

# Liquid graves and meaning activism in the Colombian armed conflict: the ‘bottom-up’ recovery and memorialisation of victims of forced disappearance

*Adriana Rudling and Lorena Vega Dueñas*

*Abstract:* Although the use of non-burial methods can be traced to the early 1950s, this conceptual paper seeks to define the agency of the community members of Puerto Berrío (Department of Antioquia, Colombia) engaged in the recovery of human remains from the Magdalena River since the 1980s. Covering the preservation of the remains salvaged from these liquid graves, their ‘baptism’ using fabricated names, and the ‘adoption’ of their souls in exchange for small favours, this complex practice is political. This community-level meaning activism arises as a consequence of the harm-amplifying reality of a pathological state and is a form of resistance to (in)formal rules of necro-governmentality imposed by the non-state armed groups, the state, and the Catholic Church. We conclude that, despite the fact that relatives recognise the precarity of the legal–bureaucratic administration of forced disappearance, they have expressed a renewed expectation that the search, location, and identification be part of a new ‘virtuous state’ in light of the 2016 Final Peace Agreement.

*Keywords:* Forced disappearance, internal armed conflict, Colombia, community-level agency, memorialisation, necro-governmentality; Puerto Berrío; rivers.

*Note on authors:*

Adriana Rudling is a Post-doctoral Research Fellow at the Facultad de Jurisprudencia, Universidad del Rosario, Bogota, Colombia. She holds a PhD in Politics from the University of Sheffield, UK. Her research interests centre on the interactions between victims and transitional justice policies through the bureaucracies and institutions established to deal with the violent past. She has published on these topics in the *Human Rights Quarterly* and the *International Journal of Transitional Justice*.

[adriana.rudling@gmail.com](mailto:adriana.rudling@gmail.com)

<https://orcid.org/0000-0002-5758-0531>

Lorena Vega Dueñas is Assistant Professor at the Facultad de Ciencias Jurídicas, Pontificia Universidad Javeriana, Bogota, Colombia. She holds a PhD in Law from the Universidad de Salamanca, Salamanca, Spain. Her research interests include transitional justice, victims, restorative justice, and criminal processes on which she has published most recently in *Vniversitas* and *Revista Icade*.

[vegalorena@javeriana.edu.co](mailto:vegalorena@javeriana.edu.co)

<https://orcid.org/0000-0003-0852-5074>

## Introduction

The Memory and Conflict Observatory registers more than 80,000 cases of forced disappearance in Colombia between 1958 and 2018 (CNMH 2018), little over 50,000 of which are subject to a complex regime of reparations established in 2011 (Unidad para las Víctimas 2017). The pervasiveness and impunity of this human rights violation in Colombia give the country the unenviable first place amongst its neighbours (Humphrey 2018: 454). The result of abuses committed by *all* violent actors of the armed conflict, including state security forces, forced disappearance was outlawed first with the 1991 Constitution and subsequently dealt with legally using a mix of ordinary and transitional justice mechanisms (Humphrey 2018). While acknowledging the importance of the legal mobilisation of the relatives of those forcefully disappeared (García-Godos 2016), this conceptual article takes a different direction. Building exclusively on a review of secondary literature, we focus on Puerto Berrío, in the Department of Antioquia, to develop a theoretical understanding of the agency of the community members who undertook to recover mutilated human remains from the Magdalena River, safe-keep them in funeral niches in the local cemetery, and treat them like relics invested with magical powers. Following Kaplan (2017), we argue that, insofar as this practice implied *resistance* to the (in)formal rules imposed by the state, the paramilitary, and the Catholic Church, the agency of those carrying it out can be understood as fundamentally political.

On the one hand, we selected this site because, although reports vary with regard to the exact number of victims of forced disappearance, there is some agreement in both official records and academic work that the Department of Antioquia and the region of Magdalena Medio, where Puerto Berrío is located, has the highest number of victims in the country (CNMH 2013a, Mingorance & Arellana Bautista 2019). On the other hand, this emphasis is due to the peculiarity of this practice that emerged here starting the 1990s and sustained itself for nearly two decades. The prohibition on recovery of remains from the Magdalena River imposed by the paramilitary groups, their primary perpetrators, and the ban imposed by the Colombian state were the most potent tools applied to contain the development of this custom. While these prohibitions pertained to the potential legal implications relating to criminal charges and the identification of the remains, the Catholic Church sought to restrict access to the funeral niches containing the salvaged remains to prevent the performance of pre-Christian rites.

Despite the fact that the inhabitants of Puerto Berrío expended little effort on legally mobilising to change the formal rules (Díaz 2008) or organising to challenge the control of the non-state armed groups (see Navarro 2018), their resistance to tripartite regime of ‘necro-governmentality’, to borrow a term from Rojas-Perez (2017),

can be understood as fundamentally political. Community members grounded their actions in a sense of moral equivalence of victims in death, which bears a resemblance to the depoliticising discourse of humanitarianism promoted by the 2016 Final Peace Agreement between the government of Colombia and the *Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo* (Revolutionary Armed Forces of Colombia–People’s Army, FARC-EP). Nevertheless, since they exposed themselves to great personal (see Zulver 2019) and legal risks in engaging in these practices, the community members indirectly made a political statement that reclaimed their agency.

The article unfolds in three sections. The first section discusses the rise of forced disappearance, relating it to the various actors who have made use of it in the armed conflict. The second section offers a broad brushstroke explanation of the legal regimes governing this crime and the recovery of human remains. The third section gives the context of violence in which this practice developed in Puerto Berrío and conceptualises the political agency of the community members, situating it between the humanitarian and the legal mobilisation of victims’ groups. Finally, the conclusion summarises the strands of this discussion and contextualises some of the challenges involved in the implementation of the Final Peace Agreement with respect to forced disappearance.

