Pontifícia Universidade Católica
do Rio de Janeiro

Victória Monteiro da Silva Santos

Criminal violence, political violence, and the politics of line-drawing in Latin America

Tese de doutorado

Thesis presented to the Programa de Pós-graduação em Relações Internacionais of PUC-Rio in partial fulfillment of the requirements for the degree of Doutor em Relações Internacionais.

Advisor: Prof. Dr. Maíra Siman Gomes
Co-advisor: Prof. Dr. Anna Leander

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Abstract

Santos, Victória Monteiro da Silva; Siman Gomes, Maíra (Advisor); Leander, Anna Gudrun Christina (co-advisor). **Criminal violence, political violence, and the politics of line-drawing in Latin America**. Rio de Janeiro, 2021. 300p. Tese de Doutorado – Instituto de Relações Internacionais, Pontifícia Universidade Católica do Rio de Janeiro.

This thesis sews together stories from Brazil, Colombia, and Mexico, in which the *line* between *criminal violence* on the one hand, and *political violence* on the other, has been drawn over the 2000s. It focuses on two dimensions: firstly, the line-drawing practices of governments who justify *increasing military roles in public security*, as well as of military officials themselves as they implement these operations; and secondly, the practices of governments and civil society organizations establishing *truth-seeking mechanisms* to clarify patterns and cases of violence in the past and in the present. Two sets of metaphors are mobilized as analytical devices to make sense of these processes, in connection with different meanings of the verb *to draw*: on the one hand, the act of inscribing a trace over a surface; on the other hand, the act of pulling a thread over three-dimensional space. I argue that the drawing of that line has been central to the treatment of organized violence by governments and civil society organizations, in three countries which have seen both an increase in military deployment against criminal actors and the establishment of transitional justice mechanisms devoted to victims' right to truth, frustrating expectations associated with the standards of "peace" and "democracy" – two trends which have, however, taken place against markedly different historical contexts of democratization and peacebuilding, as discussed in the thesis. The stories gathered here will be informed by an analysis of sources as varied as government documents, truth commissions' reports, interviews with experts and activists of all three countries, and scholarly literature. Attending to how distinctions, connections and (dis)continuities are drawn between criminal violence and political violence in these Latin American countries allows us to critically assess conditions of possibility for the reproduction of violent patterns and the prospects for their positive transformation, as well as the elements and limits of a political imagination for which these "violent peaceful democracies" have emerged as a puzzle in the first place.

Keywords

Political violence; Criminal violence; Latin America; Militarization; Transitional justice.

Resumo

Santos, Victória Monteiro da Silva; Siman Gomes, Maíra (Orientadora); Leander, Anna Gudrun Christina (Co-orientadora). **Violência criminal, violência política e a política da produção de linhas na América Latina**. Rio de Janeiro, 2021. 300p. Tese de Doutorado – Instituto de Relações Internacionais, Pontifícia Universidade Católica do Rio de Janeiro.

Esta tese costura histórias do Brasil, Colômbia e México, em que a linha entre a violência criminal, de um lado, e a violência política, de outro, tem sido produzida ao longo dos anos 2000. Ela se concentra em duas dimensões: primeiro, as práticas de produção de linhas de governos que justificam o aumento do papel dos militares na segurança pública, bem como dos próprios oficiais militares que implementam essas operações; e segundo, as práticas de governos e organizações da sociedade civil que estabelecem mecanismos de busca da verdade para esclarecer padrões e casos de violência do passado e do presente. Dois conjuntos de metáforas são mobilizados como dispositivos analíticos para fazer sentido desses processos, conectados aos diferentes significados do verbo em inglês "to draw": por um lado, o ato de inscrever um traço sobre uma superfície; de outro, o ato de puxar um fio sobre um espaço tridimensional. Argumento que a produção daquela linha é central no tratamento da violência organizada por governos e organizações da sociedade civil, em três países que têm sido marcados tanto por um aumento no emprego militar contra atores criminosos quanto o estabelecimento de mecanismos de justiça transicional dedicados ao direito das vítimas à verdade, frustrando expectativas associadas aos padrões de "paz" e "democracia" – ainda que tais tendências ocorram à luz de contextos históricos marcadamente distintos de democratização e processos de paz, como se discute na tese. As histórias reunidas aqui serão informadas por uma análise diversas como documentos governamentais, relatórios de comissões da verdade, entrevistas com especialistas e ativistas de todos os três países e literatura acadêmica. Uma atenção para a produção de distinções, conexões e (des)continuidades entre a violência criminal e a violência política nesses países latino-americanos permitirá avaliar criticamente as condições de possibilidade para a reprodução de padrões violentos e as perspectivas para a sua transformação, além dos elementos e limites de um imaginário político no qual essas "democracias pacíficas violentas" emergem como um quebra-cabeça em primeiro lugar.

Palavras-chave

Violência política; Violência criminal; América latina; Militarização; Justiça transicional.

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Introduction

"Latin America is the world's most violent region", says a headline at the Washington Post. "In fact, just four countries in the region — Brazil, Colombia, Mexico and Venezuela — account for a quarter of all the murders on Earth" (ERICKSON, 2018). "In the study of war," claims Benjamin Lessing (2015, p. 1486), "'criminal' may be the new 'civil'". Lessing particularly refers to the "militarized drug wars" — conflicts between drug-trafficking organizations, and between these and state forces — which "have afflicted Latin America's three largest countries [Brazil, Colombia, and Mexico], arguably supplanting revolutionary insurgency as the hemisphere's predominant form of conflict" (LESSING, 2015, p. 1487).

Partly responding to this "widespread increase in crime, gang violence, and drug trafficking" since the turn of the century, Latin American governments have increasingly deployed military troops in border operations, urban patrols, efforts to control large rural areas, and many other tasks against criminal organizations (KYLE; REITER, 2019). This deployment is described as a cause for concern: "[t]he involvement of the region's militaries in domestic security might have been common during military dictatorships, but it had been unusual in democratic regimes" (FLORES-MACÍAS; ZARKIN, 2021, p. 2). If "contemporary democracies tend to have a separation between the roles of police (public safety) and military (national security)—a central element in civil-military relations conducive to civilian control over the military", it seems that "the distinction between civilian and military law enforcement typical of democratic regimes has been blurred in Latin America" (FLORES-MACÍAS; ZARKIN, 2021, p. 2).

Also in the 2000s, Latin American countries have seen a "second wave of memory, truth, and justice mobilizations", with the aim of "dealing with the still unresolved human rights abuses under authoritarian regimes and civil wars" in the region (VILLALÓN, 2017). This wave was not dissociated from the processes described above, with the persistence of organized violence by non-state actors and the militarized practices deployed by state forces being often interpreted as consequences (or "legacies") of failed or incomplete previous attempts at transitional justice — an understanding that would be reflected in proposals and final reports of truth commissions created in this period. In post-democratization contexts, such as Brazil and Mexico, Roberta Villalón (2017) explains that while "[t]his violence, now in

a post-cold war context, was identified as different from the systematic terror of repressive regimes", it was also understood as not being "completely divorced from either the recent pasts […] or the fragile state of justice". On the other hand, it was also in this period that truth commissions, among other "transitional justice" mechanisms, have further consolidated their place in the peacebuilding toolkit (VAN ZYL, 2005), which would ensure their presence in recent peace processes of countries such as Colombia — and where they would also have to deal with the distinctions and connections between different and coexisting forms of violence, as well as with the effects of past "failed" attempts at truth and justice.

The pieces above — "the world's most violent region" where homicide rates rival the casualty numbers of armed conflicts; the deployment of military forces against crime, in missions that blur a distinction that is "typical of democratic regimes"; and the development of transitional justice mechanisms to deal with the effects of past failed or incomplete transitions to democracy and peace — constitute Latin America as what sounds like a puzzle: *the region of violent peaceful democracies*. This puzzle — of Latin American countries as violent despite past processes of democratization and peace, as well as the absence of interstate conflicts — has been recently tackled by scholars with different perspectives, emphases and approaches (e.g. ARIAS; GOLDSTEIN, 2010; FERREIRA; RICHMOND, 2021; KURTENBACH, 2019; LESSING, 2015; PEREA, 2019)

In this context, *Brazil*, *Colombia*, and *Mexico* are not only the three countries with the largest populations in the region; they are also placed at the center of this puzzle due to the scale and nature of state and non-state violence, as illustrated by the quotes above. More importantly, as we will see over the following pages, they reveal different parts of that puzzle, with their recent histories seemingly *frustrating, in different ways, the expectations (or promises) of democratization and peacebuilding*. As these states increasingly deploy military forces against criminal organizations (going beyond the combat against political "enemies" to which these forces are allegedly trained), and as the victims of organized violence enact connections and distinctions between the "criminal" and the "political" (and between past and present) in new transitional justice mechanisms, these multiple actors also redraw lines that are at the core of how the place of organized violence is imagined in "peaceful democracies".

