTE combatants who attacked them" (Ibid.: 290). It even called on the government to "clear the good name and protect the honour and professional reputation" of soldiers, who "have by and large conducted themselves in an exemplary manner" (Ibid.: 129, 151). This

discursive elevation of security forces actively displaced state agents from the category of perpetrator, and constructed them as national heroes.

The LTTE, in contrast, was positioned as the foremost perpetrator of conflict-related violence. Its actions were repeatedly framed as "abhorrent", "inhumane", and "indiscriminate" (Ibid.: 151, 156, 178), and the group was criticised for its "blatant disregard of principles of IHL" and for showing "no respect for civilian life" (Ibid.: 130). The LTTE was also held responsible for countless "acts of cruelty", including bombings, abductions, disappearances, and the recruitment of children (Ibid.: 157, 177-178, 295). These depictions were reinforced by the inclusion of a full annex on LTTE abuses (Ibid.: Annex 3.1), and by the creation of a distinct category of victims of LTTE terrorism.

This account was supported by the report's portrayal of Sinhala and Muslim victims, who were positioned as innocent, distressed communities subjected to "the LTTE stranglehold" (Ibid.: 152). The report described "thousands of innocent civilians (…) who fell victim to indiscriminate bomb attacks and other violent killings carried out by the LTTE" (Ibid.: 156), with a focus on Muslim victims of "ethnic cleansing (…) done at gun point by the LTTE" (Ibid.: 295) and Sinhalese families who suffered as a result of the LTTE's "separatist terrorist campaign" (Ibid.: 202). The Commission concluded that "the Sinhalese and Muslim brothers were in the same plight" (Ibid.: 295), which bolstered the privileged position of both communities in the LLRC's victim narrative.

Tamil civilians occupied a more ambiguous and marginal position when their experiences of violence could not be explicitly linked to the LTTE. Although the report did acknowledge their suffering – particularly during the final stages of the war – it often did through vague or passive constructions that obscure both the identity of perpetrators and the structural nature of harm. Tamil casualties, the report argued, were

> due to cross fire, the LTTE's targeted and deliberate firing at civilians, as well as due to the dynamics of the conflict situation, the perils of the geographical terrain, the LTTE using civilians as human shields and the LTTEs refusal to let the hostages get out of harm's way (Ibid.: 74).

When potential state abuses were mentioned, they were attributed to individual wrongdoing, and frequently caveated in cautious language – "alleged incidents", "representations", or "a few" isolated cases (Ibid.: 65, 73, 129). This discursive distancing yielded a fragmented and abstract narrative of Tamil victimhood – one that effectively allowed the Commission to refute allegations of systemic state culpability, and that left little space for accounts of long-term marginalisation. The suffering of Tamil people was thus consigned almost exclusively to the LTTE's actions, and, when attribution to the LTTE proved impossible, their victimhood was obfuscated by narrative strategies that rendered their experiences ambiguous, anonymous, and even exaggerated or misconstrued.

Secretary-General's Panel of Experts on Accountability in Sri Lanka (2010)

Genealogy

Presupposition Analysis

The PoE presupposed a universal moral and legal order grounded in international law within which all conduct during the final stages of the war should be evaluated. Key to this framework was the belief that civilian protection was a non-negotiable legal and ethical imperative, and that credible allegations of violations demanded legal investigations and prosecution against those responsible (Ibid.: i-iii, 65). The Panel's discursive grounding was explicitly internationalist: it framed the Sri Lankan conflict as a theatre of alleged war crimes that "represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace" (Ibid.: ii). This framing assumed that international law was a coherent, universally applicable standard for wartime conduct, and that accountability for violations was an obligation of sovereign nation-states. Drawing on the principles of the Rome Statute, and on the international responses to atrocities in Rwanda and the Balkans (Ibid.: 76), the report was grounded in the cosmopolitan legalism of international accountability.

The report constructed victimhood primarily through legal criteria. It identified individuals as victims on the basis of "credible allegations" of violations, which were defined as breaches of international legal norms (Ibid.: ii). The Panel distinguished its work from formal investigations or fact-finding missions, stating that a credible allegation existed where there is a "reasonable basis to believe that the underlying act or event occurred" (Ibid.: 14). Victimhood therefore rested on standards of credible evidence and was determined by the Panel's interpretation of international law. This approach privileged individualised experiences of harm – such as

shelling, disappearances, or detention – over more diffuse or structural forms of violence, such as historical marginalisation or collective trauma. The focus on violations of international law narrowed the limits of legible suffering, such that victims were recognised primarily as those directly harmed during the final stages of the war, rather than those subjected to decades of ethno-political discrimination and marginalisation.

Despite this legal framing, the Panel did not present victimhood as evenly distributed. Its narrative disproportionately centred Tamil civilian suffering in the Vanni region in Northern Sri Lanka, which presupposed their status as the primary victims of state-perpetrated atrocities. The report claimed that "hundreds of thousands of Tamil civilians became trapped between two highly determined warring factions", and that most were "caught by shelling on the Government side" (Ibid.: 1). This assumption that Tamil civilians were the primary victims of state violence is buttressed by the report's repeated references to the denial of humanitarian assistance, the use of "white vans" for disappearances, and the nefarious conditions in camps for internally displaced persons (IDPs) (Ibid.: ii–iii, 17, 24). Although the Panel identified serious violations committed by the LTTE – such as killings, child recruitment, and suicide bombings – it nevertheless situated LTTE-perpetrated violence as part of a broader humanitarian crisis, whilst state violence was portrayed as an abuse of sovereign responsibility. In doing so, the report held the state to a higher moral and legal standard, presupposing that the Sri Lankan government was required to protect lives and uphold IHL in a way the LTTE was not.

At the heart of this narrative was a critique of state denialism and the government's use of the LLRC to deflect calls for accountability. The report explicitly challenged the government's

depiction of the war as a "humanitarian rescue operation" guided by a 'zero civilian casualties' policy, noting that "the Panel's assessment of what happened during the final stages of the war (…) stands in stark contrast to the position of the government" (Ibid.: 115). This disjuncture reveals the Panel's assumption that state narratives were not only inaccurate, but a deliberate attempt to depict military operations as legitimate and obscure the scale of war crimes perpetrated. The PoE positioned its own account as a necessary correction to the government's tropes, presupposing the responsibility of the UN – and the wider international community – to determine the truth of the final stages of the conflict.

Predicate Analysis

Victims were repeatedly described through language that conveyed passivity, vulnerability, and helplessness. Tamil civilians were "trapped" in conflict areas, "subjected to further deprivation and suffering" after fleeing war zones, and "forced to strip naked" by government forces in screening processes that were revictimising and humiliating (Ibid.: 35, 42, 50). Those in IDP camps were "detained", "deprived", and exposed to "inhumane" suffering and humiliation as a result of overcrowding, inadequate medical care, and poor sanitation (Ibid.: iii, 45, 49–50). These choices erased the agency of conflict-affected individuals and amplified the emotional resonance of their exposure to harm.

The report's descriptions of harm reinforced this passivity through the use of emotionally charged terminology, which spotlighted the cruelty of both the LTTE and state forces. Civilians were not simply killed, but "sacrificed", "silenced", or "disappeared" in the "carnage" of the

war – terms that highlighted the brutal and calculated nature of violations (Ibid.: ii–iii, 43, 50). Civilian targets, particularly hospitals, were "shelled repeatedly", "systematically", and "deliberately" by the government, despite being clearly marked and known to the military (Ibid.: ii, 42, 57-59). Humanitarian assistance was denied in "calculated" and "intentional" ways, "to bring about the destruction of a significant part of the civilian population" (Ibid.: 69), which suggested a logic of suffering-by-design rather than collateral damage. These descriptive choices weaved a moral hierarchy in which the suffering of civilians was evidence of a political economy of violence structured around intent and impunity.

State and government agents were consistently described using language that implied a deliberate and systematic perpetration of war crimes. According to the report, security forces conducted military operations in ways that "purposefully underestimated the number of civilians that remained in the conflict zone" and "used large-scale and widespread shelling" in areas it had designated as safe (Ibid.: ii-iii). It even accused the government of the crime of extermination, including by targeting civilian populations directly and by restricting their access to basic necessities (Ibid.: 46, 68-69). These predicates did not describe isolated operational mistakes or miscalculations, but pointed to a sustained campaign of violence against Tamil populations that was "intentional", "indiscriminate", "disproportional", and "systematic" – wording that evidences serious crimes against humanity (Ibid.: 67-68).

The LTTE, too, was described in a condemnatory way, but using language that framed its violence differently. The insurgency "deliberately shot and killed civilians, "[refused] to allow civilians to leave the combat zone", and "used military equipment in proximity to civilian areas"

(Ibid.: 65). It also "forcibly recruited" children and "forced civilians to dig trenches" (Ibid.: iii, 47, 65). The LTTE's conduct was frequently portrayed as "brutal", but the language often veered towards descriptors of despair as state forces advanced through the Vanni, presenting the LTTE's actions as predictable responses from an insurgency facing imminent defeat (Ibid.: 18, 34). Indeed, the report claimed that the LTTE "was forced into a small corner of the Vanni", which caused civilian casualties to "[rise] dramatically" (Ibid.: 1). It also stated that the LTTE resorted to forced recruitment because it faced a "hopeless military situation" and was "desperate for new troops" (Ibid.: 34, 50). This introduced a subtle value judgement of the LTTE's violence as responsive and nihilistic, which contrasted with the Panel's portrayal of the government's conduct as orchestrated and methodical.

Subject Positioning

As shown above, the PoE positioned victims as passive recipients of harm and rarely granted them voice or agency. A victim narrative emerged primarily through statistical estimates, satellite imagery, or anonymised descriptions – with harm made visible through third-party observation rather than direct testimony. Victims were positioned as absent, anonymous figures, and the Panel acted as both narrator and interpreter of their experiences. At the core of this framing were Tamil civilians in the Vanni, whose suffering was presented as exemplary of the brutality of the war's final stages (Ibid.: ii–iii, 9, 43–49). Sporadically, the report acknowledged that Sinhalese and Muslim civilians were victimised by the LTTE, and noted the historical alienation and denial of rights experienced by both Tamils and Muslims (Ibid.: 9, 111–112). Yet, these acknowledgements were largely peripheral – they often featured as contextual details

and were eclipsed by the predominance of Tamil victimhood, which was depicted as emblematic of both the war's excesses and the state's failure to fulfil its legal obligations.

Perpetrators, in contrast, enjoyed a strong sense of agency and responsibility. The GoSL was consistently depicted as the primary orchestrator of violence, with state forces as the executors of atrocities. The report attributes to the Rajapaksa government a series of calculated and strategic actions: it "systematically shelled" civilian targets; "deliberately and publicly underestimated the number of civilians in the Vanni, in order to justify a reduced amount of food relief"; and perpetrated the war crimes of murder, extermination, imprisonment, persecution, and disappearances (Ibid.: ii, 60, 71). Culpability for these actions was not assigned to rogue individuals or operational mistakes, as the LLRC claimed, but to an entire system of military command and political oversight. Senior government officials and army commanders were positioned as those "most responsible" and potentially liable for "war crimes and crimes against humanity" (Ibid.: iv). This motivated its call for an international independent investigative mechanism into war crimes committed by both sides (Ibid.: vii).

The report further positioned the state as an agent of discursive erasure, accusing the government and several state institutions of systematically attempting to deny and suppress the trace of wartime harm. State actors were faulted for censoring media coverage of military operations, restricting the access of humanitarian agencies to conflict zones, manipulating casualty figures, and refusing to investigate or acknowledge wrongdoing (Ibid.: 11, 22, 40, 99). The report's methodological choices can be read as attempts to reclaim erased or denied suffering, positioning the UN as an institutional actor with a responsibility to preserve memories

of violence against the state's enforced silence. From this angle, the state was held responsible for perpetrating war crimes and for continuously obfuscating its conduct to evade accountability.

The LTTE was also positioned as a perpetrator, but in ways that reflected a different standard to the state. Although its actions were unambiguously condemned as "brutal" (Ibid.: 18), the report did not present the LTTE with the same legal or normative obligations as the state. The Panel noted a range of serious rights violations committed by the insurgency, including violent policies enforced "with great cruelty", but ultimately determined that the LTTE was only responsible for the war crime of murder (Ibid.: 50, 72). Conversely, the Government was held to a standard of sovereign legal responsibility, with the expectation that it should have protected civilians in accordance with international law – an obligation not held by the LTTE (Ibid.: iv). This uneven distribution of blame positioned LTTE-perpetrated violence as objectionable but somewhat predictable in a conflict context, whereas the state's conduct was cast as an abject failure of the legal and ethical standards that a sovereign state should uphold.

Moreover, the PoE positioned the UN itself as a compromised actor, implicated in a broader failure to defend the international norms and standards it is tasked with protecting. The Panel criticised the organisation's systemic failure during the final stages of the war, when its political organs and bodies "failed to take actions that might have protected civilians" and undermined calls for protection by choosing "not to provide specific [casualty] figures (Ibid.: vi, 41). It also noted that the UN Human Rights Council "may have been acting on incomplete information when it passed its May 2009" resolution that commended the government for defeating the

LTTE (Ibid.: vii). Through these criticisms, the UN was represented as both a witness and participant to the erasure of civilian suffering. Nevertheless, and although the UN's inaction is criticised, the Panel itself operates as a corrective voice within that same system, reclaiming the international community's obligation to promote truth and justice through its documentation.

Paranagama Commission (2013)

Genealogy

Presupposition Analysis

The Paranagama Commission constructed a victim narrative based on the assumption that the LTTE's wartime conduct was the primary reason for civilian suffering. Five out of the seven mandated points of inquiry related directly to LTTE conduct, whilst only one concerned the armed forces – merely questioning whether the army adhered to the principles of distinction and proportionality (Paranagama Commission, 2015: xii-xiii). The remaining mandate items centred the LTTE's use of human shields, recruitment of child soldiers, suicide bombings, and international criminal activities (Ibid.), foregrounding LTTE wrongdoing by design. The report later formalised this narrative by arguing that "the principal reason for the loss of civilian life during the final phase of the war was the hostage taking and use of human shields by the LTTE", and that, "in the absence of these actions, there may have been a much reduced number of civilian casualties" (Ibid.: xxiv). Although these claims were presented as legal findings, they were driven by the mandate's presuppositions and propelled by the report's emphasis on

battlefield contingency. The result was an asymmetrical framing that directed the Commission's work towards a predetermined conclusion.

Tied to this was the presupposition that any civilian casualties caused by the Sri Lankan armed forces were lawful and proportional – indeed, almost inevitable within the operational context. The Commission assumed that the presence of civilians among LTTE militants fundamentally altered the legal implications of these casualties, as it reduced the state's obligations under IHL (Ibid.: xxiv). Civilian deaths resulting from state shelling were presented as a "tragic and unfortunate consequence of a campaign which was proportionate to the military objective sought" (Ibid.: 6).

An additional presupposition concerned the credibility of domestic versus international truth-seeking mechanisms. The Paranagama Commission repeatedly questioned the impartiality and methodological rigour of international investigations, such as the UN PoE and the OHCHR investigation, suggesting that these bodies took a "narrow and restricted view" of the government's legal obligations (Ibid.: xxvii). In contrast, the Commission presumed its own capacity to deliver a more "balanced" account (Ibid.: 2), despite its structural dependence on the executive and the political context of its creation (Centre for Policy Alternatives, 2014: 3). This assumption privileged national over international narratives of accountability without subjecting domestic processes to the same level of scrutiny.

A similar logic underpinned the Commission's treatment of longstanding discrimination against Tamil communities. The report acknowledged that "there *may have been* long-standing

practices of religious, ethnic and racial discrimination carried out by various governments towards minorities" but weakened this claim by asserting that "targeting that group, even if for discriminatory reasons, is not sufficient to constitute genocide" (Paranagama Commission, 2015: xxvi, emphasis added). This led the Commission to "reject the suggestion that the crime of genocide was or may have been committed during the final phase of the war" (Ibid.). In fact, the report vigorously denied "that the state of Sri Lanka could be considered a racist regime" (Ibid: 97). The choice to frame structural oppression as an abstract possibility and genocide as an already-dismissed allegation presupposed that the state could not be credibly implicated in genocidal violence.

Moreover, the Commission's work was permeated by the assumption that IHL was inadequate to address the realities of the conflict. The report forewarned that many of the alleged violations perpetrated by the state could actually be considered proportional given the "unprecedented scenario", and claimed that the use of some forbidden weapons, such as cluster munitions, was justified as these "were not illegal per se at the time" (Ibid.: 8, 121). The Commission also suggested that existing IHL norms required reinterpreting to account for the operational complexities posed by the LTTE's tactics (Ibid.: 61). This presupposed the distinctiveness of the Sri Lankan case, and the need to assess the legality of the conflict's violence outside the framework of international law.

Finally, the Commission espoused the government's narrative of the military victory as a "humanitarian operation" (Ibid.: 7). The last stage of the war, it argued, was part of a "a clear and understandable mission to target, capture or kill the LTTE leader, Prabhakaran. He was an

enemy commander and as much of a legitimate military target as was Saddam Hussein or Osama bin Laden" (Ibid.). This presupposition – including the parallel drawn between Prabhakaran and Saddam Hussein and Osama bin Laden – implied that ending the war, even at the cost of civilian deaths, was a moral imperative. The Commission even commended the armed forces "for conducting a military campaign that minimized civilian casualties", presuming that state violence actually saved 300,000 innocent civilians who were "kept hostage" by the LTTE (Ibid.: xxiv, 16). These background assumptions structured the report's broader narrative framework, which allowed it to depict the final offensive as a necessary culmination of a just war against terrorism.