### **Forced disappearance in the Colombian internal armed conflict**

The actors of the Colombian internal armed conflict can be grouped in four blanket categories, namely the insurgent groups, the paramilitaries, the narco-traffickers, and the state security forces. Forced disappearance dates back to the 1950s and the period known as *La Violencia* (Uribe 2013). It re-emerged in the ongoing conflict in the early 1970s as a counter-forensic method used by reactionary sectors of the security forces that opposed peace negotiations with the guerrillas and illegally detained citizens (believed to be) part of, or colluding with, Leftist insurgent groups (CNMH 2013b: 200). However, over the following decade it was slowly transferred to the paramilitaries who, sometimes working with narco-traffickers, used it as a terror tactic with two separate aims. First, since it dissuaded massacre survivors from testifying or returning to their homes, forced disappearances shored up forced displacement and made land available for the expanding market (Grajales 2011: 777). Second, granted that the introduction of human rights compliance evaluations limited the military’s anti-subversive activities, starting in the late 1990s the paramilitaries were increasingly tasked with the ‘cleansing’ of the civilian population (Tate 2015: 83ff). By the early 2000s, this conduct became a means of generalised social and territorial control, making anyone who transgressed social norms a target for the paramilitaries

(CNMH 2013b: 370). Cases of state forces acting in collusion with paramilitaries were also registered, starting in 2000 (CNMH 2013a: 64).

Most forced disappearances are concentrated in the post-1995 period and originate in the south-east and north-west of the country (CNMH 2013a: 63). Of the little over 50 per cent of the cases where an alleged perpetrator has been identified, about 15 per cent are deemed paramilitary victims, between 3 and 5 per cent as targets of the guerrillas, and less than 1 per cent victims of security forces (CNMH 2013a: 37). All these actors select their victims (Restrepo 2004: 178) to fulfil long and short-term goals, but the population pools they draw from depend on their interests. The insurgents' well-established practice of extortive abductions perpetrated primarily against upper and middle-class citizens and politicians and government officials meant that assassinations followed by disappearance were rare. When the paramilitaries inherited this practice from the security forces, they continued to use it as an anti-Communist doctrine against a select group. They gradually became more indiscriminate in their attacks throughout the 1990s (Restrepo 2004: 178), eventually descending into socio-economic cleansing (CNMH 2013a: 143).

The struggle for the control of energy and mining resources, land, and the routes for (il)legal commercial activities initially brought the guerrilla groups to the region of Magdalena Medio in the 1970s. Fears that the security forces could be overwhelmed by the guerrilla presence prompted local elites, supported by the state, to establish self-defence groups (Mazzei 2009: 80). These units slowly morphed into anomic paramilitaries throughout the 1980s and, operating under different names, worked towards absolute mastery over the region over the next two decades (CNMH 2013a: 143). The strategic position of Puerto Berrío as a node for the transfer of coca paste out of the Magdalena Medio, coveted by the paramilitaries (Defensoría del Pueblo 2015: 3–4), meant that the inhabitants of this municipality had become witnesses to and victims of systematic human rights violations since the 1990s (CNMH 2017: 314–15).

Clandestine grave sites and non-burial methods, such as crematoriums, rivers, and ravines have been widely used in Colombia as a counter-forensic measure, sometimes following dismemberment (Gómez López & Patiño Umaña 2007: 176ff). Since the body of the victim is the main evidence of the murder and on-site burials or abandonment after a massacre would more readily draw the attention of the authorities, rivers became a common disposal method for paramilitaries (CNMH 2017: 338). Human remains have been recovered from at least 109 rivers in the country (CNMH quoted in *Rutas del Conflicto* 2019a), with the Magdalena River and its tributaries taking centre stage (CNMH 2016: 21). The Department of Antioquia, where Puerto Berrío is located, stands out with the highest absolute number of disappearances in the country (see Mingorance & Arellana Bautista 2019). The paramilitaries are the primary actor responsible for the nearly 600 victims registered in Puerto Berrío (CNMH 2017: 30),

which gives this municipality of barely 50,000 inhabitants the terrible twelfth place in Colombia (Mingorance & Arellana Bautista 2019: 11). The disposal of (mutilated) human remains in the Magdalena River as well as the prohibition on their retrieval imposed onto various communities living along its waters, cemented the reign of terror of the paramilitaries this region.

### **The legal treatment of forced disappearance in Colombia**

The legal (and bureaucratic) treatment of forced disappearance sees the amalgamation of both transitional and ordinary justice frameworks. This section offers a brief account of these mechanisms, emphasising the reporting and search of persons presumed disappeared. It does not seek to be exhaustive or elaborate on the deficiencies of (implementation of) each legislative act. Rather, the authors aim to illustrate why the community-led practices emerged as an undeniable humanitarian argument counterposed to the state's regulatory power in this area (Humphrey 2018).

The creation of the intricate web of mechanisms that criminalises forced disappearance, beginning with the 1991 Constitution, is largely due to the political and legal pressure exercised by relatives' associations. For instance, the Association of Relatives of Detained Disappeared People (*Asociación de Familiares de Detenidos Desaparecidos*, ASFADDES) campaigned since its establishment in 1982 in favour of this constitutional ban (ASFADDES 2003). Article 12 now forbids forced disappearance together with those acts that usually accompany and support it such as torture, cruel, inhumane, and degrading punishment. Law 589/2000 typified forced disappearance as deprivation of liberty by a member of an illegal armed group or public servant followed by denial and concealment and excluded it from pardons and amnesties.<sup>1</sup> It also created the *Comisión Nacional de Búsqueda* (CNB, the National Search Commission), where two of the nine members were representatives of human rights NGOs (non-governmental organisations), as well as a register of victims.

