

# Rendering the absent visible: victimhood and the irreconcilability of violence

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Contemporary justice-making processes often focus on reconciliation or legal retribution, but not on the complexity of victimhood beyond individual subjectivity or refusals of state propositions for social repair. In Colombia, where drug cartels and state-sponsored violence had terrorized the population for over fifty years, it was not forgiveness and acceptance that punctuated the turn of the twenty-first century, but the refusal to reconcile with the state's duplicity regarding the disappearance and death of thousands. This essay illustrates how irreconciliation as an affective sentiment is taking shape in Colombia through forms of retribution that take the form of *victim visibilizations*. In analysing the strategic use of *victim visibilizations as a refusal of state accountability*, their expansion of the notion of victimhood, and their politics of irreconciliation, I show how even with the state's remorse-driven discourses, the public's understanding that political, judicial, and social accountability was not possible and pushed them to chart new strategies for disclosure and healing.

Displayed on a busy street in Bogotá, Colombia, in February 2020 was a controversial mural of five Colombian generals of the National Army identified as directly responsible for 5,763 cases of 'false positives' (ODHDH 2012; Rojas Bolaños & Benavides Silva 2017), a practice of misrepresenting civilians as guerrilla fighters killed in combat, reported from 2000 to 2010. Painted by the group known as Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE, National Movement for Victims of Crimes of the State), this work was a visible and shocking representation of demands for state accountability. It publicly exposed high-ranking officials who had been associated with the murder and disappearance of thousands, but who had not accepted responsibility. Among the most explicit forms of public refusal of state violence have been attempts to use artistic visibilizations to tell alternate stories about responsibility for violence (see Echavarría 2018). The mural featured the inscription 'Who gave the order?' and not only suggested the officers were to blame, but also condemned the state's participation, particularly that of Álvaro Uribe, President from 2002 to 2010, and Juan Manuel Santos, Minister of Defence under Uribe from 2006 to 2009 and President from 2010 to 2018 (Bruno & Carrillo 2009; *El Tiempo* 2019). Santos was paradoxically awarded the Nobel

Peace Prize in 2016 after leading the peace talks with FARC while also having been the Minister of Defence during the time of the false positives.

Beyond documenting these atrocities, MOVICE – an organization that represents victims and focuses on developing strategies to obtain truth, justice, and comprehensive reparation, and guaranteeing that crimes against humanity are not repeated – works with victims of violence to rearticulate memories in ways that are in sync with the realities of state power. By articulating the claim that the Colombian military has been the principal perpetrator of violence, the organization not only works with victims of forced disappearance to vindicate the memory of disappeared citizens, but also condemns the state for its lack of action (MOVICE 2020b). It attempts to *visibilize* questions such as: why were the missing detained? Why were they disappeared? Who ordered their disappearance? And what was the purpose of their disappearance? The imagery has been presented in galleries and exhibitions; in parks, city plazas, and universities; on the internet; and, in the era of COVID-19, it has been printed on personal face masks.

In response to the blatant accusations and through a human rights protection action, one of the officers demanded that MOVICE's Bogotá mural be removed, and a judge ordered it to be painted over and for the image to stop circulating. By the time this decision was made, members of the 13th Brigade of the National Army had already covered the generals' images with white paint (MOVICE 2020a).<sup>1</sup> Despite the physical removal of the public mural, the image had an afterlife as people circulated it on the internet with impunity, rendering the attempt to remove it futile. Instead, online chats, WhatsApp postings, and Twitter and Instagram feeds discussed the need for state actors to take responsibility for the murders, disappearances, and cover-ups, without which these publics would refuse to accept the prevailing state explanations.

On 12 February 2021, the Special Jurisdiction for the Peace (SJP) presented its report, No. 033/2021,<sup>2</sup> on 'deaths unlawfully presented as in combat'. This case is part of the struggle of dozens of mothers and victims of the false positives who led the 'Who gave the order?' campaign. The document became a key element in the investigation and an element of national controversy. Although it sought to present to the public how the cases were being prioritized, it announced that after the verification of new sources and databases, the total number of victims of this crime had increased to 6,402 people killed by the Colombian army. This was 4,154 more individuals than the 2,248 that the Office of the Attorney General had originally announced. The report found that 78 per cent of the cases occurred between 2002 and 2008, and that 66 per cent of the victims who were extra-judicially executed by state agents died in ten of the country's thirty-two departments. The magnitude of such a finding encouraged the victims' organizations that led the 'Who gave the order?' campaign to launch a new campaign of irreconciliation known as the 'Campaign for the Truth' (MOVICE 2017). On 7 March 2021, they reproduced the mural in recognition of the revised number of victims and the expectation that it will continue to increase. MOVICE's statement of irreconciliation is clear: as long as the SJP does not produce results or uncover where the order came from, the campaign will continue to question the responsibility for these crimes and to render forgiveness a matter of irreconcilability.

By 'irreconcilability' here I am referring to the practices of refusal in which, following Mookherjee (introduction to this volume), one refuses to carry out magnanimous performances of forgiveness. What we see are refusals to engage on those terms and instead attempts to address the ongoing impunity for decades of injustice through

the resistance of what Buthpiyi (this volume) refers to as the resistance of the violence of 'peace'. In this essay, this resistance takes the form of irreconciliation as an aesthetic, political, and conceptual engagement with injustice through ongoing demands for greater accountability and the call for new domains for inscribing justice using contextually relevant strategies. The decade of false positives on which the mural focuses is just one of many violent periods that many Colombians have endured and that have shaped people's senses of there being lack of accountability for ongoing violence.