Predicate Analysis

The Commission's use of language constructed asymmetric identities of perpetrators, victims, and saviours. The LTTE, for one, was depicted through a vocabulary of ruthlessness and intent. The report framed the insurgency as culpable of "using civilians as a strategic human buffer", "sacrificing countless civilian hostages", "forcing a great number of children to man the frontlines", "deliberately preventing civilians (…) from fleeing to areas away from the fighting", and "shelling civilian hostages in order that the LTTE might assign those deaths to the SLA for media purposes" (Ibid.:: xxiii-xxiv). These active predicates portrayed the LTTE as a cruel, calculating force that nefariously jeopardised civilian lives to achieve its "terrorist" objectives (Ibid.: 8). Accounts of the LTTE's "parasitic conduct" (Ibid.: xxiii) further framed the LTTE as a corrupting presence in the North-East, leeching off innocent Tamil civilians.

Conversely, descriptions of state forces emphasised discipline and professionalism. The army was repeatedly said to have acted with "caution", "discipline", and is praised for "minimizing civilian losses" (Ibid.: xxiv, 1, 4). Where allegations of misconduct were considered, they were often described in mitigating language and referred to as an "regrettable" and "tragic", but an "inevitable" consequence of the LTTE's actions (Ibid.: xxiv, 61). This removed the emotional and moral weight from the actions of state forces, presenting potential abuses as unfortunate and collateral, though ultimately the LTTE's responsibility. This linguistic softening of state violence, especially when contrasted with the emotionally charged descriptions of LTTE brutality, played a key role in constructing state forces as heroic and principled.

Victims were described in ways that spotlighted their civilian innocence and suffering at the LTTE's hands. Populations in LTTE-controlled territories were labelled as "hostages" and "captive populations", "held by the LTTE" (Ibid.: xxiv). Children, in particular, were represented as being in "the clutches of the LTTE" (Ibid.: 8). These linguistic choices helped portray civilians as passive victims of LTTE exploitation. Notably, civilians affected by the actions of state forces were not described with adjectives or verbs that would imply active suffering. Rather, passive formulations dominated, including "shelling incidents" or "allegations made against the [army]" (Ibid.: xxii, 4). This contrasted with the active and value-laden language used to describe LTTE conduct, revealing an asymmetry in how suffering was linguistically constructed.

The Commission's language also helped depict the military campaign as a necessary humanitarian operation. The report argued that state forces were justified in their conduct of

hostilities to “free civilians from the grip of LTTE predations”, and that the 290,000 Tamil civilians who survived were “rescued” by the army (Ibid.: xxii). It went as far as to claim that “the only way the [army] could free children from the clutches of the LTTE and protect them from being sacrificed on the front line, was by a decisive victory to bring that terrorist organization to an end” (Ibid.: 8). These choices represented the state as a valiant liberator and served to cast military action – however vicious – as fundamentally driven by humanitarian imperatives.

Subject Positioning

Whilst echoing the importance of recognising “all victims of the conflict on all sides” (Ibid.: 150), the Commission (re)produced a highly selective narrative of victimhood. Its practices of victim representation overwhelmingly spotlighted the LTTE’s civilian victims, and defended the conduct of state forces as a legitimate response to such violations. Even though it acknowledged Tamil collective suffering throughout the conflict, their grief and loss were only deemed legitimate when arising from the LTTE’s cruelty. The report argued that the insurgency’s “astounding military success was founded on despoiling the social fabric of the Tamils and making everything, from childbearing to education, creatures of its military needs” (Ibid.: 97). It also emphasised the importance given by the government to “freeing Tamil civilians from LTTE captivity” (Ibid.: xxi). Tamil civilians were thus positioned as passive, innocent victims, and their subjectivity was almost entirely built in relation to the LTTE’s coercive practices. This positioning stripped civilians of agency and reduced their wartime

experiences to mere collateral consequences of insurgent tactics – a selective framing that made Tamil victimhood intelligible only through LTTE abuse.

In keeping with the LLRC's narrative, victims of alleged state violence were positioned in a way that absolved security forces from culpability over systematic war crimes. Whilst the Commission did acknowledge the possibility of violations by the army, this recognition came with important caveats. The report repeatedly softened allegations of state violence, claiming that "war crimes may have been committed", but framed any potential victims of these "incidents" as subjects whose experiences required "independent judicial inquiry" before any moral or legal judgement could be made (Ibid: xxv-xxvi, 102). This positioning delayed the recognition of their suffering and placed it outside the Commission's immediate remit. Unlike the unambiguous recognition of victims of LTTE abuses, these individuals were neither fully acknowledged nor fully erased.

Another way in which the narrative of state discipline and benevolence emerged was through the subject positioning of the armed forces. The Commission's victim narrative framed the military as protectors and rescuers, whose actions were driven by the virtuous duty of liberating Tamil civilians from "the control of the LTTE" (Ibid.: 61). Allegations of misconduct were repeatedly treated as "incidents" (Ibid.: xxv), with blame attributed to individual actors rather than institutional or systemic failures. According to the Commission, there were "credible allegations, which if proved to the required standard, may show that some members of the armed forces committed (…) war crimes giving rise to individual criminal responsibility" (Ibid.: xxv). The weak admission that some war crimes may have been committed by individual members

of the armed forces sustained a 'rotten apples' account of state responsibility, in which the institution itself remained untainted. The report's conclusion that "the vast majority of civilians under LTTE control were in fact saved" (Ibid.: 61) bolstered the positioning of the state as a saviour of Tamil civilians, who were reabsorbed into the protection of the state as rescued hostages.

The LTTE's positioning, too, presents the insurgency as a malicious and deceitful entity that deliberately inflicted both direct and indirect harm on civilians. As argued above, the LTTE is depicted as operating with complete disregard for civilian life – systematically endangering civilians and violating their rights. Importantly, the LTTE is also held responsible for civilian deaths caused by the actions of security forces. The report claims that the LTTE shelled civilian hostages "in order that the LTTE might assign those deaths to the SLA for media purposes to provoke international humanitarian intervention", and "plac[ed] their heavy weaponry amid civilians making it inevitable that there would be civilian casualties" (Ibid.). This discursive move displaced blame for contested wartime atrocities away from the state and onto the insurgency, consolidating the Commission's representation of the LTTE as primarily responsible for abuses.

Office for National Unity and Reconciliation (2015)

Genealogy

Presupposition Analysis

The narrative of victimhood constructed by ONUR was built around the presupposition that ethnic and religious diversity was not a threat to national unity, but a strength to be celebrated. From its inception, ONUR framed Sri Lanka's multi-ethnic, multi-religious, and multi-lingual society as an asset rather than a source of division. The Office's vision was one where "all Sri Lankans co-exist in harmony and unity, as common repositories of our historical heritage which encourages inclusivity through a shared identity whilst diversity is respected and celebrated" (ONUR, n.d.a). It also sought to "promote and catalyze a multi-stakeholder effort to create a society that respects fundamental rights, freedom, and rule of law, social obligations, mutual respect, non-discrimination, equity and diversity" (Ibid.).

This narrative assumed that the conflict's origins lie in political exclusion and the state's historical failure to distribute political and economic power evenly. The 2017 Policy developed by ONUR asserted that "at the heart of the problem is the lack of an acceptable arrangement of shared political authority satisfactory to all communities", which manifested over time in "discontent and violence" (ONUR, 2017: 37). The policy also acknowledged "the lack of equal access to opportunity" across education, employment, and justice as a major source of discontent (Ibid.).

The Office presupposed the grave impact of the conflict on Sri Lanka's communities and livelihoods, as well as the structural conditions that gave rise to violence. It recognised the "suffering, damage and detriment caused to the lives, dignity and security of all citizens of Sri

Lanka", as well as the "breakdown in relations and trust (…) between and within communities" (Ibid.: 37). Its understanding of victimhood was expansive, including "female heads of households, war widows, survivors of sexual and gender-based violence, children and youth, internally and externally displaced communities, families of the missing and disappeared, families of ex-combatants and soldiers and differently-abled and resettled communities" (Ibid.: 42). The Office saw the need to "encourage the participation of formerly marginalized groups in decision-making as well as their access to opportunities and services" (Ibid.: 41). This presupposed a rejection of narrow, ethnicised victim categories and acknowledged that harm was widespread across society.

Moreover, suffering was assumed to extend far beyond direct violence, encompassing the breakdown of social trust, dignity, and access to rights and opportunities. The Office understood social cohesion as the presence of "strong social relations", "a shared vision for the future", and equitable access to opportunities (ONUR, 2023f: 3). This framing presupposed that the denial of socio-economic rights also constituted a form of victimhood. Accordingly, ONUR set out an agenda to "address the grievances and aspirations of all communities", whilst simultaneously prompting a process of healing "individually for victims of conflict and violence, and collectively at the level of communities and societies that have suffered" (Ibid.: 38-39). This translated into a series of peacebuilding initiatives around psychosocial support (ONUR, n.d.b); artistic and cultural expression (ONUR, n.d.c); resettlement of the displaced (ONUR, n.d.d); and development projects in war-torn areas. The latter, implemented as "affirmative action programs for the marginalized" (ONUR, 2017: 47), sought to fulfil the socio-economic and cultural rights of affected communities.

Although ONUR's criteria for recognising victims was – on paper – not restricted to ethnicity, location, or time period of harm, it appears that its development programmes have only been executed in Tamil-majority provinces. In these regions, normal life was "severely affected due to the 30-year long conflict", and "livelihood and other income generation activities were also disrupted and destroyed" (ONUR, n.d.d). ONUR worked in these districts to develop and promote "existing and new income generation activities and restoration and improvement of infrastructure related to health, community water, minor irrigation systems and education" (Ibid.). This presupposed that victims were predominantly concentrated in these regions, carrying key assumptions about who was considered to have experienced harm, and who the targets of reconciliation efforts were. Whilst this focus did recognise the disproportionate impact of conflict on Tamil-majority areas, it also reproduced a state-centric framing in which minorities were identified as subjects to be reconciled, whereas majority communities were constructed as agents of reconciliation.

Lastly, ONUR's victim narrative framed reconciliation as a project to construct a shared national identity. The Office's objective was to "guide Sri Lanka into the future as a country in which diversity and inclusion are inculcated as national values", emphasising the importance of "building the notion of Sri Lankan nationhood to foster a stronger sense of togetherness for all Sri Lankans" (ONUR, 2017: 35-36, 41). This presupposed that reconciliation required the integration – indeed, assimilation – of minority identities into a singular identity, rather than the renegotiation of state structures or recognition of plural sovereignties. Accordingly, many of ONUR's initiatives have sought to celebrate religious and cultural diversity. The Office

organised a Ramadan dinner in Colombo in March 2024 with Buddhist, Hindu, Muslim, and Christian leaders (ONUR, 2024a); a cultural exchange programme in Trincomalee in June 2023 (ONUR, 2023a), a Thaipongal Festival in January 2024 to improve "unity and harmony among all races" (ONUR, 2024b); and a Christmas celebration in Weligama (ONUR, 2023b). The Office's victim narrative was thus embedded in a wider nation-building project, where all sectors of society bore equal responsibility for healing wartime wounds.

Predicate Analysis

The descriptive language deployed by ONUR across its policies and public communications recognised victims' suffering and resilience. Terms tied to descriptions of victims included "marginalized", "isolated", and "vulnerable", but language was also used to convey dignity and agency, such as "resilient", "empowered", "ownership" and "active participation" (ONUR, 2017: 42-44; 2023*f*: 6, 17-18). These choices framed victims as individuals and groups with the capacity to contribute meaningfully to national healing and social transformation, and not just as passive sufferers. Its language ascribed moral worth and future-oriented agency to victims.

Meanwhile, responsibility for harm was described in structural terms, with constant references to "discriminatory", "exclusion[ary]" and "unequal" systems (ONUR, 2017: 45; 2023*f*: 13, 24). The state's historical failures created conditions of "political tension" and "inequity" that resulted in a "protracted armed conflict" (Ibid.: 14, ONUR, 2017: 37). This absence of adversarial or punitive language suggests that the Office sought to avoid the question of responsibility for rights violations altogether, and instead pointed to systems oppression as the

root causes of conflict. By this account, the state was described as a corrective actor, committed to facilitating reconciliation processes and empowering vulnerable populations. The verbs "assist", "guide", "facilitate", "support", and "empower" were used consistently across ONUR's policies and strategic plans to describe the state's role in reconciliation (ONUR, 2024c: 2-10; 2017: 44; 2023f: 18). These choices depicted the state as a constructive, enabling actor – the main convenor of a whole-of-society, participatory process aimed at building social cohesion.

Finally, the language employed to describe cultural and religious diversity portrayed it as a source of richness. Diversity was characterised as something to be "celebrated", "respected", "valued", and "appreciated" (ONUR, n.d.a; 2023f: 16). The Office also described diversity as something requiring active cultivation by both state and society. It called for "strengthening" understanding on unity in diversity, "promoting" inclusive citizenship, and "actively encourag[ing]" the participation of formerly marginalised groups to fix pluralism at the heart of social cohesion and nationhood (ONUR, 2017: 41; 2023f: 7, 18). In ONUR's narrative, diversity was not simply tolerated – it was valorised as a cornerstone of Sri Lanka's social fabric and national identity.

Subject Positioning

ONUR's narrative positioned victims as subjects of rights and active agents of reconciliation. The Office recognised the right of victims to "participation in decision-making structures, as necessary partners to reconciliation and coexistence processes" and to "equal access to

opportunities and services" (ONUR, 2017: 37, 41). Victims were infused with meaning not just by their experience of harm, but by their potential to shape "social change and non-recurrence of violence" (ONUR, 2023f: 13). The subject position assigned to them was not static or passive. Instead, all victims of conflict were cast as social actors whose perspectives and agency are essential to national reconciliation – key "change agents" in the design and implementation of social cohesion activities (Ibid.: 22). This positioned all Sri Lankans as legitimate victims of conflict, regardless of ethnicity or political affiliation.

As mentioned above, the state was positioned as an enabler of victim agency and social inclusion. Across ONUR's policy and legal frameworks, the state was granted a primary role in facilitating reconciliation and ensuring non-recurrence (ONUR, 2024c; 2, 10; 2017: 44; n.d.a). It did so without framing the state as a perpetrator of violence nor a saviour. Rather, the state was positioned as the necessary agent for convening and enabling a participatory reconciliation process, working alongside victims, communities, and civil society to rebuild societal trust and cohesion. This bolstered a narrative of reconciliation 'from below', where the state was tasked with ensuring coherence among stakeholders and aligning national policies with the needs and aspirations of marginalised groups (ONUR, 2023f: 3, 6).

Perpetrators were largely absent as discrete subjects in ONUR's narrative. Rather, responsibility for harm was attributed to systemic and institutional forces, including political exclusion, socio-political and economic inequities, and the state's historical failures. No individual actors or communities were construed as guilty of wrongdoing. This absence reflected ONUR's discursive strategy to avoid replicating divisions based on blame or assigning personalised

culpability. The implication was to position the causes of violence within structures that could be reformed collectively, rather than within individuals or groups.

Office on Missing Persons (2016) and Office for Reparations (2018)

Genealogy

Presupposition Analysis

The mandates of the OMP and OfR presupposed the existence of long-standing, systemic harms caused by cycles of conflict, political unrest, civil disturbances, and enforced disappearances. At the core of both mechanisms was the assumption that these harms affected individuals and families across all communities, time periods, and geographic regions. The OMP defined a missing person as

> a person whose fate or whereabouts are reasonably believed to be unknown and such person is reasonably believed to be unaccounted for and missing in connection with the conflict, political unrest or civil disturbances or as a result of an enforced disappearance (OMP, 2020a).

Similarly, the OfR presupposed an expansive understanding of victimhood that encompassed death, injury, property damage, displacement, and psychosocial harm. It defined 'aggrieved persons' as "persons who have suffered damage as a result of loss of life or damage to their person or property", as well as their spouses, children, parents, siblings, parents- and siblings-in-law, grandchildren, and grandparents (GoSL, 2018: 22–24). The OfR's victim narrative was anchored in "the rights of all Sri Lankans to an effective remedy" for the country's violent history (Ibid.: 1). Yet, the Office also acknowledged that "needs of the victims will differ from

victim to victim, region to region, circumstance to circumstance", and that reparation schemes ought to respond to victims' "individual needs and conditions", as well as the "seriousness" and "impact" of the victimising act (OfR, 2021a: 9). The need to provide "special measures for vulnerable aggrieved persons including women, children, and persons with disabilities" was consistently emphasised (Ibid.: 9; OfR, 2024a; GoSL, 2018: 11).

Both institutions presupposed that earlier TJ mechanisms had failed to provide adequate recognition or redress to conflict-affected populations. The OMP acknowledged that "previous mechanisms were unable to provide answers to the many thousands of families searching for their loved ones", mainly due to their "limited mandates" (OMP, 2020b). Temporally and spatially, the mandates of both Offices encompassed a wide range of conflict episodes and forms of harm, revealing an understanding of victimhood that was not confined to the armed conflict or "limited by region, community or period" (OMP, 2020c). Their victim narratives encompassed a greater range of conflict episodes than any preceding TJ mechanism, including the conflict in the North-East and its aftermath; incidents related to "political unrest or civil disturbances", such as the JVP's "insurrections in the South"; and instances of enforced disappearances (GoSL, 2016: 21; GoSL, 2018: 22). Like the OfR, the OMP also accounted for several relatives of the disappeared, including their spouse, children, parents, parents-in-law, siblings (full or half), grandchildren, and grandparents (GoSL, 2016: 21-22). In both cases, the mandates presupposed a continuity of violence across time and space, and a corresponding need for the state to address its consequences.