Forced disappearance is also dealt with in the Colombian transitional justice framework starting with Law 975/2005, known as the *Ley de Justicia y Paz* (Justice and Peace Law, LJP). Since any legal treatment of forced disappearance before the 2000 categorisation would have violated criminal procedure (López Díaz 2009), it is unsurprising that the litany of amnesties that supported the peace processes with

<sup>1</sup> Articles 165–7 of the Criminal Code and Article 3 of the Military Criminal Code outline the penalties for forced disappearance and explain that, together with torture and genocide, it cannot be considered an act related to military service.

several guerrilla groups since the early 1980s only considered kidnapping.<sup>2</sup> By comparison, the LJP, which facilitated the mass demobilisation of more than 30,000 paramilitaries (López Morales 2020) and more than 17,000 individual guerrilla members (Criollo 2020), initiated a slow shift towards a greater recognition of victims' rights. While it continued the practice of exchanging legal benefits for peace, following legal action by victims' representatives, the Constitutional Court conditioned the receipt of alternative sanctions on the perpetrators' effective contribution to the victims' rights to justice, truth, reparations, and guarantees of non-repetition (see Gallón Giraldo *et al.* 2007: 54). This interplay between victims and the Constitutional Court resulted in a benevolent legalism (Eslava 2009: 191–2) that sought to balance the nation's political need for peace and the rights of victims by specifying a compassionate limit to the transition.

The LJP considered victims' rights to truth about the forcefully disappeared particularly important. Operating under the National Commission of Reparation and Reconciliation that coordinated the implementation of the LJP, the Group for Historical Memory contributed a key element of historic truth on emblematic cases around the country (CNMH 2013a). Nevertheless, the nature of the LJP as demobilisation legislation meant that it was regressive in relation to Law 589/2000 because it directly excluded victims of forced disappearance by state agents and tied the reparation and truth afforded victims to the accountability process of perpetrators (Díaz 2006: 530). Despite the best efforts of the victims to expand the provisions of the LJP, the endemic problems of the justice system, especially the limited resources granted the Office of the Attorney General to investigate, set the stage for de facto impunity and restricted victims' rights reparations and the right to truth in practice (Mejía Alfonso 2017: 466). And yet, some measure of satisfaction has been achieved, with more than 9,300 bodies being recovered through the LJP, little over 4,300 of whom were identified and returned to their families (Fiscalía General de la Nación 2018).

Law 1448/2011, known as *Ley de Víctimas y Restitución de Tierras* (Victims' and Land Restitution Law, LVRT), went further than the LJP and widened the understanding of the victim. Chapter IX (Article 139) specifies that the rights of victims to reparation, particularly satisfaction, extend to the recovery and the return of the remains of the direct victims of forced disappearance to their families. In response to this chapter, a protocol for the 'dignified return' of remains was created in 2016, to ensure that relatives would not be re-victimised in the course of the search, location, and return of the remains (see Ministro de Salud y Protección Social *et al.* 2016). This implied a shift in the operational logic of the Office of the General Attorney from

<sup>2</sup>This is the case of Law 37/1981, Law 49/1985, and Law 104/1993.



human rights or criminal forensics to a humanitarian forensics that sought to promote a therapeutic agenda (Humphrey 2018: 468). This new perspective is further developed under Point 5 of the 2016 Final Peace Agreement, which deals with victims and transitional justice, and the legislation that supports and implements it. First, the orientation of the transitional justice system of the Agreement is grounded on a model of ‘responsibilising pardons’ (Vega Dueñas 2018) that advances the restorative justice typology of the LJP (Uprimny Yepes 2006). Second, it reforms the system for truth, justice, reparations, and non-repetition established by the LVRT and adds three new judicial and extra-judicial mechanisms. While the first refers to the investigation and prosecution of those responsible using an alternative sanctions’ regime, the second deals with historic and forensic truth (see Naftali 2015, 120) through a truth commission and a special search unit for the disappeared.

The most important transformation with regard forced disappearance has been the unreserved adoption by the *Unidad de Búsqueda de Personas Dadas por Desaparecidas* (the Unit for the Search of People Presumed Disappeared, UBPD) of a relief and humanitarian perspective with respect to the families (Ramírez Zapata 2020: 56). Furthermore, given the functions and outlook of the institutions of the Agreement, it is also expected that they would coordinate their activities to generate a register of clandestine burial sites, mass graves, and other irregular non-burial methods (Ríos 2017). The recovery by the UBPD of more than 100 bodies from the cemetery in Puerto Berrío in March 2021 highlights both these points. First, this move responds to the precautionary measure ordered by the judicial organ of the Agreement, the Special Jurisdiction for Peace, at the call of victims involved in the collective Case 01 on deprivation of liberty before this instance. Second, the statement made by the Director of the UBPD on the site recognises the humanitarian nature of the work of her institution as well as that of the ‘strangers who adopted these bodies and looked after them as if it were their [own family members]’ so that we could recover them today, and bring their family that great relief to the pain left behind by that disappearance’ (UBPD 2021).

Despite the widely recognised instrumental weakness of the law by ordinary Colombians, including the relatives of the forcefully disappeared, these overlapping legal regimes stand as a testimony of the endless desire that law can help us make sense of the everyday (Lemaitre 2007, Eslava 2009). The move from ordinary legislation to the transitional justice framework has had mixed effects for victims, as some have been left out while others have seen their rights recognised due to either the letter of the law or its deficient implementation. The Peace Agreement promises a new age of humanitarian action with the establishment of a long-lived institution dedicated to the recovery, identification, and dignified return of remains.

### **Puerto Berrío: memorialisation through resistance**

The rules and actors that govern dead bodies, which Rojas-Perez (2017) calls ‘necro-governmentality’, are widely considered to have two sides. On the one hand, it covers government action that regulates and implements forensic exhumations as a part of the state’s international law duties. As such, it is the process by which atrocities are given a ‘bureaucratic response’ through legislation regulating ordinary criminal justice and creating extraordinary measures like truth commissions to analyse conflict-related violence (Teitel 2000: 78). On the other hand, it considers the legal and political actions of victims who rarely remain passive but organise to transform international and domestic legal regimes that fail to recognise (the extent of) their harms (see Keck & Sikkink 1998, Kovras 2017). Thus, the ways in which the state enacts its obligations to locate and identify the disappeared is of critical importance as it has effects on how families and communities mobilise (Rudling 2019). Furthermore, since these legal frames seek to address the suffering of the victims, they also have undeniable effects on how their relatives experience loss, grieve, and memorialise the disappeared (Gatti 2014: 52).