A significant period of mass violence began in Colombia in the mid-1960s as a sustained war between the Colombian government, various paramilitary groups, and left-wing guerrilla groups, one of which is known as the Revolutionary Armed Forces of Colombia (FARC), as well as drug and crime organizations (Leech 2011; LeGrand 2003; Wickham-Crowley 1991). Between 1964 and 2020, over 3 million people were displaced and 220,000 were killed; between 1970 and 2015, there were approximately 60,630 victims of forced disappearances in Colombia (CNMH 2014a). Understood as a crime against humanity, forced disappearances infringe on the basic right to life, human dignity, liberty, autonomy, and personal security; the right not to be arbitrarily detained; the right to due process; the right to recognition as a person before the law; and the right to humane treatment in detention (Amnesty International 2020; CNMH 2013; Trial International 2020). It involves cruel and degrading treatment of both the victim and their family members, who are condemned to the uncertainty of not knowing the whereabouts of their loved one (CNMH 2014a). These disappearances, followed by state truth, reconciliation, and forgiveness projects, allow us to reflect on how contemporary state projects narrativize the transition from violence to its eradication.

By criticizing what they see as a lack of appropriate state measures to make perpetrators of mass violence accountable for their crimes, various publics in Colombia have engaged in memorializations to visibilize wrongdoing as refusals of both the state-sponsored truth commission and the subsequent peace agreement between the Colombian government and the FARC in 2016 (Calle 2015; Marín 2018; Wallace 2017: 24–57). These visibilizations reflect public acts of reattribution that refuse not only the state's articulations of supreme legality, but also its overtures to reconcile past violence through new hybrid judicial initiatives, unless those initiatives recognize the responsibility of high-ranking leaders for that violence.

When, having conversations during a research exchange with the Transformative Memory Project, I asked Seth from MOVICE whether taking over large swathes of city walls for graffiti visibilizations was legal, he quickly responded, 'It was not legal for the military to kill civilians, so why should they worry about the legality of their graffiti?'<sup>3</sup> Instead, he insisted, 'Future victims have the right to protect themselves with information and murdered victims have the right to express themselves in the symbolic worlds of their loved ones'. What was important for Seth was that families see their loved ones vindicated in the identification of those responsible for the crimes.

In March 2020, the MAFAPO<sup>4</sup> mothers, an organization affiliated with MOVICE, worked with designer Eduard Barrera to create a face mask featuring images of the generals and the inscription 'In the face of so much silence, we will not be quiet' (SEMANA 2020). This very bold, visible, and personal refusal to accept the legitimacy of false positives might also be seen as an attempt to personalize a narrative about violence, corruption, and concealment and open it to public scrutiny. As we shall see, this form of refusal rejects the law's narrow focus on individual perpetrators, instead demanding the unveiling of state complicity, while calling for an expanded

understanding of victimhood that narrows the distance the law has wedged between victims and their surviving families. Ultimately, this refusal demands a rethinking of the limits of reconciliation in mass-atrocity contexts.

For forgiveness and social transitions from state-led violence to be deemed legitimate, those who have suffered its consequences need to see governmental initiatives as worthy of supporting (Andrews 1999; Pettigrove 2006; Riaño-Alcalá & Baines 2017). However, the opposite happened in Colombia's 2016 referendum, when 50.2 per cent voted against a peace deal with the FARC. Many Colombians said they voted 'no' because it was too lenient towards both the rebels and the state. In the absence of reckonings, the families and loved ones of those victimized by violence have taken a politico-affective approach that I call 'reattributive irreconciliation'. This form of irreconciliation is not simply a benign response to perceived injustice. Rather, by counteracting the 'theatre of reconciliation' that state agents are seen as staging, it reflects a call for accountability in relation to and beyond the state. It also insists on an expansion of victimhood from the individual to a collective politics through which the families of the murdered and disappeared are promoting a new type of accountability (Mendeloff 2009).

This involves transforming the presumably corporeal dead from their status as materially absent to asserting their central presence in the family and region's body politic. Thus, both the refusal of the singular subject as the only 'victim' and the disclosure of truth about the lives of the disappeared are interrelated in ways that extend their physical existence with the lives of those who represent them. By expanding the domain of victimhood to include families and loved ones, survivors refused the narrow concept of an individualized victim, expanding the category to include those who suffered loss as proximate victims (Crapanzano 2011; LeGrand, van Isschot & Riaño-Alcalá 2017; Riaño-Alcalá 2006; 2013). Victimhood came to be seen not as passive loss or a discursive performance but as the material transference of the deceased to the bodies of the living. What unfolded was irreconciliation – a form of refusal to accept the status quo and to forgive – and demands to learn from and narrate the struggles of those who lost their lives. Victimhood was displayed and asserted with emotional force, a manifestation of embodied refusals that I have elsewhere referred to as 'affective attribution' (Clarke 2019).

Affective attribution takes place when people protest and re-signify assignations of culpability and come to terms with loss. It can also involve displacing state structures and narratives with other formations, such as people's courts, alternative policing, new adages, extraordinary forms of visibilization, and so forth. These formations compel people to contend with loss, anger, and the memory of violation. In this regard, this essay explores how through extraordinary forms of visibilization, affective attribution can lead to the refusal to forgive as well as a politics of irreconciliation that holds out for a better outcome in terms of justice. By exploring the deployment of victim visibilization in Colombia, instead of telling a story about the reconciliation of loss and suffering that accompanied many state truth and reconciliation projects, this essay examines the refusal to accept violence as an epistemological assertion. This is an approach that demands a new conception of humanity through a new road to justice.

