

Truth, Justice, and Memory in Latin America: Pushing the Boundaries of Knowledge through Research and Activist Scholarship

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This dossier, titled “Truth, Justice, and Memory in Latin America,” gathers the reflections of more than a dozen Latin Americans and Latin Americanists working in the fields of transitional justice and memory studies. Among the contributors are practitioners, journalists, and academics. An initiative of the LASA2020 Program Committee, it seeks to increase the visibility of the complexities of transitional justice and memory practices in Latin America, as well as the innovative research that Latin Americanists working on these issues are engaged in across the region.

The field of transitional justice in particular has been extensively critiqued for being too formulaic, too legalistic, and for not focusing enough on the root causes of violence. Calls for expanding the transitional justice frame to include economic, social, and cultural rights, development rights, and LGBTQI rights, among others, come up against those questioning such calls as overreach.¹ These critiques can be thought of as the growing pains of a relatively young field as it expands in terms of both the topics and issues it encompasses and the truly global nature of its reach.

These broader framing issues aside, the nature and scope of research in the fields of transitional justice and memory studies has evolved in new and exciting ways. In this introduction to this extraordinary dossier, which offers a sample of some of the most innovative scholarship and activist-scholarship in the field today, I would like to highlight what I see as three critical trends.

The first revolves around the concept of truth. Scholars working on truth-seeking in transitional contexts have emphasized that the truth is not fixed, nor is it likely ever fully knowable. That said, it is important to highlight how new transitional justice mechanisms and scholars working in this field are continually producing new and more complex understandings of the truth about the past.

Second is the importance of affirming the centrality of survivors and families of victims in both transitional justice mechanisms and in our scholarship even as we problematize discussions about the complex politics of victimhood: Who is a victim? Who decides? What about the gray areas in which some individuals may be simultaneously victims and perpetrators? How does the state shape and limit these formulations and the resulting transitional justice mechanisms and policies?

The third point refers to our role as scholars, activist-scholars, and knowledge producers. What is our approach to research on these subjects? What is our positionality and how does it affect the nature of our research? How important is what anthropologists refer to as our ethnographic “sensibility” in approaching these questions, particularly when working with victims? The articles in this dossier reveal that there are diverse paths to producing research of consequence, including socially committed or engaged research structured around a commitment to produce research in collaboration with those who are the presumed beneficiaries of transitional justice: the victims.

This collection shows myriad paths of engagement by Latin Americanist scholars that push the boundaries of knowledge about the past and about how societies go about reckoning with the legacies of violence, highlighting exciting new forms of engaged or activist scholarship as well as explicitly collaborative research with victims' groups and human rights organizations, among others.

Truth, Justice, and Memory: A Project in Movement

Truth about the past is not fixed nor is it necessarily fully knowable. This idea is certainly not an original insight, but it is an important starting point. Several of the authors in this dossier discuss the evolving nature of "the truth." This is not merely a rehash of Elizabeth Jelin's famous formulation of the "battles over memory," although changing political contexts do give rise to new interpretations, and new battles, over the past, as Emilio Crenzel discusses in his piece. Beyond this is the idea that through transitional justice mechanisms such as trials and reparations programs as well as newly emerging mechanisms, new information and knowledge is being produced that questions and/or expands our understanding of the past. Truth commissions have certainly been important vehicles for truth-telling in Latin America, but there are a range of mechanisms and processes that contribute to the historical record. As several of the contributors here note, criminal trials, reparations programs, memorialization practices, and national bodies set up to search for victims of forced disappearance are producing new knowledge and understandings about the past. New mechanisms have also emerged to investigate crimes in intractable contexts, such as the Interdisciplinary Group of Independent Experts (Grupo Interdisciplinario de Expertos Independientes, GIEI) created by the Inter-American Commission on Human Rights in Mexico in 2014 to investigate the disappearance of 43 students in Ayotzinapa.

Francesca Lessa's work on the Plan Condor trials, for example, has produced significant knowledge about how this transnational repressive structure was organized, how it operated, and what its impact was across the continent. She has also produced important research on trials for Plan

Condor crimes that have unfolded in nine different countries on three different continents. Similarly, my work on the Fujimori and other trials in Peru showed how these criminal trials produced significant new knowledge about the operation of military death squads, the command structures that designed and operationalized those death squads, and their impact beyond the most well-known cases. María Eugenia Ulfe discusses the recent creation of a national mechanism to search for victims of forced disappeared in Peru. At the end of the Peruvian conflict, estimates of victims of forced disappearance stood at around 4,000. The Truth and Reconciliation Commission determined that the number was closer to 8,000. Now, thanks to the work of civil society organizations and this new official body, we now know that the number is four times that of the original estimate: around 16,000.

On a smaller scale, a commemoration project developed by a private energy company (YPF) in Argentina to honor its workers who were victims of state terrorism revealed that the number of victims was double what was originally believed: from 20 to 42. Santiago Garaño tells us this compelling story, including his role helping the company research and identify former YPF workers and research the circumstances of their deaths in order to contribute to a fuller historical record of state terrorism in Argentina and as a form of reparation to their families. From the micro level to the national level, new transitional justice mechanisms and new scholarship are producing new knowledge about the past and contributing to a more robust truth.