Because the majority of those targeted are men and the majority of the relatives engaged in the search are women (Dewhirst & Kapur 2015: 4), the trope often used for the activism of the latter across Latin America is that of Antigone (see Sant Cassia 2005, Honig 2013). The eminent example is that of the Argentine *Madres de la Plaza de Mayo*. Like the heroine in Sophocles’ play, who committed to recover her dead brother’s body for a dignified by burial against the prohibition of his murderers, the Madres reframed their motherhood strategically. Publicly mistreated as crazy women and physically attacked by the supporters and agents of the military regime (Loveman 1998: 513–15), the Madres used predominantly symbolic forms of protest. Their appeals to their right to know the whereabouts of their disappeared children put in motion a ‘boomerang effect’ that eventually gave rise to a nationwide condemnation of the military regime (Risse & Sikkink 1999) and reshaped (inter)national law (Keck & Sikkink 1998). Furthermore, the comparisons with Antigone are not gratuitous given that, like this Greek mythological figure, political action exposes activist relatives to great personal and legal risks. Since this crime was used as a terror tactic that relied on secrecy and impunity to intensify the harms of the relatives and societal panic, the ‘stubbornness’ of the Madres’ agency cost some of them their lives (Humphrey 2018: 454).

The practice that took hold in Puerto Berrío went beyond the retrieval of the mutilated remains of the forcefully disappeared from the river. Community members undertook to preserve these remains in funeral niches in the local cemetery, protecting them from further retaliation by their victimisers by using fabricated names



to ‘baptise’ them. Some ‘adopted their souls’ and treated the remains as relics capable of working miracles like Catholic saints or beatified people in exchange for looking after the niches, bringing them candles and flowers. According to Triana de los Ríos (2017), this complex practice disobeyed a triple prohibition. While non-state armed groups could not tolerate the defiance of their control implied by the retrieval itself, state agents were apprehensive about the counter-forensic effects of the retrieval and baptism. For its part, the Catholic Church resisted the adoption and memorialisation as a pagan animist rite. Although those carrying out these interventions did not direct their agency against the agents of repression in the way the Madres did, this labour placed them in harm’s way. Recognising that all ‘space of memory [is] a space of political struggle’ (Jelin 1998: 29), their actions must be read as a political statement about their resistance to being administered by the paramilitary, the state agents, and the Church (see Rojas-Perez 2017). Concretely, these actions can be placed in the interstice between ‘bottom-up’ political actions and humanitarian commitment. They can be distinguished from the former because they result from spontaneous decisions without crossing over into the realm of political collective action (see Lundy & McGovern 2008). They foreground the moral equivalence of victims, and the personal risks these community members took in carrying out the retrievals implies a political position with respect to the paramilitary, the state agents, and the Church. Without explicitly seeking to do so, these individuals created an archive of remains with an increasingly important effect, given the renewed structural efforts to locate the disappeared through the mechanisms of the Peace Agreement (Ávila Cortés 2019).

Puerto Berrío, once ‘the self-proclaimed counterinsurgency capital’ of Colombia (Tate 2007: 52), was a stronghold of paramilitary action along the Magdalena River. Starting at the end of the 1970s, groups known under different names, such as *Muerte a los Secuestradores* (Death to Kidnappers, MAS), Macetos, or Autodefensas, began acting in the area initially as self-defence groups. The acquiescence of the military to these activities turned into active assistance in the early 1980s when, dissatisfied with the ongoing peace negotiations with the guerrillas, the security forces began training and patrolling the region together with the paramilitaries (Grupo de Memoria Histórica 2010: 278). Paramilitary-led repression spread from the ‘experiment site’ in Puerto Boyacá, where these groups had the support of the emerald extraction and farming sectors to ‘cleanse’ the area from the FARC and its (suspected) followers, to Puerto Berrío, where they met with the backing of the XIV Brigade of the Armed Forces stationed there (Reyes Posada 1991: 37–8). Testimony by one of the paramilitary commanders active in the area reveals that, given increasing disciplinary action against members of the military, the latter delegated the execution of human rights violations to the non-state armed groups in the 1990s (CNMH 2013b: 121).

Thus, the history of community resistance against conflict-related violence dates back to the early 1980s in Puerto Berrío. Trade unions, non-governmental human rights organisations, and the office of the mayor organised several marches in 1982 to protest against the activities of non-state armed groups and their collusion with the military (CNMH 2013b: 56–7). Their persistence led the Office of the Attorney General to release a report identifying more than 160 paramilitary members, nearly 60 of whom were active members of the security forces. The reaction of the Armed Forces to these findings is evidence of the precarity of the Colombian state in legally regulating and protecting its citizens from harm. Anticipating the legal treatment of the cases named in the report, the Minister of Defence made provisions for all members of the Armed Forces to contribute one day of their wages to support the defence team (CNMH 2013b: 59). The involvement of the state forces with the paramilitaries and the business sector became so pathological that the latter made use of both state bureaucracies and the force provided by non-state armed groups and the security sector to extract financial benefits (Gutierrez-Sanin 2019). Moreover, this alliance meant that those who filed complaints or investigated alleged abuses, including forced disappearances, exposed themselves to great personal risk, despite only seeking the protection afforded to them by their rights.

The paramilitaries' prohibition on the recovery of the remains doubly underscores their power in Puerto Berrío. First, when the dismembered bodies floated by, they acted as a mnemonic prompt for the community who lost their loved ones not to interfere with the social and territorial control objectives of these groups lest they meet the same fate. Evidence that, starting in the 1980s, family members murdered by the paramilitaries would be purposely buried in unmarked graves to protect them in death and wakes being poorly attended to protect survivors (CNMH 2017: 340) suggests a similar intent for the 'baptism' of the niches of the disappeared. Second, for the communities downstream from Puerto Berrío, the remains of the disappeared were 'a message that anticipates the horror that would be visited upon those who do not follow the orders of the masters of war' (Nieto 2012: 27, translated by the authors). Finally, those discovered engaging in the retrieval of bodies could pay for it with their lives because this could also prompt a legal process that could bring law enforcement to the area to identify and prosecute those responsible (Rubiano 2017).