In Colombia, where drug cartels and state-sponsored violence terrorized the population, it was not forgiveness and acceptance that punctuated the turn of the twenty-first century, but the refusal to reconcile with the state's duplicity regarding the disappearance and death of thousands (McCormack 1999; Sánchez & Camacho

2008). Even with the state's remorse-driven discourses on the need for accountability for the violence, the public's expectation that political, judicial, and social accountability was not possible pushed them to chart new strategies for disclosure and healing. In Colombia, irreconciliation reigned and people found new ways to forge a path forward.

### **Irreconciliation: embodying humanity through the lifeworld of another**

Over the past twenty years, the human rights literature has expanded to explore institutions and social movements focused on both retributive and restorative justice as the answer to how people reconcile material loss and transformations of the missing following mass-atrocity violence (Garbett 2017; Llewellyn & Howse 1998; Llewellyn & Philpott 2014; Rotberg & Thompson 2000). These strategies of reparation of sociohuman relationships have spanned truth-based reconciliation strategies as well as various acknowledgements of wrongdoing, forgiveness, remorse, and renunciation (Amstutz 2007). However, in Colombia, the state is not seen as having disclosed the full truth, admitted wrongdoing, or held its agents responsible for the violence they committed.

Many scholars interested in forgiveness in relation to truth and reconciliation commissions (TRCs) remind us that forgiveness does not involve denial. Instead, it involves 'giving up hope for a better past' and 'a means by which the legacy of past wrongdoings is redeemed' (Amstutz 2007: 561; see also Andrews 1999; Bartel 2018; Jeffery 2017). These authors argue that through a combination of truth telling, repentance, remorse, renunciation of vengeance, as well as the cancelling of what is seen as a deserved penalty, forgiveness can be a useful tool in addressing/managing histories of political violence and oppression. Yet many agree that the application of forgiveness presents challenges in the political realm. These challenges range from confusion over who should offer forgiveness to who should receive it (Amstutz 2007; Bartel 2018; Crocker 2000), as well as how victimhood should be articulated and what its limits are (Andrews 1999; Lupton 2014).

These ambiguities are not insignificant. Many scholars, including Hannah Arendt (1958), Donald Shriver (1998), and P.E. Digeser (1998; 2003; 2004), had previously explored this role of forgiveness in politics. For Arendt, forgiveness was linked to human action and agency. Humans are unable to control the outcomes of processes that initiate with an action. Thus, the consequences of actions are unpredictable and irreversible. These unexpected outcomes may result in unhappy or unfortunate consequences for others. Arendt, therefore, finds a solution to the predicament of human action, suggesting that the antidote is presented as forgiveness (Lupton 2014). For her, forgiveness is offered as a way of making amends for the harm caused by the action. In this regard, Shriver suggests that there are four dimensions of forgiveness: the first is given in an agreement between the parties about something from the past that is best left behind; the second is an abandonment of the feeling of revenge; the third is empathy towards the humanity of the enemy that allows for a healthy coexistence in the future; and the fourth seeks to renew the fractures generated by an enmity. For Digeser, forgiveness re-establishes a relationship after a transgression has occurred. Thus, forgiveness becomes a mechanism by which the victim acknowledges the harm and decides to release the transgressor from the moral debt that has been owed. Here forgiveness implies a change of heart which casts doubt on its application to a political context. And forgiveness in politics entails leaving resentment aside. Once forgiven, the transgressor is treated differently. These approaches to forgiveness can

be seen, following Mark R. Amstutz (2007), as missing a key element of forgiveness: the cancellation or mitigation of penalty, remorse, or repentance. In this light, many view the acknowledgement of wrongdoing through these elements as the foundation of forgiveness and without them see any attempt to reconcile wrongdoing as falling short of this goal. Thus, as noble as such aspirations for political forgiveness may be, a slow and growing interest in questioning reconciliation and forgiveness projects has begun to take root and has led to increasing attention to the politics of unforgiveness. This exploration of unforgiveness has highlighted the moral dimensions of resistance and resentment. Among the most compelling work on this topic has been the introduction of irreconciliation through the language of refusal.

Audra Simpson's (2017) anatomy of refusal offers insights into the ways that long-standing dispossession of Indigenous lands is engaged through a politics of refusal to be folded into settler colonial lifeworlds. Others, such as Martha Minow (2002), examine the successes and shortcomings of the South African TRC and highlight the way that particular moral, psychological, and religious responses produced the ideal tropes that drove its work. This, along with works by Thomas Brudholm (2006) and Jean Améry (1980 [1966]), as well as various critical interventions by Jacques Derrida (2001), Michael Herzfeld (2009), and Walter Reich (1990), point to important scholarly questions about unforgiveness. They also raise the need to explore what it means to feel, refuse, and embody those components of ourselves that speak to our humanity and the affective strategies through which people engage in acts of unforgiveness. As we will see in Colombia, affective displays of refusal through unforgiveness manifest in widespread memorializations aimed to counter the state's inaction.

Public mobilizations represent ways of reckoning with irreconcilability of a social condition that lacks accountability for violence. Part of the problem is that criminal law and its related legality presumes that law works on behalf of society. This sphere of justice making also produces displays and performances of justice. It carries legal rules through which to render decisions on guilt and to parse accountability, but what it does not do is to provide the ability to narrate that loss in affectively structured ways. The law does not exist to eradicate that pain and replace the loss. The law exists to ascertain the culpability of the accused. Who committed the crime? When? And how? And though legal accountability of perpetrators is symbolic of the state's commitment to address violence against the violated, family members understood that Colombia's history required a way to address criminal responsibility for violence that not only narrativized the role of rebel groups and child soldiers as perpetrators, but also identified the state and its complicity as core considerations in the complexities of responsibility for violence.