Although the OfR's criteria to provide reparations was notably broad and inclusive, its recognition of victims remained circumscribed by the stigma of 'terrorism'. As part of its reparations policy, the Office required that family members seeking compensation for a missing person submit a "letter certifying that deceased person was not involved in terrorist activities" (OfR, 2024d). Although the term 'terrorism' was not defined, it revealed an underlying assumption that individuals associated with insurgent or separatist movements fell outside the normative or legal domain of legitimate victimhood. This exclusion was also visible in the OfR's policy on memorialisation, which supported commemorative practices such as

> dedicating a public space such as a park to all lives lost during the entire conflict without distinction or to all those who lost their lives in a particular incident such as the Easter Sunday Attack (…), excluding the commemoration in any manner of terrorists or separatists (OfR, 2021a: 24-25).

Predicate Analysis

The OMP and OfR rarely applied descriptive language to represent victims and perpetrators. Rather, its predicates functioned to affirm a technocratic and depoliticised approach to harm, and to portray the state as a neutral provider of redress. The OMP's work, for instance, was described as one of "searching" and "tracing", as well as to "clarify", "safeguard", and "protect" (OMP, 2023: 2-4; OMP, 2022: 11; OMP, 2020: 4). Its mandate and reports referred to the Office's duty to "collate" data, "verify" complaints, and "document" cases, all of which demonstrated a bureaucratic commitment to information production and procedural recognition (Ibid.: 8; OMP, 2023: 13; OMP, 2020: 8). To illustrate, its reports highlighted the entity's role in "receiving and recording complaints" and "expediting the issuance of Certificates of Absence" (OMP, 2018: 6, 14; OMP, 2019: 7). This shows that the OMP's language situated

victimhood in bureaucratic processes and official documentation – in detachment from processes of political and historical reckoning.

Although the OfR also deployed descriptors to demonstrate bureaucratic responsiveness, its language reflected an institutional focus on empowering and rehabilitating beneficiaries of reparations. Beyond its mandated tasks to "identify" aggrieved persons for reparations and "provide" individual and collective payments, the OfR's narrative was marked by active verbs, such as "train", "empower", "equip", "strengthen", "rehabilitate", and "capacitate" aggrieved individuals and communities (GoSL, 2018: 1; OfR, 2023b: 1; OfR, 2022: 7-8; OfR, 2023a: 11). These terms brought the OfR's work closer to welfare and developmental state practices, placing its activities within a framework of social and economic redress. Accordingly, the Office's reparation scheme went beyond monetary payments to include training and education, loans, welfare services, psychosocial support, land and housing restitution, memorialisation, and infrastructure development in affected areas (GoSL, 2018: 23-24). Between 2022 and 2024, the Office piloted at least thirteen "economic empowerment" initiatives across Sri Lanka, most of them with internally displaced women or female-headed families with a missing relative (OfR, 2024*b*; OfR, 2023a; OfR, 2022).

Predicates also helped the OMP and OfR portray the state and its institutions – including TJ mechanisms – as neutral providers of redress to victims. Both Offices attributed a benevolent and active role to the state in the pursuit of truth and justice, using the verbs "facilitate", "collaborate", and "support" (OfR, 2021b: 2-3; OfR, 2022: 2; OMP, 2023: 7, 14; OMP, 2021: 75, 89; OMP, 2020: 25). In the OfR's discourse, the state was recast as a well-meaning

developmental agent, tasked with helping vulnerable communities to "rebuild" and "restore" their lives through livelihood initiatives and psychosocial interventions (Ibid.: 9; OfR, 2025). The use of this language served to depict the state as a technocratic and humanitarian actor – one that could respond to victims' needs without assuming responsibility for their suffering.

Subject Positioning

In the OMP's narrative, victims were primarily constructed as relatives of the disappeared, whose suffering was consistently emphasised through uncertainty and loss. Although these subjects were positioned as rights bearers entitled to truth and recognition, their agency was restricted as mere beneficiaries of a state-led and managed process. The subjectivity of these victims was configured through familial ties – they were spouses, parents, children, siblings, grandparents, and grandchildren of the disappeared – rather than through shared political or ethnic identity. The Office regularly spotlighted the "many thousands of people belonging to all communities [who] were disappeared over several decades" (OMP, 2018: 17). In an unprecedented effort to centralise information on disappearances, the OMP produced a list of missing people based on complaints received since 2016. The list contained the name of the missing person, the date they went missing, and the district in which they last resided (OMP, n.d.). Victims were classified according to geographical location, with victims in each of the 25 districts of Sri Lanka, and a separate category for personnel of the Armed Forces who went missing in action (Ibid.).

Yet, there was little additional information to identify who 'the victims' were in the OMP's account. The Office provided no details on ethnicity, political views, or suspected or actual perpetrator. This omission contributed to the depoliticisation of victimhood, presenting victims as a universal and generic category – disconnected from the political, ethnic, or structural contexts of their suffering. Since 2018, the OMP has held public meetings with thousands of relatives of the disappeared and supported the exhumation of numerous mass graves (OMP, 2018: 5; OMP, 2019: 19-20; OMP, 2024a). Although the overwhelming majority of these activities were concentrated in Tamil-majority areas, the Office did not acknowledge the ethnic or regional significance of this geographic focus.

The OfR constructed a more diverse victim identity. It included individuals who suffered harm to life, body, property, or livelihood, as well as relatives of those who were killed or disappeared (GoSL, 2018: 22–24). The OfR's guidelines articulated a subject that was socially and economically vulnerable – displaced women, ex-combatants, the disabled, elderly, and low-income families – and in need of rehabilitation. Whilst its work was premised on fulfilling "the rights of all Sri Lankans to an effective remedy" (GoSL, 2018: 1), reparations were tied to the severity of the victimising act (OfR, 2021a: 9). This produced a hierarchy of victimhood based on technocratic assessments of harm and vulnerability. Female-headed households and internally displaced women, in particular, were often presented as ideal victims, whose suffering validated the institution's humanitarian mandate (OfR, 2023a; 4-6; OfR, 2024b). Victims were thus positioned as passive recipients of socio-economic support and psychosocial assistance, and their participation in the discourse shaped through their needs and eligibility to livelihood schemes – not through their agency or voice. And, although there is evidence that payments

have been granted to thousands of individuals, recipients remain unidentified (OfR, 2024b; OfR, 2023a). The only exception to this anonymity was a victims' fund established exclusively for victims of the 2019 Easter Sunday attack (OfR, 2024c).

Moreover, both Offices produced absent and excluded subjects – the most apparent of these being the OfR's rejection of individuals associated with terrorism and separatism. In doing so, the OfR distinguished between 'deserving' and 'undeserving' victims, positioning the latter outside the borders of state recognition and commemoration. Whilst the OMP did not explicitly exclude individuals on political grounds, the absence of political or ethnic identities in its account of disappearances depoliticised victimhood – supporting the Office's construction of an inclusive but value neutral narrative of harm. Crucially, both mechanisms eschewed any reference to perpetrators or responsibility for violations. This omission is unsurprising given the humanitarian mandates of the OMP and OfR, but nonetheless buttressed an ideal of TJ in which harm could be acknowledged without attribution, and accountability was rendered irrelevant to recognition and redress.

As argued above, the state was consistently positioned as a responsive, apolitical guarantor of victims' rights. The OMP portrayed it as a coordinator of information, an intermediary with legal actors, and an observer of exhumations (OMP, 2022: 72; OMP, 2023: iii). Similarly, the OfR framed the state as a provider of reparations and development support, responsible for granting reparation payments and implementing livelihood and psychosocial programmes (OfR, 2023a: 4-6; OfR, 2024b). Together, these roles constructed an image of the state as a

humanitarian actor responding to harms for which it bore no responsibility. Neither mechanism positioned the state or its security forces as potential perpetrators or accountable agents.

Appendix D: Full Genealogical Analyses – Colombia

Justice and Peace Law (2005)

Genealogy

Presupposition Analysis

A core presupposition of the JPL was that only those harmed as a result of crimes committed by illegal armed groups could be recognised as victims. The Law defined victims as persons who "individually or collectively have suffered direct harm such as transitory or permanent injuries that cause some type of physical, psychological and/or sensory (visual and/or hearing) disability, emotional suffering, financial loss or impairment of their fundamental rights" (Ley 975, 2005: 2). Crucially, it specified that "The damages must be the consequence of actions that have transgressed criminal legislation, carried out by organised illegal armed groups" (Ibid.). Also included in this definition were the partner and first-degree relatives of victims who were killed or reported missing (Ibid.). Members of the Colombian armed forces who suffered harm as a result of the actions of illegal armed groups were also considered victims, as were their spouses and first-degree relatives if they had been killed (Ibid.).

This restrictive and selective understanding of harm was centred on the perpetrator. It excluded experiences of violence committed by – or sponsored by – state actors, in addition to populations affected by more diffuse and indirect violence. Both the legal framework and the Chambers'

rulings obfuscated the role of state institutions in enabling or coordinating paramilitary violence – a notable omission against the backdrop of the extensive evidence of state-paramilitary collusion documented by civil society collectives, rights organisations, and international institutions (OHCHR, 2009a: 13-14; HRW, 2001b, 2008; MOVICE, 2005). Victims of paramilitary successor groups and of former members of illegal armed groups were also excluded. This logic was stabilised through the legal requirement that rights violations be attributed to individuals and interpreted through judicial processes.

Indeed, the JPL's foundational assumption was that violence was exceptional and constituted a deviation – not a condition – of state sovereignty in Colombia. The Chambers frequently accused non-state actors of "displacing state sovereignty" and "co-opting public functions" in certain regions (Salas de Justicia y Paz, 2022: 8). They also praised the state's counterinsurgency response, describing the Democratic Security policy as a necessary reassertion of the rule of law (Salas de Justicia y Paz, 2022: 8; 2016a: 7). The state was depicted as a passive agent that "retreated in the face of guerrilla advances" (Salas de Justicia y Paz, 2017a: 8). Importantly, the JPL was conceived as an instrument to "recover the institutionality of the rule of law", particularly in those areas where the state lacked a monopoly over violence (Ley 975, 2005: 11). These assumptions obscured the role of the state as an actor embedded in the structures of paramilitarism, framing its sovereignty as a victim of the territorial encroachment of armed groups and depicting organised violence as a public order disruption.

Even among recognised victims, hierarchies were introduced through the differential treatment of family members. Initially, only first-degree relatives of victims of murder or disappearance

were included in the JPL. In 2006, Colombia's Constitutional Court ruled that excluding non-immediate relatives was unconstitutional and amended the law to include other relatives that could prove "real, concrete, and specific harm" (Sentencia C-370, 2006: 16). Although this ruling widened the Law's narrative to include other relatives, it also created a stratified model of recognition where first-degree relatives were automatically presumed to have suffered, whilst other relatives had to demonstrate harm without any specified criteria for doing so.

These legal presuppositions were often accompanied by moral ones. Although formal recognition was not explicitly constrained by moral criteria, the Chambers' practices of victim representation consistently portrayed victims as innocent, honourable civilians – "uninvolved in the armed conflict" – whose suffering was unjustified precisely because they had no part in the violence (Salas de Justicia y Paz, 2020: 18). This framing extended into legal decisions, which purported to "restore the good name" of those who "were labelled as collaborators, supporters, or members of insurgent groups", and to "make clear that [victims] were civilians, honourable and hardworking people" (Ibid.: 19-20). Across rulings, victims were described as farmers, construction workers, students, teachers, and market vendors, which emphasised their civilian status and social rootedness (Salas de Justicia y Paz, 2017a: 17, 39). According to one verdict, because "none of the murdered individuals were proven to belong to any guerrilla group", "nothing justifies the killings perpetrated" and they must "be presented as barbarism and senseless violence" (Ibid.: 20). A 2014 ruling ordered the vindication of a woman killed by paramilitaries and labelled as an insurgent and drug trafficker in the press, affirming she was a "good and honest woman" (Salas de Justicia y Paz, 2015a: 11). Notably, no accounts of victimised members of the Colombian armed forces were identified in the Chambers' primary

sources, nor was information available about how many security personnel were recognised under the JPL. This suggests that the Chambers' narrative produced a hierarchy of victimhood in which blameless individuals detached from the conflict were more legible – and more grievable – than those with any form of involvement.

The Law also presupposed that truth could be produced through judicial procedures and confessions from perpetrators of the most serious crimes. The Law offered legal benefits to *postulados* – demobilised combatants – who delivered a "free version" of the "criminal acts committed on the occasion of their membership in these groups" to access legal benefits (Ley 975, 2005: 5). These testimonies were deemed credible when corroborated by the General Attorney's Office (Ibid.). The fact that the law was limited to perpetrators of most serious rights violations excluded the testimonies and accounts of nearly 25,000 paramilitaries who were not deemed most responsible for abuses. From this angle, truth became a commodity exchanged for reduced sentences, and violence was narrated only insofar as it conformed to legal procedures and standards. Uncorroborated or systemic forms of violence were excluded. The assumption underlying this discursive infrastructure was that truth was individual, verifiable, and transactional, whilst collective memories and accounts of institutional wrongdoing were outside the legal and epistemic boundaries the process.

Crucially, the Law presupposed that the violence of illegal armed groups was apolitical. In addition to centring the experiences of innocent victims uninvolved in the conflict, Colombia's Supreme Court ruled in 2007 that paramilitary crimes could not be treated as political offences, and could therefore not be subject to amnesties (Corte Suprema de Justicia, 2007). Whilst this

move prevented impunity for certain crimes, it also fostered a narrative that paramilitary violence was not a manifestation of counterinsurgent statecraft, but a criminal deviation driven by profit-seeking. At its core, the JPL was not designed to dismantle the complex criminal and financial structures of paramilitary violence, nor to interrogate their political and economic networks of support. The Supreme Court ruling thus supported the Law's refusal to situate paramilitarism within Colombia's broader political economy of violence, and helped fix perpetrators as deviant individuals rather than as components of a wider political project that implicated the state.

Lastly, the Law's treatment of ambiguous victim subjectivities reflected an assumption that victim and perpetrator were mutually exclusive categories. Children forcibly recruited into armed groups were recognised as victims only until they turned 18, after which they were subject to criminal liability that would wholly bar them from being recognised as victims, including for their recruitment as children (Salas de Justicia y Paz, 2018: 27). The experiences of women combatants who suffered sexual violence or forced abortion within armed groups were occasionally acknowledged, but these women were construed as "victims of their own condition" (Salas de Justicia y Paz, 2020: 22) – implying that their suffering was self-inflicted through their choice to join an illegal group. These examples reveal that the JPL was built on a clear-cut distinction between innocent victims and guilty perpetrators, which left no space for complex identities that transcended this binary.

Predicate Analysis

Through its use of language, the JPL constructed a victim narrative grounded in the brutality of perpetrators and the innocence of victims. Descriptors of victims portrayed them as passive and "vulnerable" recipients of violence, including through terms such as "snatched away", "stripped", and "rendered defenceless" (Salas de Justicia y Paz, 2017a: 21; 2019: 32; 2022: 4, 28). These verbs narrated harm as brutal and undeserved. Adjectives including "honourable" and "hardworking" represented victims as morally righteous civilians, detached from the violence and rooted in community life (Salas de Justicia y Paz, 2020: 20). These terms elevated the figure of the virtuous, blameless victim, harmed in "arbitrary, absurd, and despicable" ways by illegal armed groups (Salas de Justicia y Paz, 2018: 379).

Perpetrators, for their part, were depicted as inhumane agents of calculated and systematic violence. The Chambers described the actions of paramilitary actors – and of guerrilla groups to a lesser extent – using language designed to emphasise cruelty and excess, including descriptors of the "ferocity" of their actions and their "barbaric" strategies "sustained by terror" (Salas de Justicia y Paz, 2017a: 2; 2017b: 4; 2022: 7). Their violence was said to affect not only individual victims but "society as a whole" (Salas de Justicia y Paz, 2021: 6). Emotionally charged terms such as "bloodthirsty violence", "massacre", "exterminate", and "dismembered people while they were still alive" amplified the cruelty and dehumanisation attributed to their crimes (Salas de Justicia y Paz, 2016a: 50; 2016b: 4; 2017: 18, 37; 2020: 18). One ruling showed how paramilitaries "tied the bodies of civilians groundlessly accused of collaborating with the guerrilla with barbed wire, and threw them into a hole dug in the ground, until they bled to death

from the lacerations caused" (Salas de Justicia y Paz, 2016a: 49). These accounts framed paramilitary violence as "oriented towards executing crimes with the greatest possible cruelty to create terror in the population" (Ministerio de Justicia, 2015a: 20). In so doing, the Chambers stripped perpetrators of ideological or strategic agency, portraying them instead as monstrous and deviant.