The necro-governmentality that had developed since the 1991 Constitution, with its complex regime of policies, institutions, legal experts, and professionals tending to the well-being of victims, held little power in Puerto Berrío in the best of cases and had harm-amplifying effects in the worst of cases. Shocking as it may be, not only are there known cases of trivialisation of missing persons' reports by the authorities (CNMH 2013a: 58), but also leaking of privileged information, and outright collusion with non-state armed groups (CNMH 2017: 99). This ostensibly thin line between

the norm-making and enforcing capacity and illicit associations of the Colombian state brings to mind serious questions about its pathologies (see Gutierrez-Sanin 2019). In a more modest way, the ban enforced by the Office of the Attorney General in the early 2000s on the retrieval and ‘baptism’ of remains points to the same contradictions. Owing to its potential counter-forensic implications, this state agency argued that the intervention of untrained (and unsanctioned) civilians broke the chain of evidence, altered the physical evidence relating to the murder, and ‘baptising’ the remains in the cemetery could lead to difficulties in identifying and returning them to their families (Rutas del Conflicto 2019b). Tensions between the state and the pious locals of Puerto Berrío who had ‘chosen’ the niches in the local cemetery, erasing the identification numbers assigned by the legal investigators attached to this office, rose in 2006. The response of the technicians was swift, but compassionate: they began placing the identification plaque inside the niche itself before sealing it off to avoid any confusion (Rodríguez Camacho 2015).

The Catholic Church also intervened in the system of necro-governmentality to prohibit the ‘adoption’ of the souls of those placed in the funeral niches because they considered this contrary to Christian dogma. The worship of the forcefully disappeared, known as NNs<sup>3</sup> all over Latin America, strengthened the devotion in the creed of the souls in purgatory, recovering the traditional belief in the *animero*, a character who accompanies the souls of the deceased on their journey to their final destination. This figure directed the procession every night in November, the month of the souls in purgatory, to remember the dead, show solidarity with their plight, and return to them the humanity they were denied as well as ask them for favours (Gómez-Sepúlveda & Figueroa-Salamanca 2019). The tradition was interrupted in November 2011 when the parish priest of the local church restricted entry to the cemetery at night. The *animero* insisted it be opened, initially calling on the local authorities. Reflecting the same desire for the law to resolve everyday problems, two years later he brought an action of *tutela* against the municipality and the parish, claiming that his and the other devotees’ rights to freedom of religion had been violated. Nevertheless, the judge sided with the Church authorities and the municipality who had argued that, as the cemetery was part of the Catholic faith institution, it was the private property of the Church who could itself regulate the activities carried out there. The rituals carried out by the *animero* were, thus, considered ‘a superstitious practice, product of a deviation of the religious spirit that leads us to believe in things removed from the [Catholic] faith and reason’ (Hoyos 2014, translation by the authors).

<sup>3</sup> Where bodies were recovered, the victims were buried as NN or ‘No Name’, sometimes with minimal information about their gender and the circumstances of their retrieval (see Uribe 2013).

For Gatti (2014: 29), the victims of forced disappearance ‘are sheared individuals ... bodies separated from their names; consciences cut off from their physical support; names isolated from their history; identities deprived of their voting cards, their citizenship papers’. Once they become victims, those forcefully disappeared are defined by what is not known about them, that is their final moments, their resting place, their identity (Muñoz & Pérez 2005: 222). Their disappearance induces a catastrophe of meaning, where victims are not quite dead, but they are not alive either. They have left the realm of citizens endowed with rights to inhabit a sort of permanent limbo where the NNs subsist until the bodies are reunited with their identities (Gatti 2014: 30–1). Relatives, forensic archaeologists, and legal professionals alike become ‘activists of meaning’ whose purpose is to recover their identity (Gatti 2014: 37). The community members in Puerto Berrío recognised this naming catastrophe in the mutilated remains they recovered from the Magdalena River, but were in no position to reunite them with their identities given the continued reign of the paramilitaries in the area. In fact, given similar subterfuges used for victims of assassinations by paramilitaries referred to above, the burial of these fragmented humans in unmarked niches or assigning them new names through ‘adoption’, introduced another layer of protection from the wrath of the perpetrators.

### **Conclusion: what does the future hold for the forcefully disappeared?**

Although the paramilitaries no longer exert the same type of control in the Department of Antioquia, the practice of choosing, adopting, baptising, and looking after the mutilated remains of those disposed of in the Magdalena River continues in Puerto Berrío. The ‘Do not erase, paint or change the details of the NNs’ that adorns the entrance to the pavilion of the local cemetery that houses these remains (Rutas del Conflicto 2020) attests to that. Accustomed to receiving the remains of those murdered upstream, community members created a political identity around this practice and continue to defy both the state and Catholic Church. Its logic sees it firmly inserted between the legal mobilisation of relatives that challenged legal frameworks since the 1990s and the current humanitarian discourse adopted by the state. Since the inhabitants of Puerto Berrío not only rescued the remains, but made them their own through ‘adoption’, this complex memorialisation practice has become a symbol of its resistance to necro-governmentality and disobedience of the multiple bans.

Given the extent of the use of forced disappearance in the region of Magdalena Medio, it is easy to see why Puerto Berrío could become an unequivocal test site for the mechanisms emerging out of the 2016 Final Peace Agreement. The materialisation of the UBPD as a one-of-a-kind body is an opportunity for both victims and the

state that highlights the dialogic nature of necro-governmentality. The humanitarian vision of the UPBD builds on the understanding that the passage of time compounds the harms caused by forced disappearance. Yet, recognising the technical impossibility to locate, identify, and return all the remains, prioritisation criteria have been introduced for the cases with the highest likelihood of success. In order to counter-balance prioritisation as a detraction from the universality principle of humanitarianism and offer relief to all relatives, the UPBD works with a series of guidelines for participation that underscore dignification (Ramírez Zapata 2020: 16). This reflects a desire for the law to be more than the source of pragmatic solutions for real-life problems. Like the *animero* of Puerto Berrío who turned to the courts to seek the protection of his devotees or the relatives who mobilised to expand victims' rights, the aim here is to give a principled solution to forced disappearance that encapsulates a symbolic recognition of the specificity of the crime. In colluding with the perpetrators of this crime in Puerto Berrío, more than precarious, the state revealed itself to be pathological. Like no other moment in recent Colombian history, the Peace Agreement reaffirmed a belief in the law as a means to heal past disorders and create a 'virtuous state' (see Dávila Saenz 2018). By tasking a party actively opposed to the peace negotiations with the FARC with the implementation of the Agreement, the democratic game has introduced an important variable in the last two years. While the Duque administration has yet to firmly retreat from these provisions, little has been done to fast-track implementation of the Agreement to the great disappointment of the victims (Benavides Vanegas & Borda Guzmán 2019: 16).