In this thesis, therefore, I offer a specific approach to that "puzzle": I look at *how lines are drawn between criminal violence, on the one hand, and political violence on the other*. I

follow these lines as they are drawn in multiple ways: firstly, by governments who justify *increasing the role of militaries in crime-fighting*, as well as by military officials themselves as they implement these operations (Part A of the thesis); and secondly, by governments and civil society organizations establishing new *truth-seeking mechanisms* to clarify patterns and cases of violence in the past and in the present (Part B of the thesis). By "line-drawing", I refer to the practices through which lines are drawn between criminal violence and political violence (or as I'll eventually refer to them, CVPV lines), which are "enacted in ways that are both complex and multiple" (SQUIRE, 2012, p. 37). Inspired by Tim Ingold's (2007, p. 43) observations, by referring to these practices as "line-drawing", I wish to evoke two sets of metaphors that will help us visualize those practices, in connection with different meanings of the verb *to draw*: on the one hand, the act of inscribing a trace over a surface, as in the making of a map; on the other hand, the act of pulling a thread over three-dimensional space, as in the making of textile objects.

I argue that by attending to the multiple drawings of the line between criminal violence and political violence, we can shed light on connections and disconnections between Latin American contexts when it comes to the treatment of organized violence – connections and disconnections that can easily be brushed aside when the region is treated as homogeneously anomalous in relation to a preexisting standard. Therefore, rather than explaining *why* certain Latin American countries frustrate expectations associated with peace and democracy when it comes to the treatment of violence, I aim to explore important aspects of *how* the lines that underlie such expectations have been continuously redrawn in the selected contexts.

For that purpose, in both parts of the thesis, I will sew together stories of how lines have been drawn between criminal and political violence, in the 2000s, in three countries: *Brazil*, *Mexico* and *Colombia*. In this period, as mentioned above, all three countries have seen both an *increase in military deployment against criminal actors* and the establishment of *transitional justice mechanisms devoted to victims' right to truth*. However, the two trends take place against crucially different historical backgrounds in each country.

In Brazil, these trends have followed a formal process of political transition from a military dictatorship (1964-1985) to a democratic regime. However, the persistence of broad missions attributed to military actors, and the fact that a national truth commission on political crimes of the past was only created in the 2010s, are often signaled as some of the evidence of an incomplete, failed or at least delayed

transition to democracy (DORNELLES, 2014; GALLO; GUGLIANO, 2014; MISSIATO, 2019; SOARES, 2019). Discussions about the security sector (including the roles of military actors and the applicable norms to their actions) and transitional justice are thus often intertwined, as illustrated by the recommendations of truth reports on dictatorship (BRAZIL, 2014).

In Mexico, the 2000s have followed the end of 70 years of authoritarian one-party rule, but the absence of any clear institutional rupture has led to questions on whether there has been a "democratic transition" in the country (RIBERTI, 2020). In 2006, President Felipe Calderón declared a "war on drugs" and intensified the deployment of military forces against crime, a trend that continued into the next administration; and in 2018, the election of President Andrés Manuel López Obrador set the stage for discussions about the need for a new transitional process, one which placed at the center both the rights of victims — of recent drug wars and of past political violence —, including their right to truth; and the need to transform (i.e. demilitarize) security practices. The challenges to this mobilization will be explored in the part B of this thesis; however, for the activists and exports involved in these debates, it was clear that the missions of military forces and the rights of victims needed to be handled as part of the same transition (DAYÁN, 2019a).

In Colombia, in turn, both trends discussed here — the increasing deployment of military forces against crime, and the development of truth-seeking mechanisms — have been enmeshed in the recent peace process between the government and the Revolutionary Armed Forces of Colombia—People's Army (in Spanish: *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo*, FARC–EP, or FARC), which led to the signature of a peace agreement in 2016. However, these developments have taken place in markedly different arenas. While the form of the Colombian Truth Commission was negotiated between the government and the FARC, with the participation of victims, the missions of military forces were outside the realm of what could be discussed with a guerrilla (EL PAÍS CALI, 2015). Instead, this subject was discussed within the military forces themselves and between them and other selected security experts in the context of a "transformation" process that was meant to prepare these forces for the (post-agreement) "future", which included their role in the "consolidation" of peace. In truth-seeking efforts as in military mission redrawing, the issue of connections and disconnections between political and criminal violence

— as a problem for security agencies, and as sources of victimization — was central, as will be discussed throughout this thesis.

In analyzing these contexts, I argue that the drawing of CVPV lines has been at the center of how the treatment of organized violence has been imagined and executed by governments and societies. On the one hand, discussions about the "missions" of military forces in a peaceful democratic setting — and particularly the question of where and when can soldiers use force — are inseparable from how lines are drawn between the criminal and political "opponents" they are expected to combat. On the other hand, the question of victims' rights, including their "right to truth", is inseparable from how transitional justice mechanisms have continuously redrawn the line between victims and perpetrators of political and "merely" criminal violence. In this sense, attending to how distinctions, connections and continuities are drawn between criminal violence and political violence in these Latin American countries will allow us to critically assess conditions of possibility for the reproduction of violent patterns, as well as the prospects for their positive transformation. Besides, and perhaps more fundamentally, it should help us reflect about the elements and limits of a political imagination for which these "violent peaceful democracies" have emerged as a puzzle in the first place.

In the following section, I will briefly discuss some of the pathways which have led me to this particular research object, as well as the ways I have approached it in the making of this thesis. Later, I will explore the place of cartographic and textile metaphors in this analysis, indicating some of the ways in which they will partially structure the arguments of the following chapters. Finally, in the last section of this introduction, I will offer a map of the thesis, explaining how it is structured and what you can expect to find in parts A and B.

i. How to follow a line in its drawing?

The research leading up to this thesis has started with a personal curiosity over a *line*: the one which connected and/or separated *criminal violence*, on one side, and *political violence* on the other. Studying contexts of organized violence in Latin American countries, I would run into that line everywhere: it seemed to divide non-state armed actors between those with whom a government could openly engage in *negotiations*, and those with whom it could not; it divided the sort of non-state violence that was expected to be a *police* problem, from that which was imagined as a *military* problem; it divided violence that was deemed *ordinary*, and was measured in rates; and violence that

was deemed *exceptional*, and was measured in absolute numbers of casualties; it divided violence whose victims have come to be attributed rights to justice, memory and truth, and violence which did not give rise to such rights.

These distinctions are clearly drawn in (and after) processes of democratization and peacebuilding. In relation to the first, democratization processes in Latin America were central to the emergence of a transnational field of transitional justice (ARTHUR 2009; FUENTES JULIO 2015), including the consolidation of truth commissions as a mechanism to clarify patterns of political violence of the past. They also gave rise to discussions about what proper "democratic systems of civil-military relations" look like – with military forces that are politically subordinate to the democratic regime and whose influence is limited to their professional domain (FITCH, 1998, p. 36-37) – as well as about the needed reforms of police and military forces following democratization (BRUNEAU; MATEI, 2008). In both cases, the aim is to prevent the recurrence of authoritarianism and abuse, as illustrated by the inclusion of "non-repetition" as one of the pillars of transitional justice (as will be seen in part B of this thesis).

Transitional justice mechanisms and security sector reform initiatives have since been incorporated as central parts of the peacebuilding toolkit. Knowledge on them circulates with international and local peace and conflict resolution experts, often associated with civil society organizations or with multilateral forms of aid and intervention (VERA LUGO, 2015; BJÖRKDAHL; HÖGLUND, 2013; VAN ZYL, 2005; EHRHART; SCHNABEL, 2005). Both are aligned with the ultimate aim of post-conflict peacebuilding, defined in the 1992 UN Agenda for Peace as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (UN SECRETARY GENERAL, 1992).

The inclusion of transitional justice and security sector reform as part of democratization and peacebuilding processes alike is linked to the shared aim of preventing the recurrence of exceptional contexts of political violence – authoritarian governments in the first, armed conflict in the second. On the other hand, this focus requires the drawing of lines between the violence that calls for these types of policies and practices for their prevention; and those that are compatible with peaceful and democratic normality.