Yet, these portrayals of irrational and excessive violence were tempered by the language of regret and redemption. Perpetrators who complied with the JPL's procedures were described as having "confessed their acts and assumed responsibility", "accepted the charges", "asked forgiveness from the victims for the harm caused", and "contributed to turning the page on past violations" (Salas de Justicia y Paz, 2017a: 25; 2017b: 13, 17; Ministerio de Justicia, 2015a: 44). This vocabulary buttressed a narrative in which perpetrators were not intrinsically unredeemable but could be morally rehabilitated by performing remorse. As one perpetrator stated in a public hearing, "I have stood face to face with Mrs. Teresita Gaviria (...) I have been able to tell her that yes, I made a mistake, but I want society to give me an opportunity" (Salas de Justicia y Paz, 2013: 3). Accountability thus became less about exposing networks of violence than about individual redemption. This use of language, too, contributed to reframing violence as a moral deviance that could be forgiven, rather than as a political project that required addressing at a deeper level.

The language used to describe victims' participation in the hearings portrayed them as active agents of memory and repair. Verbs such as "clarify", "formulate", "request", and "vindicate" were used to describe their speech acts in the courtroom, suggesting that they played an

important role in shaping the historical and legal record (Salas de Justicia y Paz, 2015a: 11; 2017b: 12, 16). Victims were consistently praised for their "resilience", as well as for "their capacity to endure pain", "their strength to move forward", and "their fortitude to face the future with dignity" (Salas de Justicia y Paz, 2013: 1; 2018: 356). The Chambers' language represented victims as emblematic of civic strength – individuals whose suffering gave meaning to the justice process, and whose perseverance paved the way to collective repair.

State actors and institutions, particularly the Chambers themselves, were depicted using terms that naturalised their authority and benevolence. The Chambers were said to "join with victims in their cry of Never Again", "participate in the search for tools that allow the reconstruction of their social and organizational fabric", and "allow those affected to recover (...) what legally belongs to them" (Salas de Justicia y Paz, 2014: 30; 2022: 10). The Law itself purported to "recover and promote the rights of citizens affected by acts of violence" and to "recognize and dignify victims" (Ley 975, 2005: 11). This language elevated the judiciary to the role of moral caretaker, capable of healing societal wounds through legal processes. Far from confronting the state's role in the violence, this language cast it as an administrator of justice without being subject to it.

Subject Positioning

By 2025, the Chambers had recognised over 255,000 victims, of whom 42,000 were direct victims – most having suffered forced displacement, murder, or enforced disappearance (Salas de Justicia y Paz, 2025; Murcia and Moreno, 2025). Though this was not a legal requirement

for recognition, the Chambers' proceedings positioned victims in a way that combined innocence, grief, and civic virtue. As shown above, individuals were overwhelmingly framed as honourable and detached from conflict dynamics. Even though members of the Colombian armed forces were entitled to legal recognition as victims, they were absent from the Chambers' practices of victim representation, and the only subjects implicated in violence recognised as victims were recruited children – though only until they turned 18.

Moreover, in both the legal text and the Chambers' proceedings, victims were frequently represented in terms of familial relationships, particularly when seeking justice for a disappeared person (Ley 975, 2005: 2; Salas de Justicia y Paz, 2015a: 11; 2017b: 3). Several accounts emphasised how "families disintegrated" as a result of victimising acts, and perpetrators regularly issued apologies to family members "for the harm caused to all these families" (Salas de Justicia y Paz, 2015b: 6; 2017b: 16). This emphasised the impact of violence in victims' wider family and community environment of direct and indirect victims, who "suffered a marked uprooting in their family, social, educational, and cultural aspects" as a result of the harm experienced (Salas de Justicia y Paz, 2020: 18).

Certain victim identities were given greater visibility than others in the proceedings. School and university students, for instance, were portrayed as emblematic victims, and repeatedly described by their academic year or degree programme – "fifth-semester Agriculture student" or "students from Our Lady of the Rosary School" (Salas de Justicia y Paz, 2014: 14; 2017a: 45). The harm experienced by students – usually death or recruitment into armed groups – emphasised the disruption of educational and community life, framing their experience of

violence as a rupture in their social and academic networks and in their "life project" itself (Salas de Justicia y Paz, 2017a: 55; 2018: 413-414). These portrayals positioned students as symbols of national promise – young and socially embedded subjects whose loss or recruitment supported the narrative of senseless violence inflicted by illegal armed groups on society as a whole.

Likewise, the Chambers recognised over 5,000 perpetrators as responsible for nearly 20,000 acts of violence. The vast majority were members of paramilitary groups (86%), with smaller numbers from the FARC (10%) and ELN (3%) (Murcia and Moreno, 2025). Irrespective of their armed group affiliation, perpetrators were consistently positioned as deviant individuals responsible for brutal and dehumanising violence. In one case, the Chamber described how victims of the paramilitaries were "forced to dig a hole, they were shot multiple times [...] then their bodies were cut and opened from the genital area to the upper extremities" (Salas de Justicia y Paz, 2021: 9).

Despite the cruelty of their violence, perpetrators were not constructed as irredeemable figures. Through compliance with the procedural demands of the Law, perpetrators were offered reduced and alternative sentences and the possibility of societal reintegration. The Law – aided by the 2007 Supreme Court ruling – did not grant them voice as political actors, nor did it situate them within institutionalised systems of violence. Rather, they were positioned as individual wrongdoers who could be morally and legally rehabilitated if they complied with the Law's terms. This subject position stripped violence of its political content, and reduced accountability to a question of legal cooperation.

This architecture of recognition was reinforced by the Law's near-complete erasure of paramilitarism's political function. Although some of the Chambers' documented cases referenced relationships between armed groups, corporate actors, and local officials (Salas de Justicia y Paz, 2014: 12; 2017a: 2, 32, 51; Ministerio de Justicia, 2015a: 21), the JPL's procedures were not designed to pursue these disclosures. The Law positioned violence as deviance, not policy or institutionalised practice. This construction silenced the systemic nature of Colombia's counterinsurgency apparatus and insulated the state from historical accountability.

The Colombian state was positioned as both victim and provider of justice, but never as a perpetrator or enabler of violence. As discussed above, the JPL did not only depict the state – including state sovereignty – as a victim of illegal armed groups, but it also positioned it as a benevolent agent tasked with promoting victims' interests and dignity. Victims who thanked state institutions for their "accompaniment" were frequently spotlighted (Salas de Justicia y Paz, 2017b: 17). Conversely, questions of state responsibility were absent from the Chambers' narrative, and confessions of state-paramilitary collusion, though recorded, were continually eluded as outside its legal remit (Salas de Justicia y Paz, 2014: 12; Ministerio de Justicia, 2015a: 19). Interestingly, even though the Chambers recognised that children were killed in combat by state forces, responsibility was attributed to the illegal armed group that recruited them (Salas de Justicia y Paz, 2017a: 49-51). In one case, a former FARC combatant was found responsible for the death of children killed in combat by the armed forces, as they were "placed in danger and thereby causing their death" (Salas de Justicia y Paz, 2022: 28). The state's positioning in

the JPL's discursive architecture removed it as a party to the conflict and framed it instead as a legal and moral restorer of order, tasked with presiding over justice and fulfilling victims' rights.

Law 1424 of 2010 (2010)

Genealogy

This genealogy examines how Law 1424 constructed a narrative of legitimate victimhood through its legal text and operational design. Although the Law gave rise to a body of reports based on the testimonies of demobilised combatants, produced after 2014 by the CNMH, these outputs fall outside the scope of the analysis. Instead, the genealogy is restricted to the discursive framework of the legal text and its implementation. In contrast to the JPL, whose truth-seeking function was primarily judicial, Law 1424 operationalised a non-judicial model of historical clarification centred on 'Truth Agreements'. However, the aim here is not to assess the later narrative outputs of these Agreements, but rather to trace how the Law's narrative architecture defined who counted as a victim, what counted as truth, and how justice was conceived in the absence of criminal accountability.

Presupposition Analysis

Law 1424 carried forward the discursive foundations laid by the JPL, reproducing its core presuppositions around victimhood, violence, and the institutional pursuit of truth. Its stated objective was to "enact transitional justice provisions that guarantee truth, justice and reparation to the victims of demobilised members of groups operating outside the law" (Ley 1424, 2010:

1), which explicitly reaffirmed the JPL's exclusions and its narrow definition of harm. As an extension of the Justice and Peace framework, the Law treated victimhood as a settled and uncontested category, defined narrowly in relation to the violence of illegal armed actors. Across the legal text and other primary sources associated with the Law's implementation, victims appeared only as abstract referents to whom truth and reparation are owed, but whose voices and experiences were procedurally absent.

Another core presupposition of the Law is that only certain subjects and conducts fell within its remit of legal accountability. It applied to demobilised members of illegal armed groups who committed "only" a narrow set of crimes: conspiracy to commit a crime (simple or aggravated), illegal use of uniforms and insignias, unauthorised possession of firearms, and illegal use of communications equipment – acts that must have been perpetrated "as a consequence of their membership" to illegal armed groups (Ibid.). The legal framing of these offences treated them as expressions of group membership or logistical support, rather than as acts that generated identifiable victims. This reclassified violence as organisational behaviour and invisibilised experiences of harm from the Law's account of paramilitary violence. As the Colombian Reintegration Agency (ACR) – one of the Law's implementing agencies – explained, "the crimes contemplated by the Law do not involve identifiable victims (due to their abstract nature)" (ACR, 2015a: 18). This assumption redefined harm through its legibility to legal categories rather than through victims' lived experience.

A further presupposition of Law 1424 was that truth could be produced outside judicial processes, and that this truth held sufficient weight despite being legally inadmissible. The Law

established a “non-judicial mechanism for contributing to truth and historical memory”, tasked with collecting, systematising, and preserving information arising from the Truth Agreements. Crucially, the Law specified that the information provided by demobilised combatants to this mechanism “may not, under any circumstances, be used as evidence in a judicial proceeding” (Ley 1424, 2010: 1). This limitation was not framed as a weakness but as a design feature, presupposing that the production of truth did not require public scrutiny or cross-examination. It constructed justice and truth as objectives that could be achieved – indeed, performed – bureaucratically by non-judicial confession, rather than contested or deliberated. What emerged was a depoliticised and non-adversarial model of historical clarification in which perpetrators could provide unverified accounts of violence that nonetheless became institutionalised as historical record.

In this process of truth production, victims were fundamentally marginal. Although the Law hinted at participatory ideals, stating that implementation “shall guarantee the principle of victim participation with a gender perspective and the rights of women” (Ibid.: 2), it did not include any procedural requirement to incorporate victim testimony into the clarification of truth, nor did it create mechanisms to verify or contest perpetrators’ accounts. This reflected an underlying assumption that truth about past violence could be produced without victims. Implementation guidelines described the Law as relying primarily on individual interviews with demobilised combatants (ACR, 2015b: 56), with no mention of input from affected communities. Victims were presumed to be present only in moral terms, as the passive beneficiaries of a process aimed at fulfilling what was described as “the right held by victims – on an individual level – and by society as a whole – on a collective level – to know and make

known the truth about the violent events of the past, the circumstances in which they occurred, as well as their causes and consequences" (Ibid.: 11). Yet, this truth was shaped entirely by state institutions and the self-narration of perpetrators.

A final presupposition is that the procedural production of truth by perpetrators could contribute to non-repetition, even in the absence of formal accountability or participatory justice. Procedural compliance with the reintegration process was based on truth-telling, community service acts, avoiding new offences, and "good conduct" (Ibid.: 2-3). These were assumed to be reparative acts in themselves, and nowhere was the sufficiency of these actions interrogated. Although the Law included a clause requiring perpetrators to provide individual reparations to victims, this obligation applied only to the specific offences covered under the Law and was waived in cases of demonstrated economic incapacity (Ibid:). Paradoxically, the crimes in question – such as illegal use of uniforms, unauthorised possession of firearms, or the use of communications equipment – were described in implementation documents as "abstract in nature" and assumed not to produce "identifiable victims" (ACR, 2015a: 18). The Law nonetheless framed its contribution towards "overcoming inequality and reparation" (Ley 1424, 2010: 1). This suggests that the reparative dimension was included primarily to display alignment with international norms and standards of justice, rather than to be implemented in any meaningful way. Under this model, truth-telling became a substitute for other forms of justice, and the act of historical reconstruction was presumed to fulfil the Law's aims of reparation and non-repetition.

Predicate Analysis

Primary sources associated with Law 1424 deployed language that humanised perpetrators of violence and emphasised their capacity for reform and societal reintegration. The demobilised individual – labelled as *condenado* (convicted person) – was expected to "express their commitment to the process of reintegration into society", "contribute to the clarification" of truth, and "fully repair the harm caused" (Ley 1424, 2010: 2). The fulfilment of these tasks and behaviours was the evidentiary basis for demobilised combatants to access the Law's legal benefits – namely, the suspension and eventual termination of the judicial penalty following the completion of the reintegration process. As such, perpetrators were not judged according to the harm they inflicted but to the degree to which they met the Law's judicial conditions for reinsertion. This redefinition was made explicit in the requirements for the suspension of arrest warrants: the individual must "carry out community service activities", "not have been convicted of wilful offences" post-demobilisation, and "demonstrate good conduct within the framework of the reintegration process" (Ibid.: 2-3). These predicates helped ground justice primarily on the performance of civility.

On the other hand, victims were largely absent from the semantic structure of the Law and its associated primary sources. When victims did feature, they were generalised and described as passive recipients of abstract goals – individuals to whom the state owed "truth, justice and reparation" (Ley 1424, 2010: 1). Nowhere were victims described as active agents or shown to act, demand, testify, contest, or receive. Their role was instrumentalised in the service of broader state objectives, as the fulfilment of their rights was framed as contributing to "the achievement

of lasting peace" (Ibid.). Truth Agreements were seen as a way for perpetrators to provide information for "the reconstruction of historical truth" (ACR, 2015a: 12), whereas victims were excluded from the act of narration and cast as background subjects. In this sense, truth was constructed as historical contribution to be "gathered, classified, systematised, and analysed" (ACR, 2015b: 56), which further depersonalised the process and situated it within the administrative structures of the state. These linguistic choices show how Law 1424 privileged a one-way, institutionalised model of truth-seeking in which victims' lived experiences were, at best, peripheral.

Crucially, the Law's predicates sanitised the category of perpetration. The language employed to describe the crimes eligible under Law 1424 framed them as breaches of public order, as opposed to constituent elements of broader systems of violence and control. As such, the agents who committed them are not described as aggressors or violators, but as "demobilised individuals", "people in the process of reintegration", "individuals (...) who had committed" certain crimes, or "beneficiaries" of legal provisions (Ibid.: 1-2; ACR, 2015a: 7; 2015b: 16). These terms obscured the violence embedded in paramilitary organisation and instead constructed perpetrators' identities on the fact of their demobilisation, and not on the actions that preceded it. This linguistic move emphasised the personhood – indeed, humanity – of former combatants, depicting them as reformable subjects defined less by their acts as members of illegal armed groups than by their conduct post-demobilisation.

Subject Positioning

The only subjects given a voice in the discursive framework of Law 1424 were demobilised individuals who complied with specific behavioural and procedural expectations. Their agency and subjectivity rested on the requirement that they "express their commitment to the process of reintegration into society", signed Truth Agreements, and contributed to the clarification "of historical truth" (Ley 1424, 2010: 1). These "individuals in the process of reintegration" were cast as the central actors of the non-judicial truth-seeking mechanism (ACR, 2015a: 7). The Law thus constructed a narrowly defined category of state-sanctioned epistemic actors: former combatants authorised to speak by virtue of their disciplined observance of the institutional terms of reintegration and truth-telling. Throughout the sources, the testimony of demobilised individuals was treated as the basis for producing historical clarification, whilst victims remained absent as narrative subjects (Ley 1424, 2010: 1; ACR, 2015a: 2).

The state, for its part, was positioned as the arbiter of compliance. Institutions such as the CNMH, ACR, and the General Attorney's Office were tasked with evaluating whether an individual's account met the required threshold for cooperation and whether they were eligible for legal benefits, which would ultimately be granted by specialised judges (ACR, 2015b: 28). This created a tightly bounded truth regime in which the state was positioned as the administrative gatekeeper of historical truths, and as the authority responsible for validating compliance with the Law's terms and authorising the suspension or termination of sentences.

On the flipside, victims were denied any meaningful subject position. Although the legal text asserted that the non-judicial mechanism "would guarantee the principle of victim participation with a gender perspective and a focus on women's rights" (Ley 1424, 2010: 2), this commitment was not supported by any institutional or procedural mechanisms that would allow victims to speak about their lived experiences, nor to verify or contest the accounts produced by perpetrators. One source noted that "any citizen" – including victims, victim groups, and civil society collectives – could contribute voluntarily to the construction of truth without receiving any legal benefits (Ministerio de Justicia, 2015b: 5). However, this provision was absent from the Law itself, and no mechanism was created to enable truth-telling from anyone except demobilised combatants. Victims were therefore not given a formal role as interlocutors or witnesses, and were portrayed only in passive terms – as those to whom the principles of truth, justice, and reparation were to be guaranteed (Ley 1424, 2010: 1), or as generalised beneficiaries of a process designed to serve them (Ministerio de Justicia, 2015b: 5).

Victims' Law (2011)

Genealogy

This section conducts the genealogy of the victim narrative institutionalised by the Victims' Law. It analyses the legal text, in addition to primary sources associated with its three implementing institutions.

Presupposition Analysis

The Victims' Law presupposed that victimhood was a legal and administrative status tied to serious violations of human rights within the framework of the armed conflict. It defined victims as individuals who "individually or collectively have suffered harm as a result of acts occurring after 1 January 1985, as a consequence of violations of International Humanitarian Law or serious and flagrant breaches of international human rights norms that occurred in connection with the internal armed conflict" (Ley 1448, 2011: 2). Spouses and first-degree relatives of direct victims were also included under this definition (Ibid.).