### **Histories of violence and attempts at justice**

While forced disappearance has been a recurrent phenomenon in armed conflicts, the situation in Colombia has been placed in the spotlight because of its magnitude and consequent impact on the daily life of Colombians (Bushnell 1993; Shultz *et al.* 2014). According to the National Centre for Historical Memory (Centro Nacional de Memoria Histórica) in Colombia, there are 55,012 cases of people who have been disappeared (CNMH 2014b). Of these, eight out of every ten people who are reported to have gone missing have disappeared in the last twenty years (CNMH 2014a).

Between 1970 and 2000, reports of missing people were prosecuted as kidnapping or understood as 'presumed dead' (CNMH 2014b).<sup>5</sup> After 2000, forced disappearance was

incorporated into the Colombian Penal Code to describe an individual who is deprived of his or her liberty by another person followed by the refusal to inform others about the victim's condition or whereabouts (Albaladejo Escribano 2009). Forced disappearance can be perpetrated by the state, a political organization, individuals who belong to illegal armed groups,<sup>6</sup> state security forces, or public officers.<sup>7</sup>

In general, violence in Colombia has been perpetrated by both state and non-state actors: drug-trafficking organizations, residents, the paramilitary, and some military forces all played an important role in shaping this crime. According to the CNMH, in 51.4 per cent of the cases recorded (between 1970 and 2015), it has not been possible to establish who the perpetrator was (CNMH 2014a). Their data show that approximately 13,562 people (46.1 per cent) disappeared because of the illegal action of paramilitary groups; another 5,849 (19.9 per cent) due to guerrilla action; 2,598 (8.8 per cent) at the hands of demobilized groups; and 2,368 (8 per cent) as a result of the actions of the military forces. Finally, there were approximately 4,686 (15.9 per cent) cases that corresponded to unknown armed organizations in the country (CNMH 2014a). The narratives that accompany these statistics suggest that the violence was not arbitrary but emerged from a history of displacement, forced labour, inequality, and the ongoing resort to various illegal activities such as drug trafficking by members of rebel movements and by agents of the state (Cotte Poveda 2007; Pecaut & González 1997).

Despite the development of transitional justice mechanisms in Colombia during the 1980s and 1990s, they were not seen as producing emancipatory possibilities (LeGrand 2003). Nor did they enable transitions from violence to peace. Rather, by leaving unanswered questions about the responsibility for violence and the location of the missing, the mechanisms reified otherness and created distance from the actual histories of violence. Families, civil society organizations, and members of the public involved in activism demanded that the state be held accountable for the missing, and that in the absence of declarations of responsibility, they should contribute to the search for the missing (Barrera Berrio & Medina Alvis 2011; Dejusticia 2010; SEMANA 2014).

In addition to applying pressure to contend with the problem of forced disappearance as a crime, Law 589 of 2000 established mechanisms for the prevention of crime and protection of victims' rights. One important development was the Commission for the Disappeared, established as a permanent body to locate people who are presumed missing. Constituted by judicial organizations, such as the Attorney General's Office, non-governmental organizations, associations of families of missing persons, and forensic institutions, its objective was the investigation of the crime of forced disappearance, designing and implementing the National Plan for the Search for Disappeared Persons, and setting up investigation groups for specific cases related to missing people (FGN 2017). Owing to the number of corpses recovered from mass graves, Law 589 also mandated a National Register of Disappeared Persons. This data reference information system has as its main objective the identification of non-identified bodies that are taken to the Institute of Forensic Medicine.<sup>8</sup> The law created a mechanism for the protection of the property of missing persons and, through this system, family members can administer and dispose of the victim's property. This law was important as it enabled the recognition of enforced disappearance as an independent crime, leading to the development of mechanisms such as the National Register of Disappeared Persons. Such actions were made possible through the government's issuance of Law 1448 of 2011, known as the

Victims' Law, which recognized victims' rights and guarantees. By recognizing the need to guarantee memory reconstruction as a right to the production of truth (Monroy 2019), the Victims' Law defines judicial and administrative actions aimed at assisting victims and repairing harm using economic means. It also recognized the importance of symbolic reparation by creating a National Day of Memory and Solidarity with Victims. Celebrated each year on 9 April, it assigns the status of 'victim' to those people who suffered individual or collective harm as of 1 January 1985.

Yet many victims refused this overture and argued that the implementation of these measures was slow and insufficient due to the lack of political will, limited resources, and legal shortcomings. In response, wide-scale public mobilizations contributed to significant institutional, social, and judicial reckoning, starting with various demobilizations of the FARC and leading to the commencement of the 2012 negotiations towards a Peace Agreement, which lasted for at least four years.<sup>9</sup> The negotiations ended with the signing of an historic agreement on the end of conflict and cessation of hostilities and surrender of weapons on 26 August 2016. On 2 October 2016, the Colombian people voted in a referendum asking if they wanted to implement the agreements signed in Havana. A slight majority of 50.21 per cent of the population opted for 'no', rejecting the original text. Finally, on 24 November 2016, a General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace was signed (Colombian National Government & FARC-EP 2016). Among the agreements was a plan for comprehensive rural development, political participation, and an end to drug trafficking.