In some intractable contexts, other forms of truth-telling become more salient. Marcela Turati, a fearless Mexican journalist who has walked side by side with the families of the victims of forced disappearance over the past decade, discusses the role of investigative journalism in documenting the truth in the context of what feels like a war zone. Recently, the Mexican government acknowledged that 60,000 people have been forcibly disappeared since the 2006 "war on drugs" launched by President Felipe Calderon, revealing the ongoing horrors of that failed policy. Journalists like Turati have documented the utter indifference of the Mexican state toward the victims, who have been

forced to become their own investigators, their own forensic experts, and their own advocates as they seek for their missing loved ones.

Victims and Victimhood

Who is a victim? Who decides? What happens when a single individual is both victim and perpetrator? These are some of the thorniest questions in transitional justice and memory studies. Several of the contributions to this dossier address these questions. Here, I want to highlight two that caught my attention.

The first is the question of who is a victim. In transitional contexts, victims are often portrayed in the technical language of human rights, as innocents unjustly victimized by state or nonstate violence. Whether intended or not, those affected by state violence are often presented as victims in a way that sanitizes, or even erases, their political or social militancy. They are presented not as regime opponents, political or social activists, or members of armed opposition groups but simply as victims. There are of course individuals and communities that are targeted not for their political or social activism but because they are viewed as the “enemy” or “allies” of the enemy and therefore legitimate targets. We see this especially in countries like Guatemala and Peru, where governments combatting armed insurgencies tended to view indigenous populations—as well as other discrete groups such as students, teachers, and other professionals—as the “natural” allies of those groups. This brings me to the second issue: how to think about who decides who constitutes a “victim” and is therefore a subject bearing rights that are, by international law, subject to distinct forms of reparation.

As Ulfe notes in the case of Peru, the state’s reparations law explicitly denies any member of an armed group the possibility of being considered a victim and therefore denies them access to any form of reparation. A woman member of Shining Path who was raped by soldiers could logically claim to be a victim, but because of her condition as perpetrator she is excluded from this possibility. The child soldier recruited into Shining Path, who as a member of the guerrilla army committed

atrocities, could also be viewed as a victim. I remember asking a human rights activist about the fundamental unfairness of this law, but he said that if the human rights community had not agreed to this formulation, the law would never have been passed. This raises a whole host of issues, not only about how the human rights community in Peru frames victimhood, as Ulfe notes in her piece, but about how the state imposes boundaries that fundamentally shape the way certain issues are framed and formulated. How can we as researchers focus attention on this reality and help shift it toward more encompassing understandings of victimhood and reparations? Exclusionary legislation and policies may provide reparations for some but may serve to reinforce societal understandings that some groups remain outside the boundaries of “acceptable” society. As this and other examples discussed in this dossier show, transitional justice theory and practice still has a long way to go to grapple with these gray zones.

Activist Scholarship

Activist or engaged scholarship involves research that interrogates structures of systemic inequality and is committed to improving knowledge, contributing to public debates, and informing policy-making to promote social change.² Activist scholarship emphasizes research as a process: it typically involves close collaboration with activists, practitioners, or others, and the research “subjects” are seen not as “informants” or “data sources” but as participants in the research process who have unique knowledge to contribute to our understanding of the problem under inquiry.

Many of the contributors to this dossier are engaged in one form or another of activist scholarship. One of the most poignant contributions is that of Elizabeth Oglesby, who remembers the work of her mentor, Myrna Mack, a Guatemalan anthropologist who was killed by the Guatemalan army for her work with communities displaced as a result of the army’s scorched-earth counterinsurgency policies. Oglesby describes Mack’s belief in the importance of socially committed research, and her fate is a stark reminder that particularly for Latin Americans engaged in activist research, the

stakes can be incredibly high and the dangers very real. Decades later, however, Mack's research became a crucial piece of evidence in the 2013 genocide trial against former Guatemalan dictator Efraín Ríos Montt. Oglesby was called upon by Guatemalan prosecutors to prepare an expert report based on Mack's and her own research on forced displacement, which became central to the prosecution case for genocide. The court recognized forced displacement as part of the crime of genocide in 2013 and again in 2018 in a retrial (after the earlier conviction was vacated based on a controversial Constitutional Court decision) of Ríos Montt's intelligence chief. (Ríos Montt died in April 2018 in the midst of his own retrial.) This is an exquisite example of the power of engaged scholarship to contribute to new knowledge and social change.

Lessa makes a clear case for engaged scholarship for those working in the transitional justice field: "objectivity," when invoked to curtail activism for those researching human rights violations, might make us complicit in perpetuating entrenched structures of impunity. Likewise, she notes, as researchers we often possess expertise and knowledge that can make positive contributions to criminal proceedings, reparations programs, commemorative practices, and the like. She describes how she used her expertise in the Plan Condor trials in South America to help prosecutors in Rome who had brought charges, and eventually convicted, 24 Uruguayans for their role in Operation Condor-related crimes. Specifically, the court accepted into evidence a dozen declassified documents that Lessa had helped identify and analyze and that helped obtain the convictions.