This framing rested on the assumption that violence linked to the conflict constituted a distinct category of harm, identifiable and verifiable through state institutions. Victims of structural violence – including state repression and militarisation, socio-political and economic marginalisation, and intergenerational trauma – fell outside the Law's provisions, as did victims of direct violence occurring outside the conflict or not attributable to a recognised actor. These included victims of paramilitary successor groups, who were designated as victims of "common crime" and not covered by the Law (Ibid.: 3; Delgado-Barón, 2015: 136). The Law presumed that experiences of violence could be separated from broader socio-economic conditions and classified according to their proximity to the armed conflict. The legal framework therefore drew a boundary around the type of violence that could be recognised, excluding diffuse or systemic harms that did not fit the conflict-centric frame.

The Victims' Law narrative of victimhood was also temporally bounded. Even though the Colombian conflict can be traced back to the 1960s, the Law established a clear threshold, recognising only individuals who were victimised after January 1985, and restricting victims of land grabbing to those affected after January 1991 for legal and material restitution of their stolen land (Ley 1448, 2011: 28). These cut-off dates were reportedly not determined by historical considerations, but were administrative decisions driven by concerns over the Law's financial sustainability (Mora-Gámez, 2016: 19).

The Law presupposed a moral distinction between combatants and civilians that structured its politics of recognition. Whilst members of the armed forces and their first-degree relatives were recognised as victims, members of illegal armed groups were explicitly excluded from eligibility (Ley 1448, 2011: 2). Children associated with these groups could be acknowledged as victims of forced recruitment, but only if they had demobilised before turning 18 (Ibid.). The spouses and relatives of illegal armed group members could be recognised as direct victims if they had themselves suffered harm, but not as indirect victims of violence inflicted on their family members (Ibid.). This legal framing codified a dichotomy between legitimate and illegitimate suffering, in which state actors were entitled to the Law's protections whilst members of illegal groups were excluded from its narrative of recognition – even when they had experienced comparable harm. The Law thus imposed a normative hierarchy of victimhood that mirrored Colombia's counterinsurgency logic, where either innocence or institutional affiliation determined an individual's eligibility for recognition as a victim.

Another core presupposition was that victims acted in good faith and required only minimal proof to be recognised as such. The legal text established the "principle of good faith", under which the state "shall presume that what [the victim] claims is true" and accepted "summary evidence" to demonstrate harm (Ibid.: 5; Ministerio del Interior, 2011: 9). The principle was explicitly aimed at "relieving victims of the burden of proving their condition" and affirmed that "in case of doubt, it shall be the state's responsibility to prove otherwise" (Ibid.). Victims were not required to identify or implicate a perpetrator, nor was recognition contingent on a judicial ruling or the outcome of a criminal investigation (Ley 1448, 2011: 2). Instead, harm could be accredited "through any legally accepted means", and state institutions were instructed to facilitate, rather than obstruct, the recognition process (Ibid.). This framing presupposed that victimhood could be verified through accessible, non-adversarial procedures, and that the burden of proof should not fall on those who had suffered harm. In this sense, truth was experiential and situated in the testimony of victims themselves, and did not require corroboration through legal or investigative processes.

The Law also presumed that justice for victims could be achieved through institutional recognition and reparations, but without accountability. It sought to ensure victims' right "to truth, justice, and reparation with guarantees of non-repetition, such that their condition as victims is recognised and their dignity affirmed through the realisation of their rights" (Ibid.: 1). This presupposed that victimhood entailed a rupture in social and political life, which the Law aimed to address by helping victims "reclaim their dignity and exercise full citizenship" (Ibid.: 1). To achieve this, it established a national system of attention and a reparations programme grounded in bureaucratic delivery, which it explicitly described as a substitute for

judicial proceedings. According to one source, "the establishment of an extrajudicial mechanism for reparation to victims responds (…) to the large number of victims and the difficulty of providing reparations to all of them through the courts" (Ministerio del Interior, 2011: 10). In this account, justice for wartime violence became a standardised, administrative service to be delivered from above by the state, but decoupled from adversarial contestation and accountability. These institutions were conceived as tools to help "victims cope with their suffering and, insofar as possible, to restore the rights that have been violated" (Ibid.: 9). This presumed that victims' rights could be fulfilled through symbolic recognition and state assistance.

Moreover, the Victims' Law presupposed that the state could simultaneously be a source of harm and a credible guarantor of victims' rights. Its definition of victims "regardless of who was responsible for the crimes" implicitly acknowledged that the state was a party to the conflict and that state agents had committed rights violations (Ibid.: 5). Yet, the Law's narrative also shielded the state from systemic responsibility. Victims of state violence were entitled to recognition and reparation, but only when abuses were confirmed through state-controlled judicial or administrative proceedings. That the Law defined victim assistance as a set of measures "under the responsibility of the state" (Ibid.: 19) presumed that the state was the primary gatekeeper of truth, recognition, justice, and reparation, even in cases where it had been the perpetrator. At the same time, the Law explicitly denied that recognising victims implied legal liability for the state or its agents, affirming that such recognition "shall not be considered […] as proof of the responsibility of the state or its agents" (Ibid.: 19). The Law rested on the

assumption that the state could investigate, confirm, and repair past violence – including its own – through its bureaucratic mechanisms and without compromising its institutional legitimacy.

The Law also presupposed that reparation must be comprehensive and transcend material compensation. Its provisions encompassed reparations including "restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition in their individual, collective, material, moral, and symbolic dimensions", and these were to be implemented "depending on the nature of the rights violated and the characteristics of the harmful act" (Ibid.: 8). It also articulated the principle of an *enfoque diferencial* (differential approach), recognising that certain populations – such as women, children, the elderly, people with disabilities, LGBTQ+ individuals, Indigenous and Afro-Colombian communities, and human rights defenders – experienced violence in distinct ways and required tailored forms of support (Ibid.: 6). Reparation, from this perspective, was not only expansive but also responsive: it accounted for both the nature of the harm and the specific characteristics of those affected.

A final presupposition was that the primary legal subject of reparation was the individual victim. The Law constructed recognition and redress largely through individualised procedures of registration and compensation, premised on the idea that harm could be verified and repaired at the level of the singular victim. Whilst collective harm and collective reparations were also contemplated – particularly in the case of ethnic and displaced communities – these were built into a framework that privileged the individual as the standard unit of legal recognition. The conflict's violence was thus interpreted as a collective phenomenon, but one in which

victimhood was made legible through individual experience and redressed through targeted, state-delivered benefits.

Predicate Analysis

The Victims' Law and its associated primary sources used language that constructed victimhood through affective tropes of suffering, innocence, virtue, and resilience. In the legal text, victims were often described using passive verb forms – "having suffered harm", "having been displaced" (Ibid.: 2, 23) – that depicted them as recipients of undeserved violence. They were portrayed as having endured "the brutality of war" and marked by "their tragedy", but whose "memory of suffering also records the memory of dignity and resistance" (CNMH, 2013a: 27). In particular, victims' "claims of innocence and injustice" were repeatedly emphasised, with the aim of recognising the "merit of honourable individuals" who suffered "irrational violence" and "the injustices of a war they never asked to live through" (Ibid.: 332; CNMH, 2011: 218; Unidad de Restitución, 2022: 6; Unidad para las Víctimas, 2017, 2019). In one account, a widow of a man killed by the guerrillas sought to "clear her husband's name", describing him as "an innocent man who only wanted the best for his community and had nothing to do with such an act of violence" (Unidad de Restitución, 2022: 39). These linguistic choices conveyed victims' innocence and pain, whilst also highlighting their strength and dignity.

This simultaneous portrayal of passivity in victimisation and agency in resilience was a core part of the Law's narrative. When describing experiences of harm, passive terms such as "affected", "kidnapped", "tortured", "humiliated", "exploited", and "violated" featured

regularly across sources (Ley 1448, 2011: 2, 19; CNMH, 2011: 201; Unidad para las Víctimas, 2015a). Yet, victimhood itself was framed as a condition to be "overcome" through institutional accompaniment (Ministerio del Interior, 2011: 10), and victims were frequently recast in active terms once recognised under the Law. They were described as people who "rebuild their lives and become empowered", who showed "tenacity in overcoming adversity and vulnerability", who "grow stronger from the land", and who "mobilise for their rights and the memory of the disappeared" (Unidad para las Víctimas, 2015b, 2016a, 2016b). Economic self-sufficiency was especially valorised, with victims praised for "seeking out the opportunities that exist today" rather than "remaining in that condition waiting only for handouts" (Unidad para las Víctimas, 2015b). Following the completion of a collective reparations programme to "restore the good name" of the town of Simacota, the Unit celebrated that "today Simacota is a haven of peace and progress, full of driven and enterprising people committed to reconciliation" (Unidad para las Víctimas, 2015c). This linguistic shift from harm reception to active recovery fixed a logic of repair, where suffering legitimised victims, but empowerment was realised through the state's institutional accompaniment.

Perpetrators, in contrast, were largely absent from the predicate landscape. Where mentioned, they appeared in abstract and collective terms, most often as "illegal armed groups" or, less frequently, "state agents" (Ley 1448, 2011: 23; CNMH, 2013a: 20). The vocabulary used to describe their actions leaned towards generalised formulations, such as "committed acts of violence", "ordered and perpetrated the horror", or "were directly responsible for the events" (Ibid.: 25, 338; Unidad de Restitución, 2023a: 163). These constructions sometimes obscured specificity but affirmed perpetrators' agency, illustrating how "armed actors" "sowed terror"

across the country through their actions (Unidad de Restitución, 2022: 23, 143; CNMH, 2013a: 50).

Still, many of these formulations employed collective subjects and passive constructions that diffused blame and omitted the structural dynamics underpinning violence. Across sources from the Victims' Unit and Land Restitution Unit, references to perpetrators were especially infrequent, often reduced to procedural language focused on the type of harm suffered by victims, such as "Indigenous communities that have been subjected to these violations" or "families that suffered forced disappearance" (Unidad de Restitución, 2023a: 21; Unidad para las Víctimas, 2012: 22). This shifted the narrative's moral weight away from the agents of harm and towards the experience of suffering, helping centre victims' experiences as the cornerstone of the Law's narrative.

The Colombian state was consistently depicted using verbs indicative of care and support. Terms such as "recognises", "guides", "accompanies", "repairs", and "restitutes" framed the state as a benevolent agent of redress, fulfilling a "historic debt" to victims (Ley 1448, 2011: 5-6; Ministerio del Interior, 2011: 10; Unidad para las Víctimas, 2013: 13; Unidad de Restitución, 2023a: 4, 9). Institutional actors were described as proactively filing "restitution petitions or claims before the courts on behalf of victims", whilst state-led reparations were said to "restore victims' rights and living conditions", "help victims cope with their suffering", "enable them to resume or rebuild their life projects", and promote "territorial transformation" (Unidad para las Víctimas, 2024: 12; Ley 1448, 2011: 5; Unidad de Restitución, 2021). The verbs attached to restitution and victim assistance – "alleviate", "transform", "dignify", "heal wounds" (Unidad

de Restitución, 2022: 7; 2023: 6; Unidad para las Víctimas, 2012: 4) – imbued bureaucratic measures with symbolic weight, portraying victims as dignified sufferers whose recovery depended on state accompaniment. These tropes conferred transformative power to bureaucratic interventions, which elevated the state as both the guarantor of justice and facilitator of healing and restoration.

Flowing from the presupposition that victims' accounts should be accepted in good faith, truth was constructed as something to be "gathered" based on "all documentary and oral testimony" provided by victims (Ley 1448, 2011: 50). The legal text tasked the CNMH with "collecting and recovering" these testimonies in order to "strengthen collective memory regarding the events of Colombia's recent history of violence" (Ibid.). These predicates further centred victims as the primary narrators of wartime truth, whose testimony constituted the evidentiary foundation for historical reconstruction. The Law also stated that if a victim identified a perpetrator in their testimony, the name "shall in no case be included" in the administrative act granting or denying victim status (Ibid.: 54). This framing fundamentally separated truth from contestation and the attribution of blame, preserving it as an input for recognition and memory rather than a mechanism for accountability.

Subject Positioning

The victimhood narrative of the Victims' Law positioned victims as administrative beneficiaries within a state-led architecture of recognition and service provision. Recognition hinged on victims' ability to demonstrate harm through procedural means, with victims often referred to

as “applicants” or “beneficiaries” – terms that framed them as individuals seeking and receiving state-provided care (Ley 1448, 2011: 30, 36; Unidad de Restitución, 2022: 41; 2023: 51). To access the Law’s provisions, individuals were required to “prove the harm suffered”, formalising a victim subjectivity grounded in verification by the state (Ley 1448, 2011: 5). Across primary sources, victims were positioned as subjects to be classified, registered, and served. Even when recognised, their inclusion was conditioned on their alignment with institutional categories of eligibility.

By May 2025, over 9.9 million individuals had been formally recognised under Colombia’s Single Victims’ Registry (Unidad para las Víctimas, 2025). Of these, nearly 8.9 million were registered as having suffered forced displacement, highlighting the centrality of land dispossession and territorial uprooting within the Law’s narrative of harm (Ibid.). More than one million were registered as victims of homicide – including 283,000 direct and over 850,000 indirect victims (Unidad para las Víctimas, 2025) – whilst 180,000 were recorded as victims of enforced disappearance (Unidad para las Víctimas, 2025). The registry also acknowledged forms of victimisation less commonly addressed by TJ mechanisms, such as threats (788,000 victims), loss of property (136,000), and “personal psychological injuries” (15,000), reflecting an expansive understanding of harm under the Victims’ Law (Ibid.).

The registry grouped victims by demographic category. Approximately 50.2% of those recognised were women, and over two million identified as members of ethnic communities, including indigenous peoples, Afro-Colombians, and Roma populations (Ibid.). Additionally, over three million registered victims were either children or older adults (Ibid.), underscoring

the extent to which violence affected those typically seen as outside the direct logics of conflict. The registry also included nearly 7,000 victims who identified as LGBTQ+ and 498 intersex victims, acknowledging forms of violence tied to gender and sexual diversity (Ibid.). Sources from the Victims' Unit frequently highlighted the differential impacts on various communities, including women, indigenous and Afro-Colombian communities, older people, LGBTQ+ individuals, children, and people with disabilities (Unidad para las Víctimas, 2014, 2015a, 2015d, 2015e, 2016c, 2022a). Whilst the Registry did not distinguish between civilian and combatant victims, the CNMH – whose truth-seeking mandate was not constrained by the legal categories of the Victims' Law – estimated that over 81% of the 220,000 conflict-related deaths between 1958 and 2012 were civilians, and only 18.5% were combatants (CNMH, 2013a: 32). Together, the Registry and the CNMH's broader historical account institutionalised a narrative in which individual civilians were the primary subjects of wartime violence.

Perpetrators were positioned as largely anonymous or abstract subjects. They were most often anonymised as "illegal armed groups" and occasionally named more specifically as "the guerrillas" and "the paramilitaries" (Ley 1448, 2011: 23; Unidad para las Víctimas, 2019a; Unidad de Restitución, 2024). Although "state agents" were also explicitly identified as perpetrators, they featured far less frequently than non-state actors and appeared only in CNMH reports (CNMH, 2013a: 20; 2013b: 288). None of the sources analysed from the Victims' Unit or Land Restitution Unit explicitly named the armed forces as perpetrators. However, CNMH (2013a: 35-36) reports offered disaggregated perpetration estimates: paramilitaries were found responsible for over half of all documented massacres and most selective assassinations. Enforced disappearances were attributed primarily to state agents (42%) and paramilitaries

(41%), whilst guerrilla groups were overwhelmingly responsible for kidnappings (Ibid.). The CNMH also documented joint operations between paramilitaries and state forces, acknowledging collusion in specific atrocities (Ibid.). Although these findings presented a differentiated distribution of blame, the dominant subject positioning in the Victims' Law and its implementing agencies cast non-state actors – especially paramilitaries – as the primary perpetrators of harm, whilst the state's specific responsibility in abuses was largely glossed over.

Implementing bodies frequently represented victims through a linear, redemptive narrative arc. The Victims' and Land Restitution Units often spotlighted individuals' experiences of displacement and violence, emphasising their innocence, grief, and vulnerability. Across sources, victims recounted their "experiences of barbarity" and recalled "their darkest memories" (Unidad para las Víctimas, 2019b, 2022a). In one account, a woman's victimisation "caused her to collapse to the point of contemplating suicide" (Unidad para las Víctimas, 2022b). Yet, once recognised and awarded benefits, victims were commonly depicted as having "regained their hope, optimism, and strength to carry on" (Unidad para las Víctimas, 2015f). The displaced families of Bahía Portete, for instance, were said to now be able to "run free in the desert" following their return "thanks to the State's commitment" (Unidad para las Víctimas, 2019b). After intervention, victims could "fully enjoy their rights and develop their life projects thanks to the coordinated action of the Colombian state" (Unidad de Restitución, 2023b). Following a commemorative event, one victim stated that "this act brings us relief, strengthens us, and repairs us", whilst restitution was celebrated for enabling victims to "move forward and grow" (Unidad de Restitución, 2022: 6; Unidad para las Víctimas, 2017). Stories of victims

becoming entrepreneurs or assuming community leadership roles following institutional support also featured prominently (Unidad para las Víctimas, 2015b, 2022b). This narrative framed suffering as the foundation of legitimate victimhood and positioned agency and empowerment as outcomes of state intervention: victims could reclaim their future and heal only through access to state-led support and reparations.