Following the signing of the Peace Agreement, the Colombian state established a mixed transitional justice project that combined various administrative institutions with judicial and extra-judicial measures. They established a Truth, Coexistence, and Non-Recurrence Commission (Truth Commission); a Unit for the Search for Persons Presumed Disappeared in the Context and by Reason of the Armed Conflict (UBPD in Spanish); and the SJP. Ultimately propelled by public engagements, the peace deal led to governmental commitments to mechanisms for economic and political rights, universal education in rural regions, subsidies for the development of former rebels, and access to clean drinking water.

Despite these measures of the last four decades, some Colombians refused to engage with the theatres of the TRCs and insisted on highlighting the state's failure to protect those whose lives were wrongly taken and to account for their whereabouts – irrespective of their revolutionary or non-revolutionary goals. From that indignation emerged a counter-movement demanding not only the right to know about the conditions of violence that led to the loss of loved ones, but also that state actors locate the bodies of the disappeared and allow for proper burials of those victimized (LeGrand *et al.* 2017; Riaño-Alcalá 2006; 2013; Riaño-Alcalá & Baines 2012). Part of this movement was built through the representational labour of those loved ones who remain. This labour has been central to calls for state action and accountability in Colombia throughout the decades of armed conflict, especially in regions that have been most violently impacted. In what follows, however, I will focus on just a few contemporary efforts that prioritize the essential role of ending state impunity and stamping out the exceptionalism of leaders whose actions were seen as contributing to Colombia's violence and enforced disappearances, while also asserting their own status as 'victims' under particular circumstances.

### Visibilizing victimhood: the response to false positives

Fair Leonardo Porras, a 26-year-old male who suffered from learning difficulties and had the cognitive capacity of a 12-year-old, was an inhabitant of Soacha, Colombia, a predominantly working-class municipality on the outskirts of the city of Bogotá. In 2008, state agents reported him and eleven other individuals to be insurgency rebels who roamed the country killing innocent people. The Second Division of the army in Norte de Santander killed them at least 600 kilometres away from their home (CNMH 2017). Upon realizing that the Porras situation was not an isolated case, nineteen mothers from Soacha who had lost their children during this period and under the same circumstances mobilized hundreds of mothers, fathers, wives, sons, and daughters to spread the word that their relatives had also disappeared or were killed in so-called operations against criminality (MAFAPO 2018). They began a struggle to reclaim the names of their sons whom the National Army had murdered and then presented as guerrillas who had been killed in combat.

In response to the production of state misrepresentations, MAFAPo has used various acts of refusal, including mobilizations, artistic representations, and symbolic commemorations to resist state narratives of who was to blame for the violence. One of its most representative activities is known as the 'Costurero de Memoria' (Sewing Box of Memory). This is a collective that sees itself as victims of enforced disappearances. It emerged from the initiative of a mother whose three daughters had been disappeared. To help her heal from this loss, she made a blanket out of their clothes, and the practice spread. During weekly gatherings, members of the group offered participants the opportunity to share stories of the disappearance of their children, husbands, or brothers while they sewed as a form of catharsis (Agomez 2019a).<sup>10</sup> MAFAPo mothers also made and embroidered fabrics representing the criminal events that surrounded the fictionalized story the state told about their loved ones. The mothers insisted that while it may be useful to speak using statistics, they wanted their work to lead to the visibilizations of the lived worlds of the missing, and in doing so allow their sewing to reflect their suffering, to reflect the way that they, too, were victims of mass-atrocity violence. These acts of refusal illustrate how feelings about and perceptions of justice can be communicated through presenting, signalling, performing, and remembering the missing or murdered.

In one photographic series, 'Madres Terra', fifteen MAFAPo mothers undressed and covered all but their faces and arms with soil, symbolizing the resistance and rebirth of women who lost their families, with whom they engaged in re-narrativizing their memories (Agomez 2019b). These portrayals were compiled by artist Carlos Saavedra to represent what many within their constituencies saw as the ancestral relationship between mothers and the earth as sources of life, while others described it as an act of burying. Whatever the interpretation of the imagery, the depictions were shocking and emotionally laden with loss. Indeed, it was not just the disappeared who suffered the indignities of unfreedom but also those who remained behind.

These visibilization projects open up spaces for making sense of the way that women's suffering, survivors' suffering, stands in for a new formulation of victimhood. For example, Blanca, a member of the MAFAPo Foundation, stressed how being part of this association has helped her healing process:

The fact is that I have changed 100 per cent. Yes, I am not the same as I used to be. I used to laugh, I used to make fun, I used to go out, but not anymore. I want to be here in the house locked up ...

You know what makes me happy? When I meet the mothers of Soacha. Sometimes we cry together, sometimes we laugh, sometimes we fight, and that is my happiness ... They are the engine of my life. My 'cuchi Barbies' [old Barbies]. I am happy with them. I meet them and we talk, we talk, but then I leave, and I feel sad again, melancholy.

Cecilia, also a member of MAFAPO, emphasized accountability when she spoke of the group's importance to her: 'Why have I not withdrawn from MAFAPO? Because I will continue in my fight until I find out who the Army Chief was, I mean, who gave the order to kill my brother. I will not rest until I know'.