However, several contemporary contexts of violence in Latin America challenge such underlying assumptions. The persistence, transformation, and in some

cases intensification of organized violence (whether labeled political or criminal) following democratization and peacebuilding processes calls into question the distinctions and understandings that have traditionally ground discussions about transitional justice, including the identification of those who should be recognized as victims with specific rights; and about civil-military relations, including debates about the missions of military actors in peaceful and democratic contexts. These questions have led to the development of new approaches and concepts in order to make sense of violence in Latin America, which troubled traditional assumptions about their causes and possibilities of transformation (GOMES, 2016; VILLA; BRAGA; FERREIRA, 2021; FERREIRA; RICHMOND, 2021; PEARCE; PEREA, 2019). In order to make sense of these contexts, I have decided to cut through the puzzle that violence in post-democratization and post-peacebuilding Latin American countries posed to these assumptions by following the practices through which distinctions and connections between political and criminal violence are drawn.

How would I go about studying a line, however? My first impulse was to pin that line down into a cartographic *map* in which I could account for the "big picture": how that line had historically emerged along with the state itself, resulting from its efforts to monopolize legitimate violence; how the history of the laws of war had continuously reshaped that line; how that line intersected many other, equally effective lines, such as the ones dividing war / peace, politics / economy, politics / law, inside / outside, military / police…

That cartographic map, that big picture, is *not* what I offer in the next few hundred pages. As soon became clear, the line between criminal and political violence would not allow itself to be pinned down, especially since I was interested in its practical manifestations in Latin American settings. That line was drawn in ways that were multiple and always shifting. Therefore, if I wanted to make sense of it, I needed to *follow* it as it was drawn.

As a result, this thesis could be *partially* described as a *sketch map*. While a conventional cartographic map would aim to represent the totality of a given space, allowing a navigator to easily transport between any two points, a sketch map is often composed of lines representing the journeys actually made, "providing directions so that others can follow along the same path" (INGOLD, 2007, p. 84). Similarly, in this thesis I will share some of the paths I have walked while following my object — the line between criminal and political violence — as it is drawn in Latin American settings.

In this sketch map, cartographic and textile metaphors will be juxtaposed in order to make sense of these practices: in the first part of the thesis, lines will be sketched as traces over a surface; while in the second part, the surface of the map will emerge from the stitching and weaving of threads.

Simultaneously, this thesis can also be *partially* described as a *patchwork*, in which the multiple stories I have encountered and selected "are like bits of cloth that have been sewn together" (LAW; MOL, 1995, p. 290). Imagining research as patchwork is attending to the "many ways of sewing" and "many kinds of thread", and especially to the fact that "a heap of pieces of cloth can be turned into a whole variety of patchworks. By dint of local sewing. It's just a matter of making them" (LAW; MOL, 1995, p. 290). In other words, we can imagine this research *not only* as a sketch map of what the author has found along the research, *but also* as a specific patchwork of encountered stories that have been sewn together in particular ways.

The patchwork is a "theory-metaphor" proposed by John Law and Annemarie Mol for making sense of research in which the aim is the identification of "[p]artial and varied connections between sites, situations, and stories" (LAW; MOL, 1995, p. 290; see also STRATHERN, 1991); partial connections that are particularly important if we speak of a "research object" that, like the line between criminal and political violence, is *messy*. John Law and Vicky Singleton (2005) discussed the challenges of research on "messy objects" after struggling to "map" the trajectories involved in the treatment of alcoholic liver disease – only to conclude that this object also did not really lend itself to mapping. The disease could better be grasped if it was thought of as *ontologically multiple*, and if rather than bracketed out, its messiness was accounted for in the analysis. Relating to this work, Vicki Squire proposes that analytical choices be *attuned to mess*: "projects that take the inconveniences and irregularities of mess seriously are able to explore how the object of analysis is enacted in ways that are both complex and multiple" (SQUIRE, 2012, p. 37). Attuning to mess, in other words, is "less about getting to know a research object than it is about *cutting* into the ways in which an object of knowledge is constituted as such through existing discourses and practices" (SQUIRE, 2012, p. 38, emphasis in the original). Such an approach is helpful in making room for ambiguity and incoherence in discourses and practices through which the object of analysis is enacted (see MOL, 2002).

With this aim, the making of this patchwork/sketch map has in some sense been guided by what Luis Lobo-Guerrero (2012) has termed "wondering as a research

attitude". Rather than departing from a very clear research question and associated hypotheses, I have started from a curiosity towards my object of analysis, and in following it I have sought to respond to the surprises found along the way — surprises understood as "unexpected disruptions in the order of knowing about phenomena" (LOBO-GUERRERO, 2012, p. 27); as a result, new, more specific research questions have emerged in interactions with the material I analyzed. That attitude surely requires "continuous strategic self-awareness to understand where the project is going to prevent falling into the depths of ever-seductive epiphenomena" (LOBO-GUERRERO, 2012, p. 28), and I should probably apologize to the reader for the many "epiphenomena" traps I may have fallen into along the writing of this thesis.

As previously mentioned, the two paths along which I have followed the line between criminal and political violence — the definition of military missions and the work of truth commissions – are central to how democratization and peace processes are generally envisioned. They are also connected to my personal research trajectory – from a research internship at the Brazilian National Truth Commission in 2013, to a more recent engagement with the issue of militarization in Brazil as a research assistant at PUC-Rio's Global South Unit for Mediation and, more recently, at PUC-Rio's Center on Democracy and the Armed Forces. The incorporation of these two paths in this thesis, however, was inseparable from contingencies along the research process.

Particularly important was the timing of a research trip early into this research: a trip to Mexico City in April 2019, where I would interview experts and activists working with those topics. That trip, as well as another one to Bogotá in September 2019, was enabled by a doctoral grant awarded by the Latin American Studies Association (LASA) for that very purpose. At the time I prepared for the interviews I would do in Mexico, both topics were at the center of political debate — on the one hand, there were heated discussions about the possibility of transitional justice mechanisms relating to the country's present "war on drugs"; on the other hand, there was pressure by civil society organizations for the newly-elected government to stop expanding the deployment of soldiers in the fight against crime. What is more, both topics were the object of analysis and advocacy by, mostly, the same experts, being perceived as clearly intertwined. That context would reorient my curiosity towards those two directions, as in both of them the drawing of the line between criminal and political violence was crucially at stake, as I'll discuss throughout this thesis.

The two 15-days long research trips in 2019 were central at a moment in which I was delimiting how I would cut into my main object – the drawing of the line between criminal and political violence – in order to make this thesis. In Mexico City and in Bogotá, I interviewed persons who were broadly perceived as experts on subjects such as armed violence, public security, and transitional justice. In these interviews, I inquired about ongoing debates in each country – within and outside academia – regarding military missions in public security and transitional justice practices, in an effort to identify predominant positions and actors. The first interviewees were identified through literature reviews and an assessment of their online media engagement, and these experts then indicated other ones who also worked on topics that related to my questions, through snowball sampling. A few interviews were also conducted in Rio de Janeiro, although in this case other informal conversations with experts have also helped delimiting my approach on these matters in relation to Brazil. In total, 29 semi-structured interviews were conducted with experts in Mexico, in Colombia, and in Brazil in 2019. As seen in the list that can be found at the end of this thesis, they are mostly affiliated to universities, research institutes, and civil society organizations. Beyond the direct quotations that can be found throughout the thesis, they were instrumental in helping me cut through multiplicity of line-drawing between criminal and political violence and identifying specific stories and ongoing debates in each context.

In 2020 and 2021, I've refocused this research towards documental analyses, drawing from invaluable leads offered by interviewees. By diving into scholarly and policy-oriented literature and official documents, I could continue to follow this line — even amidst a pandemic. I should also note that, while many of these sources – including the interviews – were originally in Spanish or Portuguese, I have translated direct quotations to English throughout this thesis.

In dialogue with contemporary debates and literature relating to the organization of violence in these three countries, as observed in interviews as well as in documental sources, I then approached the large, messy object of *lines between criminal and political violence* by focusing on the two dimensions that offered valuable insights *across* the differences between national contexts: the increase in military participation in public security, and the configuration of truth commissions. These two dimensions were relevant because they allow for reflection on what connects and disconnects such different contexts. Across them, the expectations of democratization and

peacebuilding have been incorporated in the forms of transitional justice practices and of security sector reforms; the encounters between transnationally circulating understandings and local realities, however, have been marked by important negotiations and frictions.

In order to shed light on these connections and disconnections between the drawing of lines in each country, I then proceeded to cut through this messy object through the identification of relevant stories and particular contexts that could be explored through the sources outlined above, and then sewn together into the chapters that compose this thesis. In this sense, if we think of this thesis as a patchwork, it has been composed by bringing together selected pieces of stories and contexts that shed light on similarities and differences in how these processes unfolded in each country, and then organizing them through the analytical devices that will be discussed in the next section.