## References

- ASFADDES (Asociación de familiares de detenidos desaparecidos) (2003), *Colombia: Veinte Años de Historia y Lucha* (Bogota, Tercera Prensa).
- Ávila Cortés, C. (2019), 'Plan para proteger cuerpos en cementerios', *El Espectador*, 28 February 2019. <https://www.elespectador.com/colombia2020/justicia/desaparecidos/plan-para-protoger-cuerpos-en-cementerios-articulo-857691/> [accessed 5 September 5, 2020].
- Benavides Vanegas, Farid Samir & Borda Guzmán, Sandra (2019), 'Introducción: el Acuerdo de Paz entre el Gobierno colombiano y las FARC-EP o la paz esquivada', *Revista CIDOB d' Afers Internacionals*, 121: 7–18. <https://doi.org/10.24241/rcai.2019.121.1.7>
- CNMH (Centro Nacional de Memoria Histórica) (2013a), *¡Basta Ya! Colombia: Memorias de Guerra y Dignidad* (Bogota, Colombia, Imprenta Nacional).
- CNMH (Centro Nacional de Memoria Histórica) (2013b), *Huellas y rostros de la desaparición forzada (1970–2010)*, Vol. II (Bogota, Colombia, CNMH).
- CNMH (Centro Nacional de Memoria Histórica) (2016), *Hasta Encontrarlos. El Drama de La Desaparición Forzada En Colombia* (Bogota, Colombia, CNMH).
- CNMH (Centro Nacional de Memoria Histórica) (2017), *Memoria de La Infamia. Desaparición Forzada En El Magdalena Medio* (Bogota, Colombia, CNMH).

- CNMH (Centro Nacional de Memoria Histórica) (2018), 'Infografías – Observatorio de Memoria y Conflicto'. <http://centrodememoriahistorica.gov.co/observatorio/infografias/> [accessed 5 September 2020].
- Criollo, O.L. (2020), '¿Está funcionando la reincorporación de excombatientes de las Farc?', responde director de la ARN', *El Tiempo*, 21 February 2020. <https://www.elpais.com.co/proceso-de-paz/esta-funcionando-la-reincorporacion-de-excombatientes-de-las-farc-responde-director-de-la-arn.html> [accessed 24 May 2021].
- Dávila Saenz, J. (2018), 'A Land of Lawyers, Experts and "Men Without Land": The Politics of Land Restitution and the Techno-legal Production of "Dispossessed People" in Colombia', PhD thesis, Harvard University, Cambridge, MA. <https://dash.harvard.edu/handle/1/41128811>.
- Defensoría del Pueblo (2015), 'Informe de riesgo N #002-15'. <http://www.indepaz.org.co/wp-content/uploads/2020/05/IR-N%C2%B0-002-15-ANTIOQUIA-Puerto-Berrio.pdf> [accessed 5 September 2020].
- Dewhirst, P. & Kapur, A. (2015), 'The Disappeared and Invisible. Revealing the Enduring Impact of Enforced Disappearance on Women' (New York, International Center for Transitional Justice). <https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf>
- Díaz, C. (2006), 'La reparación de las víctimas de la violencia política en Colombia: problemas y oportunidades', in Camila De Gamboa Tapias (ed.) *Justicia transicional: teoría y praxis* (Bogotá, Universidad del Rosario). <https://repository.urosario.edu.co/handle/10336/979>
- Díaz, C. (2008), 'Challenging Impunity from Below: The Contested Ownership of Transitional Justice in Colombia', in Kieran McEvoy & Lorna McGregor (eds) *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Oxford, Hart Publishing), 189–216.
- Eslava, L. (2009), 'Constitutionalization of Rights in Colombia: Establishing a Ground for Meaningful Comparisons', *Revista Derecho Del Estado*, 22(22): 183–230.
- Fiscalía General de la Nación (2018), 'Día Internacional de las Víctimas de Desaparición Forzada', Bogotá Boletín 23990 (Bogotá, Colombia, Fiscalía General de la Nación). <https://www.fiscalia.gov.co/colombia/derechos-humanos/dia-internacional-de-las-victimas-de-desaparicion-forzada/> [accessed 12 September 2020].
- Gallón Giraldo, G., Reed Hurtado, M. & Lleras Cruz, C. (2007), *Anotaciones sobre la ley de justicia y paz* (Bogotá, Colombia, Comisión Colombiana de Juristas).
- García-Godos, J. (2016), 'Victims in Focus', *International Journal of Transitional Justice*, 10(2): 350–8. <https://doi.org/10.1093/ijtj/ijv038>
- Gatti, G. (2014), *Surviving Forced Disappearance in Argentina and Uruguay: Identity and Meaning* (New York, Baskingstoke, Palgrave Macmillan). <https://doi.org/10.1057/9781137394156>
- Gómez López, A.M. & Patiño Umaña, A. (2007), 'Who Is Missing? The Application of Forensic Archaeology and Anthropology in Colombia's Conflict', in Roxana Ferllini (ed.) *Forensic Archaeology and Human Rights Violations* (Springfield, IL, Charles C. Thomas), 170–204.
- Gómez-Sepúlveda, C.L. & Figueroa-Salamanca, H.H. (2019), '"No olvidemos a los Muertos": Anímero y violencia en Puerto Berrío, Antioquia (Colombia)', *Revista CS*, 28: 125–51. <https://doi.org/10.18046/recs.i28.3328>
- Grajales, J. (2011), 'Rifle and the Title: Paramilitary Violence, Land Grab and Land Control in Colombia', *The Journal of Peasant Studies*, 38(4): 771–92. <https://doi.org/10.1080/03066150.2011.607701>
- Grupo de Memoria Histórica (2010), *La Rochela: memorias de un crimen contra la justicia* (Bogotá, Colombia, Taurus).
- Gutierrez-Sanin, F. (2019), *Clientelistic Warfare. Paramilitaries and the State in Colombia (1982–2007)* (Oxford, Bern, Peter Lang). <https://doi.org/10.3726/b11179>
- Honig, B. (2013), *Antigone, Interrupted* (Cambridge, Cambridge University Press). <https://doi.org/10.1017/CBO9781139583084>