In the visibilizations and statements about their feelings of loss, victimization, and state duplicity in regard to the false-positive narrative, the members of MAFAPO reinscribe culpability, or reattribute guilt, onto members of the state. This act of retribution was also a strategy used by MOVICE, the group behind the controversial mural. Prior to the COVID-19 pandemic, we witnessed MOVICE collaborating with artists and galleries to display photos that exposed Colombia's history of violence. After the National Government implemented a COVID-19 lockdown, MOVICE helped facilitate a project called 'Memoria en Casa' (Memory at Home), in which participants in various cities set up altars in their homes, displaying pictures and objects of their missing loved ones and exhibited them on social media and the organization's website.<sup>11</sup> By using photos of those victimized as tools of visibilization, truth, and transformation, their surviving family saw themselves as advancing memories that they feared the state would erase through false representations. And while these memorializations were erected to preserve the memories of loved ones, they also sought to extend the memory of the missing into the pain of those left behind (Ortiz Cassiani 2015). As one member of MOVICE said, 'We display the garments and trinkets and photos of the missing in order to show that their disappearance continues to cause us sorrow and pain. The display of our loved ones in this way is our effort to share our suffering with each other'. Such visualizations of loss are also social claims to suffering (Riaño-Alcalá & Baines 2017).

These practices have a long history in the tradition of Catholic memorializations of the dead in Latin America that actively engage in rituals to connect the corporally dead with the living (Cherry 2004). Various vigils and life celebrations attempt to bring comfort and accompany the family in their grief and to negotiate the future direction of the soul so that it may reach peace and resurrection. These rituals include erecting altars in dedicated public places or in individual homes, as well as gathering at the graves of loved ones and bringing personal objects of the departed such as T-shirts, caps, photos, trinkets, food, and drinks to honour the memory of their dead. What emerges through these activities and their regional variations is a ritualized notion of suffering as an affective burden of the living, but, in the case of contemporary visibilizations of victimhood, articulated within everyday practices. These practices take shape across kinship networks and especially in the context of families of women. Through these kinship networks, we see an analytic linkage between the role of the divine, social respectability, and the suffering of individual women and mothers.

Memorializations are produced in spaces within which people can recognize each other through the dynamics of kinship relations. These spaces involve the co-presence of the corporally dead and the living as well as the omnipresence of suffering. Colombian healing networks position the visibilization of art as central to the journey of suffering. They show that the 'victimhood' narratives being articulated through the visibilization movement in Colombia and other parts of Latin America reflect the transference of memories of the disappeared to mechanisms (photos, trinkets, etc.)

that are embodied and used to keep the disappeared alive. What such visibilizations offer us, then, are everyday ways that people reattribute responsibility towards the state, and while doing so they create openings through which to engage with each other in the aftermath of violence. These various initiatives create a space of remembrance that is also a contested domain and does two things at once. It allows for the memory of the disappeared to be displayed and worn with honour, but it also allows the disappeared to be embodied in the lifeworlds of living agents, who, through a call to rectify their pain, refuse state solutions and instead demand the re-narrativization of their story. It is no surprise, therefore, that the emergence of such grand and co-ordinated victim visibilizations have led to the reclaiming of space in the name of the disappeared, following Catholic traditions of symbolic representation. From large museum exhibits to grand murals on city streets to in-home memorials, large-scale victim visibilizations articulate a form of irreconciliation that is not merely about the binary distinction between individual death and suffering from that loss. Rather, the intersubjective nature of suffering allows us to see how loss is expressed through new formations of personhood and how those recalibrations of personhood shape new sociopolitical realities, new support structures, and multiple perspectives through which to understand the paradoxes of loss and new configurations of possibility. Such arguments allow us to consider the limits of forgiveness and the need to consider new forms of reckonings that are at play. They involve the transformation of the category of victimhood from a passive position of loss to a kinship network of affectively constituted empowerment that asserts the irreconcilability of violence.

Historically, the classification of a criminal transgression involved a single victim as a legal category and the assumption was that, despite the existence of social suffering, determinations of harm were not transferable (Frost & Hoggett 2008). For example, the Colombian legal system clearly and specifically incorporates the concept of victim in Law 975 of 2005, known as the Justice and Peace Law. However, MOVICe, among others, criticized this definition because it did not include the rights of victims to truth, justice, and reparation. Consequently, with the issuance of Law 1448 of 2011, the concept of the victim was taken up again. Through expanding the legal definition of victimhood, it gave legal recognition to those who also suffered the loss of a loved one during the armed conflict (Delgado 2011). With the recognition of the demand for the expansion of victimhood, we see a theory of embedded personhood that departs from the singular rights-endowed victim-actor to what the law refers to as 'indirect victims'. This re-conceptualization moves from victimhood as impacting a singular actor to a rendering of an agentive victimhood in which the disappeared can be actively counted and their whereabouts interrogated for the purposes of evidence or witness testimony.

According to Indress, one of the MAFAPO mothers we interviewed,

I think we were victims too, because, as I told you before, they took away a very important person from me, because when Jorges was ... five days old, I promised him that I would never turn my back on him, that I would be with him through thick and thin, that I would never be separated from him. [But] they took him from my arms, they vilely murdered him, and it was a very big pain, a pain that they caused me, they caused all of us mothers, and it is a pain that one cannot heal.

As for her memory and reconciliation efforts, Indress stated,

To remember my son, there is no need to do so many things; just looking at his picture there I am seeing him, there I am remembering him. I see him, I breathe deeply, and I say: 'God, do your holy will' ... Right now, I am making the quilt to describe when he left San Nicolas, of the road he followed,

when he arrived at the place where he was murdered, I am making that quilt. Sometimes it takes me eight or fifteen days, or a month, to look at it, take it out, I sew a little bit, then I put it away, and so on. But it's something that you keep with that person at all times, and you think: well, the person died, he's already buried, he's going to be forgotten, but that is a lie, as time goes by, that person is more remembered.

These memorializations of the lives of the disappeared and the visibilizations of loss demand recognition and terms for a radically reconfigured future in which the dead, the buried, are seen as continuing through various ongoing visual remembrances.