Having followed this line in its multiple expressions, I hope to demonstrate in the following chapters that discussions about military missions, on the one hand, and about transitional justice on the other are complementary parts of how the treatment of violence in these countries has been continuously reshaped in 21st century. The centrality of the line I am analyzing here in both realms could be observed not only in Mexico, a country where the "transition" from authoritarian governments to democratic ones, if there has been a transition at all, happened without clear institutional ruptures; but also in Brazil, where democratic governments followed the end of a military dictatorship, giving rise to questions on what should be the "new" military missions and on what should be the rights of victims of organized violence; as well as in Colombia, where the country's self-image as one of the region's oldest democracies (DESJARDINS, 2019) has coexisted uneasily with the characterization of its internal armed conflict as the longest-running one in the Western hemisphere (INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, 2009), and where those two questions have recently gained strength in light of the 2016 peace agreement between the Colombian government and the FARC-EP. In all three countries, the line between criminal violence and political violence has been drawn in multiple and complex ways, which will be discussed in the following chapters in a conversation with critical literatures from the fields of security, political geography, and transitional justice.

In this sense, while this thesis can be said to be a sketch map of the paths *I* have followed, and a patchwork of the heterogeneous stories *I* have sewn together in a particular way, it is also the result of multiple encounters – and of multiple forms and instances of *collaboration*, a notion I here "borrow" from Leander (2020) who in turn "borrows" it from Haraway. The stories told here are not "cases of something else", compared in an exercise of application of preexisting frameworks; instead, their selection and organization result from years of "relentless collaboration" (LEANDER 2020) with a variety of materials, documents, experts, and scholarly work. Rather than testing hypotheses *on* selected cases, I have sought to work *with* the realities and interpretations I have encountered, aware of the possibility that infinite other theses – or patchworks – could be made by drawing from the same sources. That replaces the (elusive) certainty of an absolute knowledge on what "criminal violence", "political violence", and their connections and distinctions *are*, with the embracing of uncertainty in an account of connections and disconnections between the ways these entities are enacted in the stories with which I have worked.

That decision is inseparable from an awareness that "[i]t matters what matters we use to think other matters with; it matters what stories we tell to tell other stories with; it matters what knots knot knots, what thoughts think thoughts, what ties tie ties" (HARAWAY, 2013). It matters that this thesis is a story told with a set of stories and materials – and knots, and thoughts, and ties – I have encountered and selected over the last few years. In the next section, I will discuss the role of metaphors – and particularly, of cartographic and textile metaphors – as analytical devices with which I have sought to tell (or sew) this story and to highlight connections and disconnections between the multiple line-drawing practices studied here.

ii. Line-drawing through cartographic and textile metaphors

How are lines drawn between criminal violence and political violence in Latin America? In answering this question, we inevitably turn to *metaphors* through which we can visualize such lines and their drawing. The very image of a line stands here for a variety of practices through which distinctions and connections are enacted between separate entities. Therefore, before turning to the practices through which this line-drawing takes place, we should briefly look into the metaphors that have traditionally structured arguments on IR's "lines", investigating their underlying assumptions and imagination. From there, we should be able to devise alternative metaphors through which lines and

their drawing can be imagined and constructed, allowing us to account for a different set of practices, actors and political possibilities.

The metaphors to which we look here are understood as more than mere rhetorical devices; instead, metaphorical concepts structure the way we understand and experience one kind of thing in terms of another. This understanding of metaphorical concepts is found in George Lakoff and Mark Johnson's book "Metaphors we live by", published in 1980 and revised in 2003. One example they extensively discuss is the metaphorical concept "ARGUMENT IS WAR": "ARGUMENT is partially structured, understood, performed, and talked about in terms of WAR" (LAKOFF; JOHNSON, 2003, p. 5). That is, according to those authors, the way we speak about arguments (for instance, when arguing is described as the defense and attack of particular positions) actually reflect the ways in which the activity of arguing is partially structured through the metaphor of war. In another instance, the metaphor "TIME IS MONEY", reflected in multiple everyday expressions such as "wasting time", partially structures time in terms of limited resources that can be quantified, in a way that is consistent with efforts to sustain a particular form of social and economic organization.

In this sense, Lakoff and Johnson (2003, p. 56) invite us to be aware of the "metaphors we live by", since metaphorical concepts, to an important extent, seem to "structure our actions and thoughts". Also crucially, in these metaphors, concepts that appear to be "more abstract" — including emotions and ideas — are often understood in terms of concepts that we experience more directly — such as objects and spatial orientations. Conceptual metaphors are thus grounded in our experience, and particularly in our interaction with our physical, social and cultural environments.

Another example of how metaphors structure our thinking and action is seen in what Lakoff and Johnson call "container metaphors". According to them, we experience ourselves as "physical beings, bounded and set off from the rest of the world by the surface of our skins, and we experience the rest of the world as outside us. Each of us is a container, with a bounding surface and an in-out orientation." (LAKOFF; JOHNSON, 2003, p. 30). This in-out orientation and bounded character is then projected onto the "rest of the world", through the production of boundaries that delimit territories and produce surfaces — a projection that reaches not only other parts of our "physical" environment, but also other parts of our experience that we produce as separate entities. In connection with this trend, social categories are often

structured in spatialized terms — for instance, when social groups are imagined as bounded containers —, affecting the ways we conceive of their dynamics.

The precise relationship between language, culture and materiality has been central to debates on Lakoff and Johnson's work and its role in the emergence of a field of cognitive linguistics. There has been skepticism, for instance, over the extent to which "new metaphors have the power to create a new reality" (LAKOFF; JOHNSON, 2003, p. 146), especially when this claim is coupled with prescriptions on how to reshape political debate or cultural traits through linguistic shifts (see SILVA, 2021). This attention to metaphors has, however, informed important reflection in a variety of fields of knowledge, including IR — as seen in Michael P. Marks' (2018) work on how metaphorical concepts such as "core / center / periphery", "transition", or "domestic interests" are integral to how the field itself is structured, shaping shared assumptions, hypotheses, and theories.

For the purpose of this analysis, attending to the different metaphors through which lines and their drawing are structured, as well as to the way these metaphors are grounded in experience, allows us to further investigate what can be made visible and invisible when we speak of lines.

Lines are in no way a new subject in IR scholarship — many sorts of lines have long been present across its subfields. Traditionally, lines such as geopolitical borders or legal limits of multiple sorts have more often been assumed — as dividers between entities which were, themselves, the main objects of investigation — than directly engaged. More recently, however, some of these lines have come to receive increasingly careful attention. For R. B. J. Walker (2015, p. 1), *boundaries* — as a category which is broader than borders and limits — are assumed to "produce, reproduce and sometimes transform phenomena that they also distinguish." He examines "boundaries as sites of often intense political practice on many dimensions: as practices of connection quite as much as practices of distinction, and as practices of conceptualization and principle quite as much as practices of tangible materiality". The boundaries he analyzes are, thus, multiple and diverse, ranging from "practices of spatiotemporal differentiation" to "geographical or territorial borders"; from "delimitations of sociocultural norms and claims to citizenship through stipulations of legal and illegal status" to "historically, culturally and socially specific procedures through which the modern world has learnt to draw the line, both subjectively and objectively, not least in designating what counts as objectivity and subjectivity" (WALKER, 2015, p. 2).

In IR as well as in broader social research, discussions of "boundaries" engage the issue of relations between lines and entities through fundamentally *cartographic metaphors*. Firstly, the relevant entities — nations, areas of competence of certain corporations, jurisdictions, the fields of scholarship mentioned at the beginning of this paragraph — are structured spatially, as surfaces whose production results from the delimitation of boundaries. They are bounded containers, to recover a kind of conceptual metaphor mentioned earlier in this section. Secondly, and more importantly, these analyses are grounded on an imagination of all these entities and boundaries as amenable to a cartographic representation, through the act of drawing traces over a flat surface.

Both of these aspects will be further discussed at the introduction to Part A of this thesis; and in the chapters that compose that part (1, 2 and 3), discussions on the drawing of the line between criminal and political violence in Latin American contexts, as well as some of its political implications, will be structured through some of these cartographic metaphors. By mobilizing these metaphors as analytical devices, I intend to highlight, on the one hand, the extent to which these metaphors organize not only our notions of security; and on the other hand, what is revealed and what is silenced when we discuss the production of entities – including security forces themselves – in terms of boundary work. That is why I have structured Part A of the thesis through these metaphors, since these chapters deal precisely with the role of military actors in public security and the associated line-drawing practices.