- Hoyos, J.J. (2014), 'Una Tutela Por Las Benditas Ánimas Del Purgatorio', *El Colombiano*, 30 November 2014. <https://www.elcolombiano.com/opinion/columnistas/una-tutela-por-las-benditas-animas-del-purgatorio-CH779127> [accessed 12 September 2020].
- Humphrey, M. (2018), 'The Political Lives of the "Disappeared" in the Transition from Conflict to Peace in Colombia', *Politics, Religion & Ideology*, 19(4): 452–70. <https://doi.org/10.1080/21567689.2018.1538671>
- Jelin, E. (1998), 'The Minefields of Memory', *NACLA Report on the Americas*, 32(2): 23–9. <https://doi.org/10.1080/10714839.1998.11725654>
- Kaplan, O. (2017), *Resisting War: How Communities Protect Themselves* (Cambridge, Cambridge University Press). <https://doi.org/10.1017/9781316671887>
- Keck, M.E. & Sikkink, K. (1998), *Activists Beyond Borders: Advocacy Networks in International Politics* (New York, Cornell University Press).
- Kovras, I. (2017), *Grassroots Activism and the Evolution of Transitional Justice. The Families of the Disappeared* (Cambridge, Cambridge University Press). <https://doi.org/10.1017/9781316711262>
- Lemaitre, J. (2007), 'Legal Fetishism at Home and Abroad', *Unbound: Harvard Journal of the Legal Left*, 3(6): 6–18.
- López Díaz, C. (2009), 'Colombia', in Kai Ambos (ed.) *Desaparición Forzada de Personas. Análisis Comparado e Internacional* (Bogotá, GTZ), 77–106.
- López Morales, J.D. (2020), 'Las deudas y aciertos de Justicia y Paz, a 15 años de su creación', *El Tiempo*, 25 July 2020. <https://www.eltiempo.com/justicia/conflicto-y-narcotrafico/balance-de-los-15-anos-de-la-ley-de-justicia-y-paz-que-juzgo-a-los-paramilitares-522192> [accessed 21 August 2020].
- Loveman, M. (1998), 'High-risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina', *The American Journal of Sociology*, 104(2): 477–525. <https://doi.org/10.1086/210045>
- Lundy, P. & McGovern, M. (2008), 'Whose Justice? Rethinking Transitional Justice from the Bottom Up', *Journal of Law and Society*, 35(2): 265–92. <https://doi.org/10.1111/j.1467-6478.2008.00438.x>
- Mazzei, J. (2009), *Death Squads or Self-defense Forces?: How Paramilitary Groups Emerge and Challenge Democracy in Latin America* (Chapel Hill, NC, The University of North Carolina Press). [https://doi.org/10.5149/9780807898611\\_mazzei](https://doi.org/10.5149/9780807898611_mazzei)
- Mejía Alfonso, H.M (2017), 'Criterios de Reparación Integral Para Las Víctimas Del Delito de Desaparición Forzada En Colombia En Un Contexto de Justicia Transicional', PhD thesis in Law, Universidad Nacional de Colombia, Bogotá, Colombia. <https://repositorio.unal.edu.co/handle/unal/59163>
- Ministro de Salud y Protección Social, Fiscal General de la Nación, & Unidad para la Atención y Reparación Integral (2016), 'Procedimiento de Entrega Digna de Cadáveres de Víctimas de Desaparición Forzada y Homicidio en el Marco del Conflicto Armado Interno'. <https://www.minsalud.gov.co/sites/rid/Lists/BibliotecaDigital/RIDE/DE/PS/Procedimiento-entrega-digna-cadaveres.pdf> [accessed 21 August 2020].
- Mingorance, F. & Arellana Bautista, E. (2019), *Cartografía de la desaparición forzada en Colombia relato (siempre) incompleto de lo invisibilizado* (Bogotá, Colombia, Human Rights Everywhere).
- Muñoz, M. & Pérez, M. (2005), 'Reconstrucción de La Identidad de Los Desaparecidos (Archivo Biográfico Familiar de Abuelas de Plaza de Mayo)', in Alicia Lo Giúdice (ed.) *Psicoanálisis: Restitución, Apropiación, Filiación* (Buenos Aires, Abuelas de la Plaza de Mayo), 219–31.
- Naftali, P. (2015), 'The Politics of Truth: On Legal Fetishism and the Rhetoric of Complementarity', *Revue Québécoise de Droit International / Quebec Journal of International Law / Revista Quebequense de Derecho Internacional*, 101–28. <https://doi.org/10.7202/1068009ar>