Angelina Godoy also describes the centrality of archives, specifically US declassified documents, in her ongoing work with victims of the civil war in El Salvador. The paucity and inaccessibility of official documents in El Salvador makes these documents especially critical to developing a more complete record of the past. As director of the Human Rights Center at the University of Washington, she has developed a formidable project that engages students in activist research on behalf of the victims through Freedom of Information Act (FOIA) requests. Though these have not necessarily

helped provide the specific information victims were looking for, they have, as she notes, help build a more robust understanding of the Salvadoran conflict and, just as important, of the US role and complicity in the military's massive and systematic violation of human rights.

Garaño's reflections about his involvement in the memorialization project in Argentina raises some important issues about how we as scholars and researchers engage with our subject matter. His reflections on his experience of collaborative research shows the importance of carefully thinking through our positionality, but also on the ways in which we might contribute our research skills on discrete, short-term projects with real consequence. Garaño's research not only expanded our understanding of how many YPF workers were victims of state terrorism; he also advised the YPF directors on what the families wanted to ensure that the commemoration would be a meaningful one for them. The families wanted the workers' work records to reflect that their employment at YPF ceased not because they "died" or "abandoned" their jobs, but because they were victims of state terrorism. Thanks to Garaño's work, this is now formally recorded on their work records and in the plaque that now adorns the front building of YPF in Puerto Madero in Buenos Aires.

Another micro-level reflection comes from a collaborative research intervention by Pilar Riaño, Camila Orjuela Villanueva, Natalia Quiceno Toro, and José de la Cruz Valencia, who report on the collective burial of indigenous and afro-Colombian victims of a 2002 massacre in Bojayá, located on the department of Chocó in Colombia. The bodies of more than 90 victims—among them 49 children—were returned to the community after two years of being stuck in a lab of the National Legal Medical Institute. The authors' reflection, accompanied by powerful images of the solemn ceremony commemorating the victims, is flanked by a series of interrogations: the authors relay the anxiety of one family member who received only the partial remains of her missing loved one. She wonders where the rest of the body is, and whether the state will continue to search for it. The commemorative mass burial is also flanked by the real fear that the families of the victims expressed

to the authors at the possibility of renewed violence in their communities, and the utter indifference of the Colombian state, which could not be bothered to send a representative to the funeral. Holocaust scholar Dori Laub remarked that memory is necessarily a dialogic process. Survivors, families of victims, and witnesses must be willing to narrate the atrocities of the past; but there must also be an “other” willing to listen to and acknowledge those stories and the pain buried therein. Through this dialogue, memory is constructed. In its absence, we are faced with what Laub calls a “dialogic vacuum.”³ In that vacuum—in this case no official state presence, no apology, no formal act of recognition or acknowledgment—we hear only the fears of renewed violence expressed by the families of Bojayá. The state’s silence is deafening.

In other articles, such as Turati’s piece on the search for the disappeared in Mexico, we also hear of the state’s indifference to the plight of victims. In many ways, transitional justice mechanisms become giant bureaucracies or judicial processes that drag on for years, prolonging the injustices experienced by survivors and families of victims. I monitored a criminal trial in Peru in the case of the 1985 Accomarca massacre, in which 69 Quechua-speaking campesinos were killed by the Peruvian army, that lasted for six years. That is not a typo: the trial began in November 2010 and ended in August 2016. The trial ended with the conviction of 10 of the 26 military officials accused of the crime; this was an important victory for the survivors and the victims’ families, but the process itself was less empowering than it was harrowing and at some points retraumatizing. We hear similar stories from those like Turati and Ulfe researching and writing about the seemingly eternal, and often failed, search for the disappeared.

In this respect, it is important to interrogate the configurations of state and economic power that seek to obstruct or stop altogether transitional justice efforts. Irma Velásquez Nimatuj, a Maya K’iche’ anthropologist, does just that in her reflection about the nature of the current Guatemalan state, which facilitated the overturning of the 2013 Ríos Montt genocide conviction, and which continues to criminalize indigenous and social leaders engaged in defense of their

territories and their cultural rights. Interrogating state power and its present configurations is critical for transitional justice and memory studies and for helping to understand the connections between past and present. The authors in this dossier show the way forward: sustained, engaged scholarship that places the victims at the center and that interrogates the way power, privilege, and ideology reinforce existing patterns of social control and impunity that limit positive social change. LASA has long been a champion of activist scholarship, and this dossier is a tribute not only to the scholars whose work is contained herein, but also to LASA’s continued commitment to provide a space for and active support for socially committed research.

Notes

- ¹ Laurel E. Fletcher and Harvey M. Weinstein, “How Power Dynamics Influence the North-South Gap in Transitional Justice,” *Berkeley Journal of International Law* 37, no. 1 (2018): 1-28.
- ² See Charles R. Hale, ed., *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship* (Berkeley: University of California Press, 2008).
- ³ Dori Laub, “Bearing Witness or the Vicissitudes of Listening,” in *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*, edited by Shoshana Felman and Dori Laub (New York: Routledge, 1992), 57-74. //