In line with these metaphors, as mentioned in the previous section, in many of my early visions for this thesis, my endeavor in this research was precisely to *map* the line between two entities, criminal violence and political violence, as it runs across a number of fields of practice. In this cartographic exercise, I would represent, as precisely as possible, the form of this *boundary* and its relation to various others — such as ones between domestic and international, human rights and humanitarian law, war and peace, military and policing. Over time, however, some limits of this approach became evident. How could I fix in a map not only the positions of lines that are in constant transformation, but also the practices through which they were continuously redrawn?

An answer to this challenge was to juxtapose such cartographic metaphors with other ones, which structured the production of "lines" in different ways. A starting point for grasping the multiplicity of lines shaping our social reality was found

in a aptly titled book: Tim Ingold's "Lines: A Brief History" (2007). In his introduction, Ingold says that the mention of the word "line" often conjures an image of "alleged narrow-mindedness and sterility, as well as the single-track logic, of modern analytic thought"; in his own writing, however, lines come alive, evoking an image of movement and growth (p. 2). In his third chapter, Ingold proceeds with a tentative "taxonomy" of those lines he intends to analyze: most of them, he argues, can be categorized as either *traces* – "any enduring mark left in or on a solid surface by a continuous movement" (p. 43) – or *threads* – "a filament of some kind, which may be entangled with other threads or suspended between points in threedimensional space" (p. 41). Many other kinds of lines could be conceived, and he does indicate some of them: the cut, the crack, the crease; and while many of these lines are very concrete, others are found in the realm of concepts and abstractions (p. 44-47). As Ingold interestingly notes, "[i]t is revealing that we use the same verb, to *draw*, to refer to the activity of the hand both in the manipulation of threads and in the inscription of traces. As we shall see, the two are more intimately linked than we might have supposed" (p. 43, his emphasis).

Textile practices such as weaving, embroidery, and quilting have often been mobilized, in several parts of the world, as part of memory and truth efforts – examples of which we will see in chapters 4 and 5, starting with the story of the Weavers of Mampuján in Colombia. Correspondingly, textile metaphors are often central to discourse on the effects of violence on victims' lives, as well as on victims' response to these effects — for instance, when truth and memory initiatives are presented as attempts to reconstitute the social fabric, or to weave stories together. What if the *line* between criminal and political violence was then structured through the other meaning of *line drawing* suggested by Ingold's notes at the last paragraph— as the manipulation of threads? At the introduction to part B of this thesis, I briefly explore some of the implications of these textile metaphors, which then structure the chapters that compose that part (4, 5 and 6). By structuring part B of this through textile metaphors, I aim to highlight the multiple processes through which lines are drawn – a multiplicity that is reflected on the specific techniques and practices mentioned, such as embroidery, weaving, and knotting; as well as the *textures* that arise from these practices, by which I refer to continuous improvisations and tensions that are intrinsic to the collective production of truth and memory. It is not by chance that,

as mentioned above, these metaphors evoke the kinds of practices that have long been engaged by victims' movements as a way of mobilization.

In other words, in part A we will look at how lines between criminal and political violence are redrawn as traces over maps — including the maps of security sectors, as the boundaries of police and military forces are themselves redrawn and bridged (Ch. 1); the maps of territories that are represented as ungoverned, as empty of state presence, and which are thus to be occupied with military presence (Ch. 2); and the maps of overlapping legalities that are continuously redrawn in response to military officers' demands for "legal safeguards", in order to take up their missions in crime-fighting (Ch. 3). In part B, in turn, we will look at how these lines are drawn as threads, with which victims' movements and transitional justice experts and activists weave surfaces of the past, selecting the storylines that should be included in reports of truth commissions (Ch. 4); threads which are embroidered and intertwined, connecting past and present as "legacies" and "continuums" (Ch. 5); and which are tied into particular knots — such as "impunity", "militarization" and "denial" — that members and proponents of truth commissions expect to help untie through their work (Ch. 6).

In all these chapters, the metaphors mobilized highlight not only the multiplicity of line-drawing, but also the multiple *relations between lines and surfaces*. If traces can be drawn on the surface of paper, they can also give rise to new surfaces – e.g., when bounding a certain space and giving rise to a newly delimited entity. If threads can be brought together and give rise to a new woven surface, they can also be stitched onto a preexisting surface and form an embroidered pattern. Throughout the thesis, therefore, relations between line-drawing and the making and transforming of surfaces will be central to our discussions, as they allow us to reflect on the (re)making of entities through the production of connections and distinctions.

Since many of these metaphors are easier to literally show than to tell — as became clear to me as soon as I drafted my first thesis chapter, when each reader visualized the images I described in a different way —, some of the following chapters will include one or more images of "maps" and "textile objects" I have tentatively made in order to convey these arguments. Moreover, the engagement in these practices in a more direct manner helps shedding light on particular dimensions of these metaphors which I have then attempted to take further in this analysis. An example of this would be the extent to which "[m]aking requires a kind of 'futurist' sensibility", in

which the production of something involves following the grain of the matter one encounters "however much we might wish our pre-defined plans would provide some certainty" (AUSTIN; LEANDER, 2021, p. 137). That has important effects not only for the very process of making, which is always enmeshed in an important degree of improvisation and frictions as "maker" and "matter" interact, but also to the possibility of analyzing processes through which things are made. In this sense, rather than assuming that the analyzed "object" — from security sector transformations to the final reports of truth commissions — has resulted from the imposition of form over matter by a certain subject, one can attempt to account for the frictions, tensions and improvisations that go into processes of making. In part A, that will be discussed as we look at the aims and limits involved in the cartographic imaginations that ground security practices; while in part B, I will attempt to account for what Julia Bryan-Wilson refers to as *textiling politics*, that is, to "*give texture* to politics, to refuse easy binaries, to acknowledge complications: textured as in uneven, but also […] as in tangibly worked and retaining some of the grain of that labor, whether smooth or snagged" (BRYAN-WILSON, 2017, p. 7, emphasis in the original). In this sense, while engaging in this research as a process of making — of text, of maps, of textiles —, I would also like to highlight the complications and textures that go into the making of politics by the actors whose practices will be followed and analyzed in this thesis.

Therefore, cartographic and textile metaphors have been important *analytical devices* in the making of this thesis. On the one hand, these metaphors were central to how the multiple subjects with whom I have written this thesis make sense of connections and disconnections between criminal and political violence – and in this sense, they will appear in many of the discursive practices cited throughout the following chapters, whether explicitly or as part of their structure. On the other hand, I have mobilized them as "theory-metaphors" (LAW; MOL, 1995), in that I have worked with them to theorize the multiple connections and disconnections between the stories that compose this thesis. As noted above, making maps and making textiles evoke different forms of making lines and surfaces – i.e. by drawing a curved line and producing a new bounded surface, or by weaving strands of certain colors in ways that make a pattern come to life.

Finally, working with metaphors simultaneously in these two ways – as part of the practices I analyze, and as a way of theorizing relations between those practices – has been part of an effort to, in line with what I have discussed in the last section,

highlight the collaboration with the multiple forms of sense-making I have encountered and incorporated into this thesis: from military operational guidelines to conflict victims' quilts; from speeches of governmental authorities to truth commissions' reports; from interviews with local activists to the pages of academic journals and books.

iii. A map of the thesis structure

As a first illustration of what I mean when saying that some metaphors might be easier to show than to tell, I will start this section by offering a sketch map of the structure of this thesis, as well as the recommended path between where you are (the main introduction) and the thesis conclusion. Feel free to return to the map whenever is needed.

As illustrated in figure 0.1., this thesis is composed of an introduction, a conclusion, and two main parts in between — Parts A and B. Each of the two parts includes a specific introduction, in which I briefly review the literature that will be relevant for the chapters that follow it; and three empirical chapters.

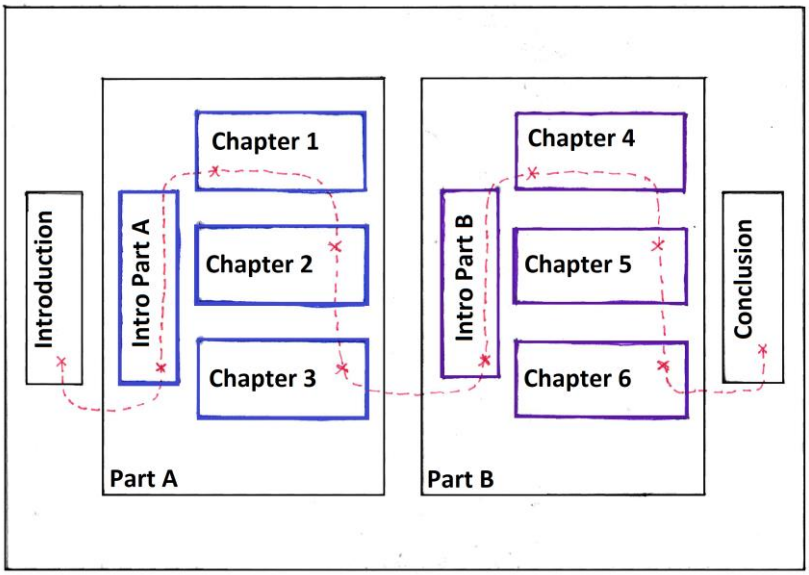

Figure 0.1. A sketch map of the thesis structure.