- Navarro, Nadia Tapia (2018), 'A Stubborn Victim of Mass Atrocity: The Peace Community of San José de Apartadó', *The Journal of Legal Pluralism and Unofficial Law*, 50(2): 188–212.  
<https://doi.org/10.1080/07329113.2018.1485090>
- Nieto, P. (2012), *Los Escogidos* (Medellin, Colombia, Silaba).
- Ramírez Zapata, I. (2020), 'La Unidad de Búsqueda de Personas Dadas Por Desaparecidas a Razón y En Contexto Del Conflicto Armado En Colombia: Búsqueda Humanitaria y Autonomía Burocrática', MA in Political Science, Universidad de los Andes, Bogota, Colombia.
- Restrepo, L.A. (2004), 'Violence and Fear in Colombia: Fragmentation of Space, Contraction of Time and Forms of Evasion', in K. Koonings & D. Kruijt (eds) *Armed Actors. Organised Violence and State Failure in Latin America* (New York, London, Zed Books), 172–85.  
<https://doi.org/10.5040/9781350218529.ch-011>
- Reyes Posada, A. (1991), 'Paramilitares en Colombia: contexto, aliado y consecuencias', *Análisis Político*, 12: 35–42.
- Ríos, J. (2017), 'El Acuerdo de paz entre el Gobierno colombiano y las FARC: o cuando una paz imperfecta es mejor que una guerra perfecta', *Araucaria*, 19(38): 593–618.
- Risse, T. & Sikkink, K. (1999), 'The Socialization of International Human Rights Norms into Domestic Practices: An Introduction', in T. Risse, S.C. Ropp & K. Sikkink (eds) *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, Cambridge University Press), 1–38. <https://doi.org/10.1017/CBO9780511598777.002>
- Rodríguez Camacho, D. J. (2015), 'Puerto Berrío: Entre Un Cementerio de Agua y Una Creciente de Lágrimas. Dimensiones Sociales, Políticas y Culturales de Las Prácticas Funerarias En El Conflicto Armado', MA Cultural Studies, Universidad Nacional de Colombia, Bogota, Colombia.  
<https://repositorio.unal.edu.co/handle/unal/55701>
- Rojas-Perez, I. (2017), *Mourning Remains: State Atrocity, Exhumations, and Governing the Disappeared in Peru's Postwar Andes* (Stanford, CA, Stanford University Press).  
<https://doi.org/10.1515/9781503602632>
- Rubiano, E. (2017), '"Réquiem NN" de Juan Manuel Echavarría: Entre lo evidente, lo sugestivo y lo reprimido', *Cuadernos de Música, Artes Visuales y Artes Escénicas*, 12(1): 33–45.  
<https://doi.org/10.11144/Javeriana.mavae12-1.rnnj>
- Rudling, A. (2019), 'What's Inside the Box? Mapping Agency and Conflict within Victims' Organizations', *International Journal of Transitional Justice*, 13(3): 458–77.  
<https://doi.org/10.1093/ijtj/ijz025>
- Rutas del Conflicto (2019a), 'Más de Mil Cuerpos Recuperados En 190 Ríos'.  
<http://rutasdelconflicto.com/rios-vida-muerte/especial/mil-cuerpos.html> [accessed 4 August 2020].
- Rutas del Conflicto (2019b), 'El Silencio Del Río Grande'. <http://rutasdelconflicto.com/rios-vida-muerte/especial/rio-magdalena/el-silencio-rio.html> [accessed 14 August 2020].
- Rutas del Conflicto (2020), 'Ningún Nombre'. <http://rutasdelconflicto.com/rios-vida-muerte/especial/rio-magdalena/ningun-nombre.html> [accessed 6 September 2020].
- Sant Cassia, P. (2005), *Bodies of Evidence. Burial, Memory and the Recovery of Missing Persons in Cyprus* (Oxford, Berghahn Books).
- Tate, W. (2007), *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia* (Berkeley, CA, University of California Press).
- Tate, W. (2015), *Drugs, Thugs, and Diplomats. U.S. Policymaking in Colombia* (Stanford, CA, Stanford University Press).
- Teitel, R.G. (2000), *Transitional Justice* (Oxford, Oxford University Press).
- Triana de los Ríos, P.A. (2017), 'Construcción discursiva de la violencia y configuración de marcos de ausencia y de guerra en réquiem NN de Juan Manuel Echavarría', MA in Aesthetics and Art History, Universidad Jorge Tadeo de Lozano, Bogota, Colombia.  
<http://expeditorepositorio.utadeo.edu.co/handle/20.500.12010/2671>

- UBPD (2021), 'La búsqueda en el cementerio de Puerto Berrío, Antioquia, avanza junto con la comunidad'. <https://www.ubpdbusquedadesaparecidos.co/actualidad/los-cuerpos-del-cementerio-de-puerto-berrio-que-quieren-volver-con-sus-familias/> [accessed 25 March 2021].
- Unidad para las Víctimas (2017), 'Registro Único de Víctimas (RUV)'. <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> [accessed 14 August 2020].
- Uprimny Yepes, R. (2006), 'Las Enseñanzas Del Análisis Comparado: Procesos Transicionales, Formas de Justicia Transicional y El Caso Colombiano', in R. Uprimny Yepes, M.P. Saffon Sanin, C. Botero Marino & E. Restrepo Saldarriaga (eds) *¿Justicia Transicional Sin Transición? Verdad, Justicia y Reparación Para Colombia* (Bogota, DeJusticia), 17–44.
- Uribe, M.V. (2013), 'Liquid Tombs for Colombia's Disappeared', *ReVista: Harvard Review of Latin America*, 13(1): 18–20.
- Vega Dueñas, L. (2018), 'Modelo de Justicia Transicional: El Caso Colombiano', in G.J. Ruiz-Rico Ruiz, I. Szegedy Maszák & R.A. Prieto Sanjuán (eds) *Retos En La Implementación de Los Acuerdos de Paz En Colombia* (Bogota, Tirant lo Blanch), 111–30.
- Zulver, J. (2019), 'Learning from High Risk Feminism: Emergent Lessons about Women's Agency in Conflict Contexts', *Genocide Studies and Prevention: An International Journal*, 13(3): 21–43. <https://doi.org/10.5038/1911-9933.13.3.1670>

To cite the article: Adriana Rudling and Lorena Vega Dueñas (2021), 'Liquid graves and meaning activism in the Colombian armed conflict: the "bottom-up" recovery and memorialisation of victims of forced disappearance', *Journal of the British Academy*, 9(s3): 121–137.

DOI <https://doi.org/10.5871/jba/009s3.121>

*Journal of the British Academy* (ISSN 2052–7217) is published by  
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH  
[www.thebritishacademy.ac.uk](http://www.thebritishacademy.ac.uk)