This image of the state as a morally generative and redemptive actor was consistently reinforced throughout implementation materials. State agencies did not merely distribute reparations or facilitate land restitution – they also hosted commemorative events, organised psychosocial support programmes, and portrayed themselves as agents of reconciliation and national renewal. They self-described as providing "constant accompaniment and ongoing support" to victims, and praised their own role in enabling the personal and communal "transformation" of victimised populations (Unidad de Restitución, 2022: 5; Unidad para las Víctimas, 2016b). Sources regularly featured victims expressing gratitude for state actions and crediting institutions for helping them heal and move forward. One victim with a disability explained that "the experience with the Unit has been very important. The staff have been teaching, explaining, and training us on all the important topics: what our rights and responsibilities are as individuals and as victims" (Unidad para las Víctimas, 2015a). Another stated: "I can say my life is divided into before and after", adding that state support "made the difference because I'm making progress now" (Unidad para las Víctimas, 2015g). Within this discursive framework, the state emerged as the primary redeemer of wartime suffering – its actions portrayed as restoring victims' hope, dignity, and future.

Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (2017)

Genealogy

Although the JEP, Truth Commission, and Search Unit were established as singular TJ mechanisms with distinct mandates, this chapter groups them together under a single analytical framework for two reasons. First, they were formally designed and operationalised as part of the Comprehensive System, a unified institutional architecture for addressing the legacy of armed conflict. Second, due to space constraints, a separate chapter for each mechanism is not feasible. Nevertheless, in line with my methodological commitment to analysing individual TJ mechanisms as the primary unit of analysis, the genealogy proceeds in three disaggregated sub-sections. These trace how each component of the Comprehensive System constructed a narrative of legitimate victimhood, using Dunn and Neumann's four discourse analysis techniques.

Presupposition Analysis (JEP)

As the judicial arm of the Comprehensive system, the JEP was founded on a strictly defined universe of legal accountability. Its mandate was to "investigate, prosecute, and sanction the most serious and representative crimes of the armed conflict", focusing on "acts committed by former members of the FARC-EP, members of the security forces, other state agents, and civilian third parties before 1 December 2016" (JEP, 2024a: 12). This framework advanced a particular notion of responsibility for wartime violence – one that individualised wrongdoing

and attached it to recognisable actors directly involved in the armed conflict between the FARC and the Colombian state, up until 2016. Within these parameters, the JEP could also recognise victims of other armed groups, such as the ELN or paramilitary organisations, where their harm fell was associated to the armed conflict.

Certain categories of victims, however, were excluded from formal accreditation by the mandate itself: those harmed by the BACRIM and other forms of 'criminal' violence not recognised as connected to the conflict; victims of violations committed after December 2016; and those affected by more diffuse forms of structural or direct violence with no link to recognised conflict actors. These exclusions also encompassed more liminal categories of harm, such as children and teenagers who had been illegally recruited as minors but demobilised in adulthood; former members of armed groups who became victims of rival organisations after their demobilisation; family members of demobilised persons who were killed or disappeared; and civilians harmed in connection with the conflict before January 1985. Even though 'civilian third parties' could entail accountability for private actors, including corporations, their submission to the JEP was voluntary (Ibid.). The legal threshold of gravity and representativeness further narrowed its scope, reflecting the presupposition that only certain acts – those deemed most serious and emblematic – merited accountability.

The JEP also presupposed that victims were constitutional rights-holders whose experiences were the very *raison d'être* of the TJ process. Its mission was to "administer justice to consolidate the transition to peace and restore the social fabric, guaranteeing the rights of victims and the legal certainty of those appearing before the Court" (JEP, n.d.). At the core of

this understanding of justice was "the principle of centrality of the victims"; which "guides all of [the JEP's] actions" (JEP, 2020: 20). The Court sought to materialise this principle by promoting victim participation in the TJ process, under the assumption that victim participation in judicial procedures could "restore their rights through their recognition as rights-holders and the recomposition and transformation of their social relationships through access to justice and the dialogical construction of truth" (Ibid.: 26). This constructed victimhood as foundational to the legitimacy of the transitional project, and victim participation was presupposed as both necessary and constitutive of justice.

At the same time, the JEP presupposed that victimhood was not self-declared or inherently visible, but required formal recognition through institutional procedures. Victims could only participate in legal proceedings – submitting observations, recommending restorative measures, contesting versions, and receiving reparations – if they had first been officially recognised as such (Ibid.: 73). The JEP defined victims broadly, as those who suffered harm – physical, emotional, economic, or rights-based – either individually or collectively, as a result of actions or omissions within the armed conflict that constituted violations of human rights law or IHL, and included immediate family members and those harmed whilst protecting others (Ibid.: 85). Still, recognition at the JEP took the form of "accreditation", confined to victims of one or more of the JEP's '*macrocasos*' (investigative cases) and granted upon administrative approval following the presentation of documentary evidence (Ibid.: 311). This framework presumed that victimhood was contingent on meeting institutional criteria of legibility. It instilled a logic of technocratic gatekeeping in which moral and political legitimacy were mediated by legal inclusion defined by the Court's officials. Moreover, victim participation was evaluated in terms

of its contribution to the Jurisdiction's restorative objectives of truth and reconciliation (JEP, 2024a: 201). The very act of being heard was therefore dependent on a prior act of being recognised, and on the performative coherence of victims' participation within a pre-defined institutional script.

And, although victims could be accredited with their testimony alone, the JEP's narrative presupposed that truth was constructed through legal procedures. Chief among these were the "*versiones voluntarias*" (voluntary statements) by perpetrators, cross-checking of information, and judicial analysis of criminal patterns (Ibid.: 54, 160). These mechanisms were not framed as tools to corroborate victim memory, but as the basis for producing a specific kind of "judicial truth" aimed at the administration of justice (Ibid.: 255). In this model, truth emerged from institutionally generated and verified information. Testimonies of victims and perpetrators were analysed alongside reports from civil society and state agencies, and only those that met the evidentiary standard of the JEP's legal framework were incorporated into its findings (JEP, 2023).

Underpinning the JEP's legal model was the assumption that conflict violence was systematic and classifiable. The Court operated on the basis of "macro-criminality" – a framework that sought to identify patterns of organised violence and attribute responsibility accordingly (JEP, 2020: 79). By May 2025, the JEP had opened 11 macro-cases, structured thematically and regionally. These included the FARC's use of kidnapping (Case 01), extrajudicial executions perpetrated by state actors (Case 03), gender-based violence (Case 11), crimes against ethnic populations and territories (Case 09), and violence in the regions of Nariño (Case 02) and Urabá

(Case 04) (JEP, 2025b). For example, in the kidnapping macro-case, the FARC was found to have operated under three specific "criminal patterns": kidnapping for financing, political leverage, and territorial control (JEP, 2025c). The Court's prioritisation of "grave and representative crimes" was based on their recurrence and systemic nature (JEP, n.d.). This approach presupposed that conflict violence followed a discernible logic, operated through identifiable structures, and produced an observable impact. It also assumed that perpetrators acted within coherent command hierarchies, and that accountability could be established by reconstructing chains of command. This reduced the conflict's messiness to a framework of legal legibility, in which classification into macro-cases enabled both accountability for those most responsible and reparation to the victims.

The JEP also presupposed that fulfilling victims' rights required a "differential approach" to victimhood, based on their particular gender, ethnic, biological, cultural, and social conditions (JEP, 2022b). A founding principle of the Comprehensive System, this approach applied across all three mechanisms but was taken up most explicitly by the JEP to recognise and respond to the distinct impacts of violence on groups subject to special constitutional protection (Acto Legislativo 01, 2017: 2). These included women, children, LGBTQI+ people, indigenous and Afro-Colombian communities, persons with disabilities, displaced people, prisoners, older adults, victims abroad, and those in poverty, who were to benefit from participation mechanisms, psychosocial support, and reparative acts adapted to their specific contexts and cultural frameworks (JEP, 2020: 384-385). This presupposition framed victimhood as plural and intersectional, requiring institutional adaptation to diverse experiences of harm in order to realise the JEP's – and the Comprehensive System's – mission.

Presupposition Analysis (UBPD)

For its part, the Search Unit was designed as a "humanitarian and extrajudicial" entity of the Comprehensive System, which "leads, coordinates and contributes to the search for persons reported missing in connection with and in the context of the armed conflict" (UBPD, n.d.a). Its main presupposition was that enforced disappearances were a paradigmatic crime whose scale, persistence, and intensity of harm demanded a dedicated institutional response – not just a private, individual one (UBPD, 2023a). Although its formal remit was limited to disappearances "in connection with the armed conflict committed before 1 December 2016" (Ibid.), the Unit's victim narrative presupposed the persistence of the armed conflict, and with it, the need to respond to continuing practices of enforced disappearance (Ibid.; UBPD, 2020a: 5). Enforced disappearance was framed as a defining and ongoing feature of the conflict's brutality and as a humanitarian crisis in its own right, fracturing families and communities, and eroding Colombia's social fabric across generations (Ibid.; UBPD, 2022: 16). In contrast to other TJ frameworks that treated disappearance as one element within wider categories of harm, the UBPD depicted it as a structural, systematic phenomenon. Its documents described enforced disappearances as a "series of intentional, organised, and systematic actions" that operated through logics of social and political control (UBPD, n.d.b). In defining disappearance as a humanitarian issue and not merely a legal violation, the UBPD approached disappearances as a social wound requiring repair, which presupposed an extrajudicial and restorative understanding of justice.

The Search Unit also presumed that every victim of disappearance had the unconditional right to be searched. Its mission was to "search for all persons without discrimination and regardless of the role they played in the armed conflict" (UBPD, 2025: 7). The disappeared were not classified by affiliation or legal and political status, nor was the right to search dependent on judicial rulings or official recognition as a victim. According to the Unit, it "does not assign responsibility or seek to prosecute a crime" (UBPD, n.d.a). Rather, the search was presented as a series of "humanitarian actions", which affirmed its normative standing as a fundamental right and enabled more immediate and less adversarial forms of historical reckoning (Ibid.; UBPD, 2023b: 3). These presuppositions constructed a victimhood narrative detached from innocence, legal frameworks, or civilian status, advancing an expansive and inclusive politics of recognition. Justice, from this perspective, was assumed to be procedural insofar as it alleviates families' harm and enables the truth to emerge over the fate of disappeared individuals.

Yet, this universal framing sits uneasily with the procedural constraints of the institution. Despite its humanitarian narrative, the right to search was operationalised through bureaucratic visibility. The UBPD's mandate relied on a National Registry of Missing Persons, which it used to identify those who would be actively searched (UBPD, 2019: 24). As of March 2025, the Registry had nearly 127,000 individuals, demonstrating both the scale of disappearance and the centrality of bureaucratic visibility in eliciting institutional action (UBPD, 2025: 26). This requirement introduced a narrative contradiction: whilst the UBPD affirmed that all disappearances merited search, the activation of that right rested on procedural entry points that could make victims subject to the Unit's attention. Institutional recognition, then, became a necessary precondition for humanitarian intervention, meaning that the universality the UBPD

claimed was necessarily channelled through technocratic filters that shaped visibility. The search thus remained mediated and centralised on state structures, and contingent on information flows and eligibility protocols.

Presuppositions about victimhood were extended to families of the disappeared, who were portrayed as rights-bearing protagonists of the search, as opposed to passive mourners. To a large extent, the Registry was based on search requests and information that victims' families and civil society organisations had given to the Unit (UBPD, 2020b). Additionally, the Unit argued that its search was conducted "hand-in-hand with the families and those who search, attending to their knowledge, needs and specificities; prioritising their participation at all times" (UBPD, 2025: 10). This framing transformed familial grief into agency, constructing the family as both the subject and recipient of institutional action. It also recognised collective forms of suffering "because of everything that the disappearance of a loved one implies on a personal, familial and collective level" (UBPD, n.d.b). Indeed, the UBPD reconfigured recognition around emotional and relational bonds, centring the experience of those affected by the disappearance even more than around the disappeared person themselves. These assumptions also centred the family as a site of justice, since families were portrayed as fundamental pillars in guiding the search and producing truths. This made the process of locating disappeared persons a collaborative process rooted in affective ties and familial memory.

Finally, the Search Unit presupposed that the search for the disappeared constituted a reparative and restorative process in itself. Dignified returns of bodies, commemorative practices, and search actions were central to the institution's work, under the premise that the search produced

the "dignification of the memory of the person reported disappeared" and that it contributed to fulfilling victims' rights to "truth, reparation, non-repetition, justice, and peacebuilding" (UBPD, 2019: 28; n.d.c). For families, the process "entails transforming the condition of victims […] into that of political subjects in their relationship with the state" (Ibid.). In this sense, the UBPD sought to "humanise the consequences of the armed conflict" and "to see, hear, recognise and dignify those who have to live through it", presupposing this could foster the "reconstruction of the social fabric throughout the territory" (UBPD, 2020a: 66; 2023a). Beyond the search, then, the Unit presumed its contribution to be instrumental in the wider process of building peace and reconciliation in Colombia.

Presupposition Analysis (CEV)

The Colombian Truth Commission was created as a temporary, extrajudicial mechanism within the Comprehensive System. Its mandate was to "learn the truth about what happened in the context of the armed conflict and contribute to clarifying the violations and breaches committed during it", as a "first step so that, as a society, we understand and overcome our history of violence and thus avoid repeating it" (CEV, n.d.a; n.d.b). This presupposed that the historical truth about the conflict, in all its complexity, could be known, documented, and communicated in ways that would allow for societal understanding. Yet, the Commission also recognised that there was no single truth, but that "truth is a collective, plural, historical, and conflictive construction", and so its findings could merely constitute "one part" of that truth (CEV, 2022: 25-27). Indeed, it worked under the assumption that the process of truth-seeking was a form of civic repair, since moving beyond linear or simplistic readings of the conflict could in itself be

a foundation "for moving from a traumatic past to a civilised future" (Ibid.: 24-25, 584). Underlying this was a core assumption that truth-telling was not simply about establishing facts, but about creating conditions for socio-political transformation.

The Commission presupposed that victimhood was primarily a civilian experience, based on the disproportionate harm endured by non-combatants during the armed conflict. The Commission estimated that more than 80% of those killed were civilians and that less than 2% of conflict-related deaths occurred in combat (CEV, n.d.c; 2022: 88). Those particularly affected, it claimed, had been "the most economically and socially vulnerable sectors, who have experienced long-term violence" (CEV, n.d.d). The Commission's truth-seeking mission therefore rested on the assumption that the war was inexcusable, to a large degree because of the scale of civilian harm, and that acknowledging this harm was a key cornerstone of national reconciliation (CEV, n.d.e). Yet, it also presupposed that the conflict had a "massive, intolerable, and unbearable" impact on the entirety of Colombian society: "recognising the wound that we all carry, mourning together the pain it has brought, even if we have not directly lived through the violence, and doing what is necessary to heal it until it scars over is the first task we have as a society" (CEV, n.d.d). More than a mechanism to clarify the past, then, truth-telling was presumed to be a collective, society-wide act of mourning and civic responsibility to ensure non-repetition.

The Commission's approach to evidence presupposed that the magnitude and patterns of violence could be documented through existing data, whilst acknowledging that available sources were partial and affected by underreporting. For instance, it claimed that although

450,000 conflict-related deaths were documented between 1985 and 2018, the actual figure could be closer to 800,000 (CEV, n.d.f). The Commission used information from 112 databases from different state and non-state actors, including the CNMH, JEP, Victims' Unit, and civil society organisations, to estimate the scale of specific violations, including homicide, enforced disappearance, forced displacement, and sexual violence (CEV, 2022: 124). Meanwhile, the CEV framed the conflict's impact as extending beyond those who suffered these violations directly. Its narrative distinguished between direct and indirect victimisation but treated both as central to understanding how the war had reshaped Colombian society as a whole. For the Commission, truth-seeking required estimating measurable harms whilst also recognising the diffuse, less quantifiable effects of decades of armed conflict.

These effects extended to complex and cumulative harms – particularly those experienced by historically marginalised and vulnerable communities. The Commission assumed that pre-existing inequalities shaped both exposure to violence and its long-term impacts, with disproportionate burdens falling on women, Afro-Colombians, indigenous peoples, LGBTQI+ individuals, those in exile, children, and the rural poor (CEV, n.d.g). The special focus placed on populations "who have been historically silenced or ignored" reflected the assumption that truth-telling must account for differentiated experiences of violence (Ibid.). This also presupposed that their inclusion required differential approaches, such as ethical and methodological frameworks specifically designed to engage these populations, so that their voices could be fully recognised in the construction of the truth.

Similarly, the CEV presumed that the emotional, psychosocial, and intergenerational consequences of violence were as significant as its more visible manifestations. The conflict was understood as a trauma that had "affected at least three generations of Colombians" and produced a pervasive "fear of speaking out, of suffering more violence for denouncing, of social and political stigmatisation" (CEV, n.d.d). Victimhood was constructed as a state of persistent suffering that extended far beyond the experience of direct harm, for example, through references to the "chains of kidnapping" that survivors continued to "carry even after regaining their freedom" (CEV, n.d.h). This presupposition informed the Commission's expansive approach to victimhood, which was not limited to bodily harm, but also encompassed silence, hatred, forgetting, fear, and social rupture.