Part A, titled "*Drawing boundaries, mapping criminal/political violence: Soldiers "fighting crime" in Latin America*", starts with an introduction where I present some general scholarly debates surrounding the boundaries between war and peace and between military and police forces, and how they come to bear on Latin American realities and on the drawing of lines between criminal and political violence. I also present a brief discussion of boundaries themselves, as well as the cartographic metaphors entailed

by the way boundaries are imagined and discussed. This introduction then makes way for the chapters (1, 2 and 3) that compose part A.

In chapter 1, "*Outlining security forces*", we look at how military and police forces are, themselves, outlined in these three countries — that is, we will tentatively *map* the composition of these forces —, as well as some of the ways in which the military/police boundary is *redrawn* and *bridged* in three particular contexts: the recent creation, from 2018, of a new National Guard under military command in Mexico; the Guarantee of Law and Order (GLO) operations dedicated to public security in Brazil; and the roles attributed to military forces in the implementation of the 2016 peace agreement in Colombia.

In chapter 2, "*Occupying spaces*", we will explore the cartographic imagination that grounds the deployment of military forces "against crime" in different parts of these three national territories, emphasizing a particular dimension of this imaginary: the characterization of certain territories as *ungoverned*, with criminal violence stemming from the *absence of the state* — an absence that would allegedly be solved through the occupation of these areas through the military presence of the Mexican National Guard all over the country's territory, of Brazilian soldiers in GLO "pacification" missions, and of Colombian military troops that aimed to "consolidate" peace.

In chapter 3, "*Overlapping legalities*", we will look at some of the ways in which the processes discussed above have redrawn legal boundaries in the three countries. As military actors are deployed in crime-fighting in Brazil, Mexico, and Colombia, their demands for "legal safeguards" that were allegedly needed for these missions have been reflected in redrawn boundaries between International Humanitarian Law and human rights, between military and ordinary justice, and between the realms of activity that can be legally attributed to military forces.

Throughout these three chapters, the drawing of the line between criminal and political violence will be followed through a specific analysis of what happens when military actors are deployed domestically against "criminal threats". In this sense, the enactment of that line will be visualized by reference to the cartographic metaphors of the *redrawing*, *bridging* and *blurring* of boundaries.

We will then move to Part B, titled "*From boundaries to threads: Textiling truth between criminal and political violence in Latin American*". It starts with an introduction where I present a brief literature background on issues such as the temporal imagination of truth commissions; the ambiguous place of crime in their accounts; the relations

between victims' stories and their representation in truth reports, especially when it comes to the bounding of the "universes of victims" that are included in their pages; and the political implications of textile metaphors for an analysis of these processes. In the chapters that follow it (4, 5, and 6), stories of truth commissions and related initiatives in those three countries will help us account for how the actors involved have redrawn CVPV lines over the past, the present, and the future.

In chapter 4, "*Weaving pasts*", we will look at how truth commissions have drawn CVPV lines when weaving victims' storylines of the past into the surface of truth reports. We'll approach that question through the experiences of the National Truth Commission (NTC) in Brazil; of the Special Prosecutor's Office for state crimes committed against social and political movements of the past (FEMOSPP in its Spanish acronym) in Mexico; and of mechanisms created after the Justice and Peace Law in Colombia.

In chapter 5, "*Intertwining presents*", we look at how truth commissions' reports and proposals have addressed the intertwined threads of political violence and criminal violence over time, when attempting to investigate *present* patterns of human rights violations. For that end, we will look at stories of the Subcomission of Truth in Democracy "Mothers of Acari" in Brazil; of the truth commission proposals debated in Mexico in 2018 and 2019; and of the Colombian Women's Truth and Memory and Commission — all of which have intended to address perceived limitations of the mechanisms discussed in chapter 4.

In chapter 6, "*Untying futures*", we will look at how truth commissions draw lines between criminal violence and political violence into the future they aim to transform, by undoing its ties with past and present. I'll approach that question by looking at how proposed and established truth commissions in those three countries — particularly, the NTC and Rio de Janeiro's commissions in Brazil, the recent proposals in Mexico, and the Colombia's Truth, Coexistence and Non-Repetition Commission — have conceived of their own roles in helping transform violent patterns, by shedding light on its structural causes, by outlining policy recommendations or by emphasizing the process of a truth commission over its final outcome. I'll also emphasize the ways truth commissions' members and proposers have sought to rearticulate CVPV lines through such practices.

Throughout these stories, the image of CVPV lines as threads will help us reflect on the practices of truth commissions' members and activists in embroidering

them over the surface of time; in giving rise to them, as edges of patterns woven out of victims' storylines; as knots that can be undone into loose threads that always retain a memory of their past form. While various textile practices have long been practiced by victims' movements in the collective production of truth and memory, here they will help us make sense of how these lines are drawn by truth commissions in Latin America; and they will also help highlighting the textures of processes through which truths are continuously made.

Finally, after Parts A and B, a conclusion will lead us back to some of the questions raised earlier in this introduction: what do the practices and narratives discussed throughout these chapters tell us about the underlying political imaginary for which "violent peaceful democracies" emerge as a puzzle in the first place? We will look at these assumptions by highlighting connections and disconnections between the multiple drawings of the line between criminal violence and political violence seen in the stories that compose this thesis. By sewing these stories as "bits of cloth" into a particular patchwork, we will also discuss the possibilities and limits entailed by metaphors as analytical devices that may help us account for the frictions, tensions, and textures of politics.

Part A. Drawing boundaries, mapping criminal/political violence: Soldiers "fighting crime" in Latin America

A.1. Starting the sketch

In this thesis, we are interested in a "line": the line between criminal violence and political violence (or the CVPV line). We want to know how it is drawn in certain Latin American contexts; and hopefully, by analyzing multiple practices through which it drawn, we might gain some insight as to what our democratic imagination prescribes regarding the ordering of collective violence, as well as what happens when realities deviate from such prescriptions.

If we begin to unpack this "research object", we find that the study of practices that might be understood as "line-drawing" has long been with us in the field of International Relations (IR). From historical studies of how borders were produced in diplomatic conferences, to International Law approaches to the study of jurisdiction, going through the study of how professions and institutions emerge as distinct from each other, the drawing of lines is found implicitly or explicitly in the analyses that are as varied as are the objects that compose the "international" — or indeed, the "social" — itself. While the examples mentioned above are strikingly different, they are brought together by the ways we generally visualize the relevant "lines": as *boundaries*, which divide spaces horizontally, and which can be drawn, redrawn, blurred, bridged. And which can also be *mapped*.

Following this image, in this part of the thesis (comprising this introduction and chapters 1, 2, and 3), we will look at the line between criminal violence and political violence as a *boundary*, and we will look at some Latin American contexts in which it is drawn. In particular, we will focus on the drawing of this boundary in Brazilian, Mexican, and Colombian contexts where fighting "criminal violence" is attributed to military forces as part of their mission — and by focusing on these contexts, we will look at intersections between this and other boundaries, such as the boundary between military and police roles, the one between spaces that are within and outside "state control", and the ones that separate different legal surfaces (such as between military and ordinary justice, and between international humanitarian law and international human rights law). Moreover, these lines and their drawing will be visualized through *cartographic metaphors*, with an attention to the potentialities and limits of this spatial imaginary.

Before going into the chapters that compose this part, the following sections in this introduction present some of the literature to which these discussions are connected in various ways: firstly, with a focus on how boundaries between crime and conflict have been discussed; secondly, with an emphasis on the military/police boundary; and thirdly, with some discussions of boundaries themselves, as well as a reflection on what I mean by cartographic metaphors and what they entail. Afterwards, I'll briefly present what you can expect from the following three chapters.

A.2. Crime / conflict: drawing (dis)connections in Latin America

In August 2017, the Extra newspaper in Rio de Janeiro published an editorial entitled "This is not normal". The text announced the creation of a section of the newspaper dedicated to the "War of Rio" (see figure A.1). They explained that they would continue to report on crimes that happen in any big city in the world, but the war section would be dedicated to "everything that does not follow the standard of civilizing normality, and that we only see in Rio" (EXTRA, 2017). The editorial had a wide repercussion on social media. Some feared what might be authorized by the statement "war" in terms of state security practices and applicable legal frameworks. Others praised the necessary recognition of a situation that cannot be considered normal or criticized the fact that it took so long for the media to call it a war – after all, the characterization resonates with the experience of many in Rio's most marginalized communities.