Through victim visibilization, both the missing and the conditions of their disappearance become the terms on which a new future is possible. Though that aspiration is manifest in domains of loss, in the bodies of the missing, the disappeared are also seen as being transformed. Their memory and cause live through the refusal of indirect victims to accept justice meted out within the same conditions of violence. A new future can be imagined that requires that we re-envision presumptions about the liberal subject and that we rethink the basic principles upon which democracy functions. This re-narrativization of the trope of the liberal subject as a single = individual whose injury lies only within their person emerged as a critical philosophical tenet on which transformative memories were politicized. For when one element of the social whole is taken away, the entire whole is affected by that loss. This principle of social harm is part of the basis upon which irreconciliation has taken shape for various constituencies in Colombia.<sup>12</sup>

Senator Ivan Cepeda, popularly seen as one of the most influential authorities on the political left and a victims' representative, recounted his own story and mapped out for us what a different future could entail. On 8 August 2019, twenty-five years after his father, Manuel Cepeda Vargas, was assassinated, Ivan Cepeda asked the SJP to determine the individual responsibility for this murder. Among the requests that Cepeda made to the SJP was to subpoena Jose Miguel Narvaez, who was the Director of the Administrative Department of Security in 1994. This was because, according to other perpetrators and defendants in this case, the former director was alleged to have participated in the assassination. In response to his request and the work of the court, Cepeda was accepted and recognized by the SJP as a victim of case No. 06, 'Victimization of Members of the Patriotic Union'. In recognition of this principle of the social unity of the disappeared and the living, he spoke with us in the MOVICE office about his vision for change.

In a nod to, yet disavowal of, law as the answer for transforming society, Cepeda emphasized that the transformative value of MOVICE's visibilization strategies was to produce retold memories of the past. As he explained, 'MOVICE's visibilization strategies to testify and confront power are critically important for individual and social healing and rectifying abuses in truth telling about our violent past'. But though he emphasized its importance, in response to my question about whether visibilization as a strategy of social change was effective, he warned against using individual healing in ways that ultimately remove us from political power. Instead, he insisted,

The public has a major role to play in taking steps to being subjects of power. We must use these artistic visibilizations to both testify and confront power. But we also need to take power, to build a new reality that allows us not only to use victimhood to change narratives about violence, but also to use it to claim power.

Ultimately, he saw these memory-making visibilization strategies as essential political vectors that were far from marginal. Every society dealing with post-violence contexts, from illegal settlements to civil wars to ongoing forms of violence, plays a critical role in confronting memories and reattributing them for particular ends. And because false positives produce misinformation about the conditions of death of thousands, insisting on new modalities to 'socialize these memories differently is critical', added Henri, a MOVICE comrade who spoke after Cepeda. As he nodded and agreed that it was important to refuse illegitimate power, he reminded us that those who testify through victim visibilizations become witnesses in the narrativization of new discourses of power.

Our conversation ended with a call to remember that it is important to maintain a sustained voice; that the issue is not what position is valid but what the plurality of positions are in the quest to refuse impunity and to reallocate power towards positive ends. What my interlocutors communicated that day is that the resultant narrative texts that speak through victim visibilizations to the sustained life of the living are deeply political. They are necessary to tell a different truth. This refusal of particular 'truths' and the rearticulation of other truths can be deployed in impactful ways.

### **Proximity and differentiation: the limits of forgiveness**

In relation to those victimized by violence beyond Colombia, by the twenty-first century a 'victim' discourse emerged that tended to decontextualize the pain and suffering of those who were victimized by violence and recontextualize them in a theatre of justice that formed the basis for the work of international justice writ large. Indeed, although the promise of justice offered victims solace, the reality was that law's emancipatory power did not address the temporality of the pain and enduring absence. This is because the legal doctrine was seen as producing distance and differentiation between perpetrators and victims. Understood as such, distance represents the objectification of suffering so that it can be documented and rendered rational for the law to engage with it. Differentiation, as a practice of legal identification, allows for the parsing of culpability for violence to a given person. It was this dual presence of distance and differentiation that contributed to some of the public's refusal of the Colombian justice mechanism. The differentiation erased the nature of victimhood and in doing so it led to the refusal to reconcile. Indeed, the temporality of loss cannot always be addressed with a brief apology or a bid for forgiveness. Nor can it be adequately addressed through retributive justice. Victim visibilizations developed as a response to the state's unwillingness to admit to its complicity in violence and the way it distanced surviving victims from victimhood. These displays and performances insist that victims who lost loved ones, as agents of representation, do not want distance from the missing. And they want the sacrifice of the life of their loved ones to have meant something.

What is important to reckon with are not only the ways that the family and loved ones of the disappeared have become an extension of the body of the disappeared who was victimized, but also the way that the disappeared are made to live through the refusal practices of those who carry their legacy. For the experience of the loss of the life of a loved one results in a visceral response that is felt and embodied with feeling and pain. The daily reminders of loss cannot be easily heard or felt or seen. The insistence on victim status for the family and loved ones of the disappeared provided a domain for the recognition of their loss. It also highlighted a way of thinking of the extension of the loved one's continuity of life. This form of refusal of traditional modes of personhood

was a form of irreconciliation that enabled the family as proxy victims to negotiate loss through the maintenance of an afterlife for those who had been taken from them. These practices are shaping a set of principles that refuse the distancing between legal justice and the pain of the violation. As statements of power about the refusal to transition to 'business as usual', they render reconciliation impossible without the return of the disappeared, a prospect that becomes less likely as the years pass.