Alongside this emphasis on collective trauma, the Commission presupposed that victims were active agents of resistance and truth production, rather than simply passive sufferers. Victims were described as having contributed "invaluable contributions to the construction of collective memory" by providing information to the Commission (CEV, n.d.f). Over 30,000 victims were reportedly heard and 1,000 reports analysed, in an exercise that privileged listening and observation over other forms of inquiry (CEV, n.d.b). The Commission also celebrated "the courage of countless Colombians who, through diverse forms of resistance, faced the war and found ways to remain in their territories, rebuild their lives, and imagine the future" (CEV, n.d.d). This presupposition constructed victims as protagonists of Colombia's transition from war – individuals whose "struggle for life, human dignity, and peace" warranted recognition and constituted "significant contributions and experiences for peacebuilding" (Ibid.). It shifted

the discourse away from a judicial notion of victimhood, and towards one centred on agency and the re-dignification of political mobilisation.

Importantly, the Commission challenged the binary and mutually exclusive categories of victim and perpetrator. In its account, the complexity of the Colombian conflict meant that "some victims were also responsible for human rights violations or breaches of IHL, became involved in the war, were part of the Armed Forces, the guerrillas, or paramilitary groups" (CEV, 2022: 61). In some cases, this involvement was "a form of retaliation, a channelling of anger or hatred, a response to impunity and lack of protection" (Ibid.). In others, the weight of impunity itself was invoked to justify "taking justice into one's own hands" (Ibid.). This blurring of categories mirrored the Commission's view that impunity was a social and cultural condition that sustained cycles of vengeance and violent interaction between Colombians – a system that made many people both victims and perpetrators of violence.

Predicate Analysis (JEP)

The JEP constructed victimhood through a vocabulary of intense suffering and reverence for those who experienced conflict-related harm. Victims were described using passive and affective predicates that elevated them as moral actors but also conveyed their vulnerability. They were framed as having been "gravely affected by the internal armed conflict", and their dignity "significantly and enduringly diminished" (JEP, 2020: 294; 2024a: 49). This harm was narrated as both personal and collective, with sources referring to the "widespread and massive nature of the harm caused by the conflict" and the "multidimensional harms suffered by the

victims, their communities, and territories" (Ibid.: 56). These linguistic choices cast victims as innocent, dignified subjects whose pain was unquestionable and whose redress was a constitutional imperative. Using terms such as "suffered", "subjected", and "affected", victims were rendered largely passive in relation to violence (JEP, 2020: 87, 294; 2022a, 2024d). And, through predicates like "satisfy" and "guarantee", in reference to the state's responsibility towards victims' rights, they were also positioned as rightful claimants whose suffering demanded institutional response (JEP, n.d.; 2024b).

However, alongside affective portrayals communicating passivity, the JEP consistently cast victims as co-producers of legal and historical truth. Primary sources emphasised that victim participation was "essential" for the clarification of truth, and that their active role in the process "contributes to reconciliation in the territories" and "promotes harmonisation" (JEP, 2024a: 45; 2022b). Public records used active and intentional verbs to describe victim participation, including "participate actively", "contribute", "intervene", "build", which attributed both agency and authority to victims' voices (JEP, 2020: 37, 166; 2024a: 66; 2025b; 2022c). In this sense, participation was not just part of the legal procedure; it was foundational to the production of knowledge and the legitimacy of the Jurisdiction itself.

Perpetrators, in contrast, were represented through language that emphasised organisation, intent, and systemic coordination. The JEP frequently described former combatants and state agents as responsible for "macro-criminal patterns", including FARC commanders who "executed and led the kidnapping policy", or state forces who committed atrocities to "establish, maintain, or regain control of the public forces in territories" (JEP, 2024e; 2024f; 2025c). These

formulations relied on verbs such as “plan”, “execute”, “control”, “lead”, and “implement”, paired with adjectives like “systematic”, “organised”, and “strategic” (JEP, 2020: 332; 2024e; 2024f; 2024g; 2025c). This use of language reflected premeditated intent and organisational capacity, constructing a notion of violence that was far from isolated or incidental, but systematic and at scale. Framing perpetrators as calculated and hierarchical, the JEP propelled a legal logic of accountability that enabled it to group harms, build defined cases for investigation, and attribute responsibility at scale.

Yet, the Jurisdiction’s use of language did not construct perpetrators as evil and irredeemable. Rather, it created space for their transformation and rehabilitation. Perpetrators were often said to have “acknowledged their responsibility”, “provided truth that was complete, detailed, and exhaustive”, and “repeatedly apologised to their victims” (JEP, 2025d; 2022c). In these cases, perpetrators were recast as engaged participants in a process of moral and legal reclassification, where they could “publicly acknowledge the harm caused” and “contribute to the reparation” of victims (JEP, 2025e). The use of terminology to describe perpetrators’ restorative conduct, such as “the military committed to honouring and dignifying the memory of the people to whom they had caused harm” (Ibid.), suggested sincerity and regret. These predicates did not erase culpability, but they did help restructure it, transforming those responsible for violence into agents of its redress under defined institutional conditions. They made redemption something to be earned through cooperation and alignment with the restorative aims of the Jurisdiction.

And, in line with these restorative objectives, the JEP frequently portrayed the judicial process using affective terms. Justice was not something to be imposed, but a process aimed at “creating

dialogical, horizontal, and restorative spaces to strengthen sincere and healing dialogue between the *comparecientes*, the victims, the ethnic authorities, and the community" (JEP, 2022b). Hearings were described as spaces for "promoting the dialogical construction of truth" between victims and perpetrators, and for "the harmonisation and healing of individuals, communities, and territories" (Ibid.). These processes were described using a series of emotionally charged adjectives – "dignifying", "symbolic", "therapeutic", "restorative" (JEP, 2024a: 62, 122, 66; 2024h; 2022b) – that imbued institutional procedures with affective legitimacy. Justice was thus constructed as "dialogical and affective, grounded in care and dignity, allowing the JEP to present itself as a benevolent institution tasked with repairing the moral ruptures left by war.

Predicate Analysis (UBPD)

Much like the JEP, the UBPD constructed a narrative of victimhood through the language of suffering, perseverance, and collective dignity. Descriptions of victims and their families frequently relied on emotionally charged verbs such as "to suffer", "to wait", "to cry", and "to insist" (UBPD, n.d.d: 9; 2021: 102; 2025: 7; n.d.b). Adjectives such as "deep", "distressing", "solitary", and "permanent" were deployed to magnify the affective weight of disappearance and its consequences on entire families and communities (UBPD, 2022: 54; 2025: 1; 2023a). Testimonials spoke of "there have been many years of suffering and sadness", and of relatives who "live in permanent uncertainty" (UBPD, n.d.d: 9; 2025: 1). Enforced disappearance was described as an act that inflicts "pain, anguish, suffering, and deterioration in the lives and dignity of thousands of people and their families" (UBPD, 2022: 16). This centred prolonged

grief at the core of the Search Unit's narrative of victimhood, and made victims the bedrock on which the Unit constructed a sense of humanitarian urgency and its own legitimacy.

The Unit also depicted families as rights-holders and vital producers of knowledge. Expressions such as "have the right", "participate", "search", and "contribute" were frequently utilised to represent the role of relatives in the search process (UBPD, 2025: 5, 20; 2020c; n.d.a). That "the participation of families is [the] essence of the search" and "the right to know the purpose and work of the UBPD" constructed families as protagonists in the production of truth (UBPD, 2019: 5-6). Indeed, family members and those who search were described as the "centre and heart of the UBPD" (Ibid.: 52). These choices decentralised state authority and honoured the knowledge and experience of those who search in the process.

The UBPD's institutional self-representation was articulated through predicates of care and compassion. Relational verbs were often used by the Unit to represent itself, including "accompanies", "leads", "facilitates", "listens", and "dignifies", often alongside modifiers such as "with dignity" and "with respect" (UBPD, 2021: 60; 2025: 4; 2019: 4; 2023a). It also said it "contributes to alleviating suffering and restoring rights" of victims and "recognises the persistence of families and organisations in the search" (UBPD, n.d.a; n.d.b). Significantly, the Unit sees its work as "a paradigm shift" and "an opportunity for the search […] and the hope that this will finally be possible" (UBPD, 2019: 5-6). This vocabulary emphasised institutional change, rooted in trust and optimism. Crucially, they constructed the UBPD as a benevolent state institution that works with, rather than for, families, depicting the Unit as a restorative actor working to nurture state-society relations.

Finally, the Unit's use of language helped it to frame justice as healing. It repeatedly employed terms such as "to dignify", "to remember", "to return", "healing", and "harmonising" to describe rituals and ceremonies, whether they were commemorative or for the return of a body (UBPD, 2023b: 31; 2023a, 2024a; n.d.b). Following the recovery of her son's remains, a mother was quoted as saying "this was truly my son's return home, his return to unite this family" (UBPD, n.d.e). These formulations imbued justice with affective and restorative connotations, casting memory work, the search process, and the repair of dignity as its main objectives. In doing so, they recharacterised justice as a culturally situated and emotionally resonant practice, with ritual and care – and not punishment – at its heart.

Predicate Analysis (CEV)

The Truth Commission employed a rich and loaded vocabulary to construct a narrative of victimhood founded on moral urgency and systemic injustice, but also on agency and the prospects for collective healing. Descriptions of victims' pain and vulnerability dominated the material – victims were "unprotected", "silenced", "trapped", "turned into objects of contempt", and whose "victimisation and pain do not cease" following their experience of harm (CEV, 2022: 33; n.d.d; n.d.g; n.d.h). Representations of suffering conveyed the magnitude and endurance of harm, portraying the Colombian conflict as a source of "indelible marks" and "deep wounds and scars in the Colombian social fabric" whose effects spanned generations and permeated everyday life (CEV, 2022: 45, 585). The Commission described how families of disappeared persons lived in states of "suspended death", their grief "postponed and blocked by

the lack of truth", whilst thousands of others suffered "fragmented processes of mourning" due to the absence of societal and institutional recognition (Ibid.: 42, 144). The "massive and intolerable impact" of violence on Colombia as a whole, and the "horrors" caused by war were consistently alluded to (Ibid.: 35, 574).

Yet, victims were not only described as bearers of pain. Rather, the CEV narrative combined tropes of vulnerability with verbs that elevated resistance and agency. Victims "organised themselves", "resisted", "demanded the guarantee of their rights", "broke the silence", and "rebuilt their lives" in the face of state abandonment and societal indifference (Ibid.: 43, 101, 169, 359, 523; CEV, n.d.i). "Refusing to forget" was described as "the first act of resistance", and memory was framed as both a personal and political project – a way for victims to "lead and contribute to the construction of a fairer society", and "transform" society from below (CEV, n.d.j; 2022: 44). In this account, victimhood was simultaneously a marker of harm and a site of agency: suffering legitimised the pursuit a more peaceful future, but it was resistance that made it possible to take on a proactive role in its construction.

Perpetrators, for their part, were described using predicates that echoed calculated, systematic violence driven by ideology and strategy. Armed actors – both state and non-state – were said to have "perpetrated on a massive" and "systematic" scale human rights violations, including "the massacres, threats, rapes, killings, disappearances and destruction that the war left throughout the country" (CEV, 2022: 138, 174, 519). Torture, for instance, was described as an act meant to "annul the personality of the victim or cause a fracture in their identity" – a form of violence that was not merely physical but existential in its intention (Ibid.: 148). The language

went beyond individual acts to describe systemic patterns imbued with intentionality: guerrillas, paramilitaries, and state forces were said to have acted "through political [and economic] structures and alliances", "frequently sheltering themselves in impunity", and driven by "instrumental reason" and a "logic of violence aimed at the physical and symbolic extermination of the enemy for political reasons" (Ibid.: 35, 59; 178; CEV, n.d.k). These constructions highlighted the structured and intentional nature of the violence, alongside the organisational capacity of armed actors to exercise it systematically.

Descriptors attached to state actors varied across sources. In some cases, the state was described as having "ignored" atrocities or failed to "record, investigate and punish" rights violations, contributing to a "culture of impunity" that propelled cycles of violence (CEV, n.d.l; n.d.m; 2022: 437). The state's role in perpetrating or enabling violations was conveyed through verbs of omission – "neglect", "minimise", "deny", "justify" (CEV, 2022: 302, 546; n.d.d; n.d.m) – but also through active constructions, including "members of the security forces acted jointly with paramilitary groups in alleged counterinsurgency operations", and "committed human rights violations", such as "arbitrary detentions", "torture", "forced disappearances", and "extrajudicial executions" (CEV, 2022: 180, 286, 387).

The CEV also employed predicates to depict the normalisation of violence and the societal desensitisation it produced. According to some testimonies, "it's normal to hear that three people were killed, that there was a massacre", "it's normal to see smuggling", "it's normal to see armed people because there is a total absence of the State" (Ibid.: 65). This vocabulary framed atrocity as routine and woven into the very social fabric of many communities. It

conveyed how protracted conflict produced "an emotional paralysis" and "a filter towards the cruel reality" that predisposed society to "look the other way" (Ibid.), exposing a collective psychological response that enabled the persistence of violence.

Moreover, the Commission's use of language helped it to advance a notion of truth where suffering, responsibility, truth, and transformation were inseparable. Truth was not a set of facts to be established from the top down, but a "collective construction", emerging from "an extensive process of listening to victims and also to numerous perpetrators of the armed conflict" and driven by the imperative to "transform the present" (Ibid.: 27, 48, 79). Testimonies were not just "taken"; they were "listened to" and "felt" as "invaluable contributions" to the country's historical memory (Ibid.: 56, 333, 581; CEV, n.d.c). Truth hence became an empathetic, dialogical process led by victims, as opposed to a bureaucratic exercise. This reinforced the experiential and emotional legitimacy of victims' testimony, and positioned it as the moral foundation for national reconciliation.

Finally, the Commission's language assigned a redemptive quality to acts of recognition and responsibility. It praised perpetrators – particularly state officials and FARC members – who "acknowledged responsibility" as contributing to "the collective healing process" and helping "restore relationships broken by violence" (CEV, 2022: 57, 611, 615). Acknowledging guilt was described through predicates such as "generate trust" and "dignify victims" (Ibid.: 584, 614; CEV, n.d.c). Perpetrators who expressed "shame" or "feelings of repentance" in truth-telling processes were constructed as participants in a shared project of healing, rather than just objects of condemnation (Ibid.: 591). The Commission termed this "reintegrative shame", and

argued that the recognition of responsibility "enabled the rehumanisation of the perpetrators" (Ibid.: 587, 591). These predicates shifted the narrative from a focus on blame alone to one where transformation and redemption were possible, suggesting that justice could be achieved through ethical and social repair and forgiveness – not just legal sanction.

Subject positioning (JEP)

In the JEP's narrative, victims were positioned as truth-bearers and the fundamental anchors of Colombia's TJ process. Their status as participants in proceedings was far from procedural; victims were portrayed as protagonists in the "dialogical construction of truth", whose testimonies were the foundation for "sincere and healing dialogue between the *comparecientes*, the victims, [and] the community" (JEP, 2022b). They were repeatedly depicted "describing the individual and collective harms" they suffered, "making observations on what the *comparecientes* had said", "proposing their own sanctions" for perpetrators, and producing reports for the JEP to cross-check perpetrators' confessions (JEP, 2020: 167; 2022c; 2024h; 2025d). This positioned victims as proactive agents of justice and historical memory, and as vital narrators of the conflict whose contributions and recommendations guided the judicial process and the wider restoration of social fabric.

Victims' engagement was consistently framed around their pursuit of truth, justice, and the repair of social ties, rather than any expectation of moral absolution or forgiveness. In many proceedings, victims "reiterated their commitment to the search for truth and the restoration of the social fabric of their territory" (JEP, 2024h). Some victims spoke about how the JEP had

helped them to forgive their victimisers (JEP, 2024a: 66). Yet, the JEP also cautioned that "it is crucial to understand that reconciliation does not necessarily imply forgiveness (…) Forgiveness, if it occurs, must emerge naturally from the reconciliation process, not as an imposed requirement" (Ibid.: 210). In this sense, reconciliation was linked to dignification and healing through restorative practices, but not necessarily to forgiveness. This agency was mediated by the JEP's procedural architecture, which determined when and how victims could participate and defined the forms of engagement considered appropriate within its restorative framework (JEP, 2020: 19-23).

At the same time, victims featured both as individuals with personal experiences of harm and as representatives of collective identities, particularly those shaped by ethnicity, territory, or community. The JEP's recognition of "individual and collective victims" allowed the institution to capture the wider effects of conflict beyond singular experiences (JEP, 2024a: 20). In some cases, victimisation was framed as extending "to entire communities", and each macro-case was described as having both "individual victims" and "collective subjects" – the latter including indigenous peoples, community councils, and victim organisations (JEP, 2025f). These collectives were not simply groupings of individual experiences, but were constructed in the JEP's discourse as historical and cultural entities – particularly in cases involving indigenous and Afro-Colombian communities – whose shared suffering carried unique symbolic weight (JEP, 2024e). Within this expansive framing, the JEP also recognised other historically silenced victim identities, such as the accreditation of 104 men as victims of conflict-related sexual violence (JEP, 2025g). This positioned men and boys as a distinct category of rights-bearing victims, challenging gendered assumptions about harm in armed conflict.