Figure A.1 Screenshot of Extra newspaper's editorial launching the "War of Rio" section (EXTRA, 2017).

The debate above is not singular to Rio. Discussions about the line between war and crime are present in different contexts in Latin America. They expose an apparent mismatch between the high levels of violence in certain Latin American countries and their frequent construction as a peaceful region. This characterization,

illustrated by the proclamation of the region as a "zone of peace" by the Community of Latin American and Caribbean States (COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES [CELAC], 2014), is based on the low frequency of interstate armed conflicts in the region's history. On the other hand, according to the report "Global Study on Homicide 2019" published by the United Nations Office on Drugs and Crime (UNODC), the Americas have shown persistently high homicide rates in the last three decades, remaining between 14.5 and 16.7 per 100,000 inhabitants — or about two to three times the global average — before increasing to 17.2 in 2017, the highest level since 1990 (UNODC, 2019, p. 20). These data cover the category of "intentional homicides", which excludes deaths directly related to armed conflicts and wars, since in these cases the element of responsibility of the author is absent. Through this distinction, "intentional homicide" emerges as a category mobilized to compare the problem of violence in times of "peace" and in times of "war". This distinction is reinforced by the UNODC report when they state that, between 1990 and 2017, it is estimated that between 9.2 and 14.3 million people lost their lives due to intentional homicide, while the number of deaths in conflicts registered at the UCDP / PRIO armed conflicts database in the same period is approximately 2.2 million, including about 850,000 civilians (UNODC, 2019, p. 13).

While this distinction between peacetime homicides and wartime casualties may seem simple, the multiple ways in which the counting of violence is articulated by different actors in Latin America are also the subject of political disputes. On the one hand, comparisons such as the one above — between absolute numbers of homicides and casualty numbers in armed conflicts — proliferate in Latin American contexts, often with a similar objective: to create a sense of urgency around the problem of violence in these countries. For example, in a recent report on national homicide trends, the Brazilian organization Brazilian Forum on Public Security (FBSP) stated that more people have died in Brazil between 2011 and 2015 than in Syria, an information that was widely replicated in the media at the time (SANTOS, 2016). At other times, however, similar comparisons are made in demands for the actual recognition of an armed conflict in contexts of massive violence perpetrated by criminal organizations and state forces. This was the case in Mexico, included in 2016 by the International Institute for Strategic Studies (IISS) in its report "Armed Conflict Survey" as the second most violent conflict in the world, coming only after Syria in absolute casualties (SAMPAIO, 2017). The report was criticized by the Mexican government, which

argued that "the existence of criminal groups is not a sufficient criterion to speak of a non-international armed conflict" (GILBERT, 2017). Since then, other independent national and international programs have reached similar conclusions to the IISS Armed Conflict Survey – such as the Geneva Academy, which identifies two non-international armed conflicts on Mexican territory (see figure A.2 below).

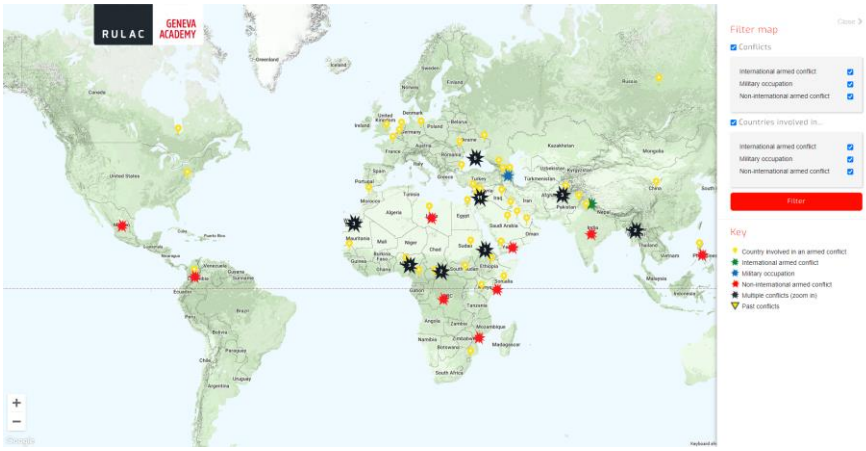

Figure A.2. Screenshot of Geneva Academy RULAC's map of armed conflicts, with the latest updates on Mexico in May 2021 identifying two non-international armed conflicts involving the government, the Jalisco Cartel New Generation, and the Sinaloa Cartel (GENEVA ACADEMY 2021).

Even in the Colombian context — often referred to in specialized literature as the "longest-running armed conflict in the Western Hemisphere" (ICTJ, 2009) — disputes over the recognition of the existence of an armed conflict are still at the center of the political debate. Especially during the presidency of Álvaro Uribe (2002-2010), the official position of the government regarding the absence of an armed conflict in the country — with the FARC and other armed actors being classified, instead, as a "narcoterrorist threat" to democracy — was intended to delegitimize these non-state actors as political subjects with whom one could negotiate; hence the relevance of conflict recognition by Juan Manuel Santos's presidency (2010-2018) as a condition for the beginning of peace negotiations.

In addition to the dimension of political discourse, the debate has legal implications, as the line between war and peace intersects yet another distinction: the line between International Humanitarian Law (IHL) and International Human Rights Law (IHRL). That is seen in contemporary discussions as to the possible applicability of IHL in relation to situations of criminal violence, since that legal framework does not provide a clear and general definition of what a non-international armed conflict (NIAC) is. A trace of a delimitation is found in Article 1 of the Additional Protocol

to the Geneva Conventions of 12 August 1949, on the protection of victims of non-international armed conflicts (Protocol II), which marks the scope of application of the conventions as those armed conflicts that occur between the armed forces of a state and dissident armed forces or other organized armed groups; and these non-state parties must be under responsible command — implying a certain level of organizational structure — and must carry out sustained and concerted military operations. However, a risk posed by the application of IHL in contexts of criminal violence is that it could undermine the law enforcement model marked by the prevalence of IHRL, which places stricter limits on the use of force by agents (see HARROFF-TAVEL, 2010; PETERKE, 2010). Thus, disputes over line-drawing between war and crime have implications in terms of the applicable legal frameworks, a debate that gains strength and greater relevance with the development of international criminal justice and transitional justice mechanisms.

For the purposes of this thesis, particularly relevant is the extent to which the line between war and crime reveals an imperfect and disputed correspondence with a second important boundary: the line between political violence and criminal violence. After all, the Latin American examples discussed above are usually framed as deviations from an ideal standard, in which war is equated with political violence, while crime is apolitical. Therefore, we should also briefly consider the way this standard has historically emerged, along with the development of the modern nation-state and of a particular conception of how collective violence must be ordered.

In brief, this conception of the ordering of collective violence can be traced back at least to the formation of the modern nation-state, as European sovereigns struggled, on one hand, to extract resources and coercive capabilities from other domestic individuals, groups and organizations, building their own armed forces and gaining strength through interstate wars (TILLY, 1985); and attempted, on the other hand, to monopolize extraterritorial violence, banning the legitimate use of force by non-state actors such as pirates and mercenaries (THOMSON, 1996). Through such processes, sovereign rulers sought to monopolize not only the material capacities for the use of force, but also its legitimacy. State sovereigns increasingly came to recognize only the use of force by their peers; and practices which had been previously considered legitimate, such as the deployment of mercenaries by states and the support to filibusters in Central America, saw their legitimacy decrease, especially in the 19th century. These processes were also associated with an increasing distinction between

the realms of politics and economics, which was considerably blurred until the 19th century: as "politics" became increasingly associated with the realm of state-related and public issues, "economics" became the field of the private and marked-related issues. From that moment, according to Thomson, violence connected to "market" motivations and "private" gains came to be increasingly constructed as illegitimate and criminal; while violence connected to "political" motivations and "public" interests would be legitimate and legal, especially for those who are at the winning end of a conflict or insurrection (THOMSON, 1996). Throughout the 20th century, insurgent actors ascended as potentially legitimate deployers of violence. This rise was connected to the strengthening of nationalist discourses and of principles such as popular sovereignty and national self-determination. Consolidated since the 19th century, these principles have impacted discourses and practices in contexts that included the wars of decolonization (ZACHER, 2001)

More recently, during the Cold War, these principles were again mobilized by superpowers as they sought to legitimize their support to non-state actors in the Third World engaged in independence or regime change struggles. The deployment of violence by these groups, however, is often considered legitimate only by reference to their 'political' ends, as an attempt to change the political regime, to ascend to governmental power, or to form a new state. In other words, this distinction is still grounded in a framework which centers violence legitimacy around the state and around ends constructed as 'public', in opposition to the 'private' ends associated with criminal groups.