What we see in the theatres of justice in the contemporary period are shifts from a focus on justice for victims to calls for a new future that insists that the lives of the disappeared matter, that information about the missing matters, and that society has a role in sharing in the restoration of the life of those who survive them. In claiming the status of *victims* and participating in the extraordinary visibilization of loss, the living engage in dialogue with the life of the dead. They, like the wave of victim visibilizations across the region, are building counter-narratives that articulate the terms on which demands for humanity are emerging and refusals of business as usual are in circulation.

The disappeared remain alive in the afterlife of the imagery that is meant to shock our sensibilities and enable new truths to be told in different registers. The visibilizations have their own agency to articulate a story about justice. Various struggles against state brutality or demands for accountability are underway in the contemporary period. To take seriously victim visibilizations as extensions of 'victims' themselves and a form of political action requires that we rethink the nature of the social. This involves moving beyond notions of individual subjectivity and interrogating personhood through a unity of collective being. That unity combines the disappeared and contemporary personhood with the practices of representation. To miss this cycle of interconnection as a progression to retributive justice is to miss the philosophical tenets that undergird the radical aspirations that drive it.

For as the argument of the introduction to the special issue suggests, irreconciliation emerges from the lack of recognition and acknowledgement of a harm, the lack of truth telling that allows for the assignment of responsibility for wrongdoing, and the absence of an explanation for that wrongdoing. Despite the fate of the disappeared in Colombia, the shaming of the five generals is alive in the world and gives voice to the violated. Through the public disclosure of violence, we see, following Derrida (2001), that recognizing calls for humanity through forgiveness does not account for the place of vulnerability that people feel. Rather, in this study, various members of MOVICE and the families engaged in the emotional reparation of violence aspire to the possibility of reparations and reconciliation. Through demands for change and community efforts to recast injustice, we see refusals to accept inaction and attempts to re-narrate new social truths. As a statement about the irreconcilability of the loss of lives, the description of the mural with which we opened this essay speaks through the public display of those it sees as accountable but who are protected by corrupted power. This is the public's refusal of impunity, the irreconciliation of state violence.

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## NOTES

<sup>1</sup> Photos of the original mural and the one covered in white paint can be consulted at <https://www.eltiempo.com/justicia/investigacion/mural-sobre-falsos-positivos-fue-borrado-en-bogota-424764> (accessed 24 March 2022).

<sup>2</sup> 'Auto 033/2021. Objetivo: hacer de público conocimiento la priorización interna del Caso 03 denominado "muertes ilegítimamente presentadas como bajas en combate por agentes del Estado". 12 February 2021.

<sup>3</sup> This essay is based on fieldwork observations conducted in Bogotá in February 2020 and subsequent interviews with members of MOVICE, MAFAPO, and BeligerArte, which are all involved in memorializations and victims' rights. Pseudonyms are used for interviewees.

<sup>4</sup> MAFAPO stands for the Madres de los Falsos Positivos de Colombia (Mothers of the False Positives of Colombia).

<sup>5</sup> According to article 97 of the Civil Code, after an individual has been missing for more than two years without notice of his or her whereabouts, a judge starts a presumed death proceeding with three summonses to appear in court. In the absence of a response, the person's death is confirmed.

<sup>6</sup> See Constitutional Court, decisions C-587/1992 and C-317/2002.

<sup>7</sup> See Constitutional Court, decision C-317/2002.

<sup>8</sup> The idea was that anyone can access this instrument as soon as they have news of their loved one's disappearance. Once this is known, judicial actors are expected to immediately order all the necessary steps to locate them.

<sup>9</sup> The creation of specialized units within the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition emerged with the purpose of fulfilling the commitment acquired by Colombia to guarantee the rights of the victims of forced disappearance and their families. This is the core sense of what is stated in the final agreement for ending conflict (Colombian National Government & FARC-EP 2016: 110).

<sup>10</sup> Some photos of this work are available at <http://experiencias.centromemoria.gov.co/costurero-de-la-memoria-kilometros-de-vida-y-de-memoria/> (accessed 24 March 2022).

<sup>11</sup> The gallery is available at <https://movimientodevictimas.org/galeria-memoria-en-casa-movice/nggallery/page/4> (accessed 24 March 2022).

<sup>12</sup> For a similar argument, see Vaisman (2014).

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## Rendre l'absent visible : victimes et irréconciliabilité de la violence

### Résumé

Les processus contemporains de fabrique de la justice se concentrent souvent sur la réconciliation ou le dédommagement en justice, mais mésestiment la complexité du statut de victime, au-delà de la subjectivité individuelle ou des refus de propositions de réparation sociale par l'État. En Colombie, où la population est terrorisée à la fois par les cartels de la drogue et par la violence couverte par l'État depuis plus de cinquante ans, ce n'est pas l'oubli ni l'acceptation qui ont marqué le début du XXI<sup>e</sup> siècle, mais un refus de conciliation avec la duplicité de l'État à propos de la disparition et de la mort de milliers de personnes. Le présent article illustre la manière dont l'irréconciliation, en tant que sentiment affectif, prend forme en Colombie à travers des formes de réattribution par la *visibilisation des victimes*. En analysant l'usage stratégique de la *visibilisation des victimes comme refus de la responsabilité de l'État*, l'élargissement de la notion de victime et la politique d'irréconciliation, l'autrice montre comment c'est après avoir compris l'impossibilité de la responsabilisation politique, judiciaire et sociale malgré le repentir discursif de l'État que le public a trouvé de nouvelles stratégies de divulgation et de guérison.