Perpetrators were positioned as agents guilty of calculated violence, but also as potential contributors to the reconstruction of historical memory and the justice process. Those who submitted to the JEP included former members of the FARC, army and police personnel, other state agents, and, in some cases, civilian third parties (JEP, 2024a: 12). All were referred to as *comparecientes* ('appearing parties'), a term that both softened and redefined their subject position. In cases where responsibility was acknowledged, they were portrayed as actors that "recognised their responsibility" for the crimes committed, "repeatedly asked their victims for forgiveness", and participated in restorative projects with affected communities (JEP, 2024b; 2022c). For instance, *comparecientes* from the FARC and the army worked together in landmine awareness programmes in Antioquia in 2024 (JEP, 2024i). This placed perpetrators in a position of partial rehabilitation, insofar as they complied with the JEP's truth-telling and reparation procedures. According to the JEP, *comparecientes* "must provide full, detailed, and exhaustive truth about these serious crimes", "respond to the reparation of victims and contribute to the non-repetition of crimes" (JEP, 2024a: 183; 2024j). This subject position did more than assign blame – it positioned perpetrators as potential agents of transformation, contingent on fulfilling the JEP's conditions of truth-telling, reparation, and non-repetition guarantees. Their standing was thus constantly negotiated through their conformity with these requirements.

By February 2025, the JEP had formally accredited 11,327 individual victims and 366 collective subjects across all macro-cases (JEP, 2025a). It had also issued indictments against 61 senior FARC commanders and 104 members of the armed forces and third parties, all of whom were

constructed as “most responsible” parties (Ibid.). In total, 14,824 individuals had submitted to the JEP’s jurisdiction, including 9,919 from the FARC, 4,693 from state security forces, 98 civilians, and 114 others (Ibid.). These figures reveal how the Jurisdiction translated its expansive and balanced narrative of accountability into concrete subject positions, making legible individual and collective victims whilst placing state and insurgent actors in a shared category of perpetration.

As the judicial entity of the Comprehensive System, the JEP leveraged its authority to “administer justice” and establish the judicial truth of Colombia’s conflict (JEP, n.d.). Yet, it also purported to operationalise the principle of restoration, presenting its work as an effort to “consolidate the transition towards peace and restore the social fabric” torn by conflict (Ibid.). This restorative mandate was “materialised” through investigations, hearings, and sentences; psychosocial support to victims; and community-based reparative and restorative initiatives, delivered with a “territorial, differential, and gender-sensitive approach” (JEP, n.d.; 2022b). The sources frequently featured accounts of victims expressing gratitude and trust to the JEP, recognising the institution’s role in their healing. For instance, one victim described how the JEP’s psychosocial support team “in a moment of humanity put themselves in our shoes” and guided her through a months-long process that helped her to forgive her victimiser (JEP, 2024a: 66). Another claimed that “we have been waiting more than 20 years for the truth (…) we trust the JEP” (JEP, 2024g). And, in the dignified return of a body to an indigenous community, the JEP’s facilitation of a commemorative practice was seen to “heal their ancestral territory” (JEP, 2024k). This allowed the JEP to position itself as more than an arbiter of justice – as a compassionate and transformative partner in victims’ personal and collective process of healing.

Subject Positioning (UBPD)

The UBPD's victim narrative was largely built around the families of the disappeared. Their grief was consistently spotlighted, as was their agency, persistence, and knowledge in the search of their loved ones. Across the Unit's primary sources, families were constructed as subjects with the "right to know what happened to their loved ones", and as active participants in the humanitarian search process (UBPD, 2022: 27). The Unit emphasised the "persistence of families and organisations in the search" and they were frequently depicted participating in the "formulation and implementation of Regional Search Plans", the "exchange of experiences and methodologies", as well as "demanding truth" and "keeping alive the memory and dignity of the disappeared" in different spaces (UBPD, 2023c: 27-28; n.d.b). This positioning extended beyond national borders. According to the Unit, the Colombian conflict provoked the migration of thousands of "survivors", who "from abroad lead tireless efforts to find their loved ones and contribute to the search" through "initiatives of resistance, struggle, and hope" (UBPD, 2024a). The narrative thus accords relatives – both in Colombia and abroad – the highest moral weight and the greatest epistemic authority in the UBPD's politics of recognition.

Civil society, too, was framed as a key ally in the search process and the production of knowledge. The UBPD repeatedly emphasised the importance of citizen and community participation, which mobilised "knowledge and expertise, both intellectual and technical, that contribute to raising awareness about the phenomenon of disappearance" (UBPD, 2024b: 61). In particular, the Unit highlighted how it has sought to strengthen the "political and technical

dialogue" with "civil society organisations and ethnic communities", including women's collectives, human rights organisations, and LGBTQI+, Afro-Colombian, indigenous, and exiled communities (Ibid.: 30; UBPD, 2021: 60). These partnerships, according to the Unit, expanded its reach into regions historically marked by state absence or repression, and also facilitated its work with marginalised groups whose disappearances were often under-reported in state records (UBPD, 2023c: 30-31). Due to its proximity to harm, then, civil society was positioned as a bridge between the UBPD and communities affected by enforced disappearance, and as a key technical and moral contributor to the search.

The disappeared themselves were positioned as silent but nonetheless central figures in the Unit's discursive framework. They were presented as subjects with "a history, an identity, and a dignity", whose absence justified humanitarian and symbolic redress, "regardless of the role they may have played in the armed conflict" (UBPD, 2025: 11; n.d.b). All disappeared persons were therefore granted an equal moral worth, and all had the equal right to be searched. As of March 2025, the Unit had registered 126,895 persons as disappeared in the context of the armed conflict, including civilians, social leaders, peasant farmers, politicians, children, members of ethnic minorities, LGBTQI+ individuals, sex workers, and combatants from both legal and illegal armed groups (UBPD, 2025: 26; 2023d; n.d.b). Through commemorative practices, including the dignified return of bodies, to reencounters when the disappeared person was found alive, to coordinated search plans, the UBPD constructed the disappeared as ever-present subjects whose recovery was a humanitarian imperative for restoring their own and their families' rights, memory, and dignity.

Perpetrators were generally de-emphasised in the UBPD's narrative of victimhood. When a perpetrator was identified, their identity was abstracted into collective categories such as "guerrillas", "paramilitaries", "public force", or most commonly, "armed group" (UBPD, 2025: 7; 2024c; n.d.b). This approach, consistent with the Unit's humanitarian and extrajudicial mandate, avoided adversarial framings and kept the focus on the disappeared and their families. Yet, the category of "*aportantes de información*" (providers of information) – potential contributors to the search – complicated this abstraction (UBPD, 2022: 31). This designation covered a broad spectrum of actors, from former members of state forces and non-state armed groups, to civilians, community members, and even criminal bands (Ibid.). The common feature of *aportantes* was the possession of information relevant to the search, which defined their role in the discourse more than any judgement about their involvement in rights violations. Some were likely witnesses with no direct role in a disappearance; others had indirect or direct involvement in the act (UBPD, 2021: 9). The UBPD never explicitly attributed blame to *aportantes*, but when they "participated directly or indirectly in hostilities", their role as a contributor implicitly linked them to the circumstances in which the disappearance occurred (Ibid.). The emphasis remained on their potential to assist rather than on their responsibility for harm, with confidentiality and legal safeguards designed to encourage cooperation (Ibid.: 10).

The Unit nonetheless documented cases in which actors who could also be *aportantes* were described as having directly participated in disappearances. Some accounts implicated guerrilla groups in abductions and kidnappings during "guerrilla takeovers", whilst others linked state agents to targeted operations where political activists and social leaders were disappeared (UBPD, 2025: 7; n.d.b). One example of the latter was a joint venture between the Search Unit

and MOVICE, which identified the remains of over 1,000 people forcibly disappeared by the Colombian army (UBPD, 2020d). In acknowledging the culpability of state actors in past violations, the UBPD positioned the historical state as an agent of harm, whilst casting the contemporary state – embodied in the UBPD – in a corrective light.

Indeed, the UBPD positioned itself as a humanitarian, restorative actor, in radical opposition to the punitive and adversarial posture of judicial mechanisms. It explicitly described its work as "humanitarian and extrajudicial", focused on the protagonism of the search rather than the attribution of criminal responsibility (UBPD, n.d.a). This, the Unit argued, represented a "paradigm shift", given that earlier institutional practice subordinated the search for disappeared persons to criminal investigations and often relied on the willingness of those implicated to disclose information (UBPD, 2019: 50). Self-representations emphasised the Unit's position as a "leader and reference point in the search" for disappeared persons, characterised by its "efficacy, humanity and commitment to the search in favour of justice and peace" (UBPD, n.d.c). In its interactions with families of the disappeared, the UBPD consistently highlighted its "accompaniment and attention" during the search process, as well its efforts to "see, listen, recognise and dignify those who have to live" the disappearance of a loved one (UBPD, 2019: 35; 2023a). Testimonies of victims reinforced this: relatives of the disappeared reported feeling "accompanied", "hopeful", and "relieved" thanks to the Unit's support, with a victim expressing gratitude to the Unit for "helping me recover the little piece that was missing from my life" (UBPD, n.d.d; n.d.f). This self-positioning cast the institution as an empathetic and compassionate facilitator of closure and healing.

Subject Positioning (CEV)

The Truth Commission positioned victims as the foundation of its truth-seeking mandate. Their voices were centred as the primary entry point for interpreting the armed conflict and imagining Colombia's transformation. The Commission claimed that at the core of its work was not the "historical analysis nor other aspects that are profoundly relevant and fall within our mandate", but "the victims and the impact of the war on society" (CEV, 2022: 35). This, the Commission argued, was the "starting point for any process of reconstruction, social dialogue, and proposal for transformation" (Ibid.). As such, the Commission's narrative imbued victims with agency and political subjectivity. They were aggrieved and filled with pain, but they also actively resisted violence, demanded justice, and shaped the truth-seeking process. The CEV noted that victims "were the ones who, for the most part, responded to the Commission's call, and for many of them, that moment became the first time a state entity treated them as citizens and rights-holders" (Ibid.: 24). The act of bearing witness to conflict was framed as deeply political. Memory work was an "act of resistance" and formed the basis for "a personal and collective political project" (Ibid.: 44). Victims were thus positioned as protagonists of the process of historical reconstruction, with their accounts offering both a diagnosis of Colombia's past and a roadmap for a more peaceful future.

The Commission constructed a highly plural and inclusive narrative of victimhood. It recognised over nine million victims, 90% of whom were civilians, and documented a wide diversity of violent forms and the effects of harm on different individuals and groups, with particular attention to historically marginalised populations (Ibid.: 25). The Commission

amplified the voices of women, children, indigenous, Afro-Colombian, Rrom, rural, LGBTQI+, and exiled communities – populations whom it described as "historically silenced or ignored" and who "have ways of understanding the world that must be recognised on the path towards peace" (CEV, n.d.g). These groups were positioned as collective victims of wartime violence and, crucially, of structural exclusion and state abandonment, factors that made them uniquely vulnerable and "marked the disproportionate impact of the armed conflict's violence upon them" (CEV, n.d.d). In fact, the Commission concluded that "ethnic peoples, women, the LGBT population, and poor peasants and rural inhabitants have been the main victims of these forms of violence" (CEV, n.d.d). Marginalised communities were thus centred as the most affected and the most essential to any legitimate national reckoning. The CEV also spotlighted forms of victimisation historically silenced in official narratives, including sexual violence, forced recruitment of minors, the persecution of rural and ethnic communities, and exile, framing their visibility as an ethical obligation in the fight against denialism and selective memory (CEV, 2022: 585).

This plurality was not limited to textual representations, but was also performed in public events. In a series of public events organised by the Commission, titled '*Encuentros por la Verdad*' (Encounters for Truth), victims often absent from official narratives were given a platform to speak about their experience of harm. For instance A 2019 encounter presented the testimony of women and LGBTI people who suffered conflict-related sexual and gender-based violence (CEV, 2019a). Another encounter, in 2021, was centred around the harm experienced by indigenous men, women, and children victims of both state and non-state actors (CEV, 2021a). A third one, organised with the Search Unit in Nariño in 2019, gathered families of

persons disappeared by illegal armed groups, and families of those disappeared by state agents, to share their stories of victimisation (CEV, 2019b). These encounters positioned victims as central to a comprehensive and plural truth, visibilising the diverse forms of violence, perpetrators, and effects of harm on different individuals and groups in the Commission's account of the conflict.

Perpetrators were positioned as systemic and intentional agents of violence, acting through identifiable logics and structures. The Commission named paramilitary groups, guerrillas, the army, and the police as "the highest responsible parties for these acts", often acting "through political structures and alliances" and "in collaboration with economic sectors" (CEV 2022: 35). Rejecting the "bad apples" narrative, it documented how violence was produced and sustained by a "network of alliances, actors, and interests" (Ibid.: 25, 288). This network, the Commission argued, "allows us to see that responsibility for the tragedy that [the conflict] represents goes beyond those who bore arms", extending "as a responsibility (…) to political sectors (of all ideologies), economic, criminal, social, and cultural sectors" (Ibid.: 25, 288). In situating violence within these networks of political and economic power, the Commission avoided reducing individual perpetrators to irredeemable figures of cruelty, instead portraying them as actors shaped by, and at times constrained within, the systems of war. For example, challenging rigid victim-perpetrator dichotomies, the Commission presented former female insurgents as survivors of abuses perpetrated by both state and non-state actors, delving into their motivations to join guerrilla groups and their political activism post-demobilisation (CEV, 2021b). This framing allowed space for the "rehumanisation of those responsible" as agents of change, particularly those who engaged in truth-telling and acknowledged their responsibility

(CEV, 2022.: 587). Perpetrators' recognition of responsibility was described as a "healing force" capable of transforming a perpetrator "from being part of the problem to becoming part of the solution that victims yearn for" (Ibid.: 614; CEV, n.d.c).

Still, the dominant framing of perpetrators emphasised the barbarity of their actions. Paramilitary groups, in particular, were positioned as ruthless perpetrators of violence who relied on acts of "extreme cruelty" as a strategy of terror, including "dismemberment, mutilation, decapitation, hanging, electric shocks, burns and wounds, rape and sexual abuse, attacks with animals", which they often carried out publicly to paralyse entire communities (CEV, 2022: 151). The Commission also documented how guerrilla groups committed grave acts of barbarism, from kidnappings – described as "the ultimate expression of objectification" (Ibid.: 201) – in which victims were held in subhuman conditions for months or years, to indiscriminate attacks with *cilindros bomba* (gas cylinder bombs), *tatucos* (improvised explosive devices), and landmines that overwhelmingly harmed civilians (Ibid.: 491). State agents, particularly the army, were also implicated in practices of extreme cruelty, including the at least 6,402 extrajudicial executions perpetrated between 2002 and 2008, which targeted vulnerable civilians to inflate combat statistics (Ibid.: 449; CEV, n.d.m). The CEV also found the state directly responsible "for the existence of paramilitarism and for the actions of these groups" (CEV, 2022: 180). Across all actors, violence was sustained by entrenched institutional doctrines that constructed the "other" as a "non-person" and, in many cases, by racialised beliefs that indigenous and Afro-Colombian communities were "less valuable, less important" (Ibid.: 63, 550).

But beyond its direct role in perpetrating violence, the state was also faulted for its omissions. On one hand, the Commission documented how state institutions and officials frequently engaged in bureaucratic manoeuvres to "cover up those responsible" for rights violations (CEV, n.d.m). Moreover, the state played a central role in perpetuating "a culture of impunity", which was presented as both an enabler and a continuation of this violence (CEV, 2022: 472). The Commission claimed that "the absence of institutional responses to deliver justice for the atrocities of the conflict became one of the decisive factors in the persistence of violence" (Ibid.: 436). As victims denounced their suffering, the lack of accountability became "a new form of contempt for life" that deepened victims' mistrust in the state and "destroys the possibility of rebuilding an ethical relationship between people" (Ibid.: 570). As such, impunity was an active mechanism that sustained cycles of abuse, allowing perpetrators to operate without fear of sanction whilst strengthening the wider systems and alliances that underpinned the war.

Yet, the state was not only positioned as a perpetrator or an enabler of violence – it was also constructed as an indispensable actor in the pursuit of truth, justice, reparation, and non-repetition. The CEV called on state institutions to "assume their enormous debt" with victims and work to overcome structural violence, address the political, economic, and military alliances that sustained the conflict, and dismantle the "colonial and exclusionary ideological models" that have perpetuated exclusion and armed confrontation (Ibid.: 32, 76, 544). Fractured and discredited, the state was challenged to rebuild itself through ethical humility and sustained responsiveness to the truths and demands of those it had historically neglected.

Colombian society was similarly positioned in ambiguous terms, cast simultaneously as a bystander to conflict, a collectively harmed subject scarred by decades of brutal war, and the primary subject of reconciliation. Much like the state, society held a "historic debt" with victims for having allowed the conflict to reach such magnitude and for its "indifference" to the "suffering of millions of compatriots" (CEV, n.d.b; n.d.c). Large societal sectors were portrayed as having normalised violence, internalised exclusionary cultural logics, and tolerated – and even approved of – the persecution of marginalised groups, from indigenous peoples stigmatised as "obstacles to development" to LGBTQI+ people denigrated as "sick" (Ibid.; CEV, n.d.n). The Commission thus framed the social task ahead as one of collective repair. In addition to recognising the harm experienced by millions and breaking with "denialism", society had to recognise the "deep wounds" it had itself suffered, learn "another way to resolve political differences" outside the logic of the "internal enemy", and confront the "wound we all carry" by mourning together and committing to its healing (CEV, 2022: 79; n.d.h; n.d.o; n.d.m; n.d.d). The CEV emphasised that this required broad and plural social participation in truth-seeking, with victims' suffering and contributions treated as essential knowledge for a more democratic and peaceful future (CEV, 2022: 115). This positioned society as both the subject of truth-telling and its principal agent, responsible for transforming past harm into the foundation for sustainable peace.