In line with this framework, most approaches to the study of armed conflicts continue to place the existence of so-called political ends at the center of their definitions. The Uppsala Conflict Data Program, for instance, defines an armed conflict as "a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths" (WALLENSTEEN; SOLLENBERG, 2001). While the effects of violence are also a part of this definition, it is still centered around the notion that a set of specific motivations – those understood as "political" and thus connected to state boundaries or governmental rule – make these deployments of collective violence an essentially different phenomenon.

However, the possibility of categorizing violence according to its ends has been increasingly questioned by certain scholars, as these motivations are always

contestable and changeable (SCHEDLER, 2013). Besides, the (in)distinction between private and public ends of violence has been at the center of discussions about the role of "greed" and "grievance" in armed conflicts, and economic agendas connected to the persistence of violence have received an increasing attention over the last three decades (see RAMSBOTHAM, 2005). As a result, certain perspectives in the field of conflict studies have drawn attention to the place of organized crime and of economic interests in contemporary armed conflicts. According to Kalyvas (2015), many such attempts consist in merging the fields through frameworks such as "crime as civil war" and "civil war as crime", which fold both sets of phenomena together with different emphases: while the first framework points to features such as the level of organization and intensity of violence perpetrated by criminal groups, the second framework emphasizes the fact that even "politically-motivated" insurgents are often quite focused on profit and private gains. At the core, those two frameworks illustrate the existence of disputes about what "really matters" as criteria for the categorization of violence in its scholarly analysis; and the dispute among different frameworks overlaps with disagreement among practitioners – ranging from state representatives to civil society activists.

In sum, disputes and different perspectives regarding the line between "war" and "crime" — and regarding questions such as where should it be drawn, is it more or less blurred than in the past, on which side of the line does this contemporary context sit, what are the effects of drawing it in this or that way — are intrinsically connected to questions of how violence should be *ordered*, and efforts to categorize violence tend to be at the center of such debates. Some effects of these disputes will be further discussed in chapter 3, as we look into the delimitation of multiple, and often overlapping, legalities in three Latin American contexts and their intrinsic connection to the drawing of lines between criminal and political violence. Other stakes of these disputes should become clearer at Part B of this thesis, as we look at the work of truth commissions in outlining "universes of victims" and drawing connections between past wars and dictatorships and present criminal/police violence.

A.3. Military / police: notes on global and Latin American debates

We have seen above that the formation of the European modern state has been associated with efforts by sovereigns to monopolize violence externally and internally in relation to non-state actors; and that this effort has partly been associated with the criminalization of violence aimed at "private" gain, while violence among

sovereign states remained legitimate for much longer (at least until a more recent process of outlawry of war, consolidated with the creation of the United Nations). This historical development of the European modern state has required the professionalization of those who would be in charge of the use of force. By the late eighteenth century, most European monarchs "controlled permanent, professional military forces that rivaled those of their neighbors and far exceeded any other organized armed force within their own territories" (TILLY, 1985, p. 174). Dealing with local rivals, however, posed another challenge, since "[b]eyond the scale of a small city-state, no monarch could govern a population with his armed force alone, nor could any monarch afford to create a professional staff large and strong enough to reach from him to the ordinary citizen" (TILLY, 1985, p. 174). If this problem was initially handled through indirect rule via local magnates, European governments have eventually reduced their reliance on local actors by creating "police forces that were subordinate to the government rather than to individual patrons, distinct from war-making forces, and therefore less useful as the tools of dissident magnates" (TILLY, 1985, p. 175). In other words, the monopolization of the means of coercion by emerging European modern state has been associated with the formation of separate forces dedicated to practices that are currently labeled "defense" and "public security".

State-making has surely had specific outlines in Latin America, with reflexes for the organization of state security forces. Particularly important is the very low frequency of interstate wars in the region – and even of civil wars conventionally understood[1]. As Centeno (2002, p. 9) observes, "[n]owhere is the general peace of the continent more clearly seen than on a map. Examine a map of Latin America in 1840 and the general borders and country configurations look surprisingly like today's." As a result, the relation between war and state-making has had very particular contours in Latin American countries, with local patterns of political violence leading to the formation of security forces with a primary orientation towards internal repression.

However, much of the European model of security forces outlined above has been disseminated to other parts of the world through various transnational processes over the following centuries, and colonialism and imperialism have played an essential role in this dissemination. In countries such as Brazil, the historical development of

[1] As noted by Centeno (2002, p. 9), "[o]utside the cases of Paraguay, Mexico, and Colombia, no country has suffered a large number of deaths during *conventional* warfare".

military and police forces was deeply entangled with colonialism itself — to the point that the 1648 Battle of Guararapes is presented as the "cradle of nationality and of the Brazilian Army" in military narratives (BRAZILIAN ARMY, [s.d.]), a battle which preceded the country's independence (1822) and basically opposed Portuguese and Dutch troops and their respective indigenous allies and international mercenaries[2]. Moreover, processes of "modernization" and "professionalization" of armies and police forces in Latin America, especially during the 20th century, were inherently transnational, as illustrated by the central role of the circulation of French and US missions in the training of soldiers and cops across the region. As a result, it is not a surprise that, as observed by Benedict Anderson,

> Of all institutions similar to the nation-state, the armed forces are the most standardized ones, in comparison, for instance, with judicial institutions, parliaments, political parties, heads of state, etc. Almost all states have their generals, colonels, majors, captains and non-commissioned officers. In this sense, the armed forces are the institutions that are the most distant of any idea of national singularity. At the same time, the military usually take seriously their role precisely as symbols of this national singularity (ANDERSON, 2018).

In continuity with these historical processes, the prescription of a "professionalization" of military forces has come to be associated with the ideal of preserving this division of labor between soldiers, who ensure external defense, and police forces, dedicated to public security domestically — a prescription that is often associated with a Huntingtonian paradigm (PION-BERLIN, 2016), in a reference to Samuel Huntington's "The Soldier and the State" (1957).

If processes of "professionalization" have played an important role in disseminating the expectation of a "proper" division of labor between soldiers and cops — one that largely coincides with the distinction between *internal criminal threats* and *external political enemies* to be handled by these forces —, a plural body of scholarship over the last decades has been looking at contexts in which this expectation is frustrated. Since 2001, in particular, the global war on terror has prompted important reflections about the drawing (and blurring) of lines between military and police work, between war and peace, and between criminal and political threats within the field of IR in general and of critical security studies specifically.

Considering this context, Didier Bigo (2000, 2006) has analyzed some of the ways in which contemporary security practices related to such threats as terrorism

2 On the historical construction of this "myth of origin" of the Brazilian Army, see Castro (2010).

produce a "dedifferentiation" between military and police functions. He discusses the formation of a "security field" that defies the distinction between the internal and the external. Bigo highlights that the ways in which security threats blur classic distinctions between war and crime, enemies and criminals, and military and police are not exactly new. However, the end of the Cold War has accelerated the tendency to criticize such distinctions, based on the argument that "transversal threats" located along a "war—crime continuum" would require adjustments in the roles of police and military forces (BIGO, 2014, p. 204). In this context, the main "new enemies" would be criminals and terrorists, considered too complex to respond through traditional policing; hence the need for an increase in the scope of military forces' missions and budgets. For this reason, military forces have been central in promoting the discourse of a fusion between war and crime, a narrative that depoliticized the enemy, constituting it as a threat to eradicate. For Bigo, the declaration of a "war on terror" in 2001 had "sealed this merging of war and crime as an explanation for the transformation of violence in the world, as a 'regime of truth'" (BIGO, 2014, p. 206). This historical moment helped consolidate an ongoing double movement: on the one hand, an impulse for international policing missions which had started in the 1990s and later been integrated into a militarized logic of war on terror; and on the other hand, a movement of armies looking "inwards" for "potential enemies infiltrated among good citizens" (BIGO, 2014, p. 209). In this direction, the practices by which an (in)distinction between war and crime is consolidated in the context of the war on terror have been the subject of important analyses in the field of critical security studies, revealing broader global trends associated with the merging of military and police missions.

While Latin American contexts interact with such global trends, we must also attend to specific historical and institutional dynamics that have shaped the production and transformation of boundaries between the missions that are attributed to police and military forces. In recent years, research on the production of this boundary in the region has often looked at contexts of "war on drugs", with an emphasis on the effects of these practices on the roles of military and police forces. That includes the analyses of various processes through which "drug trafficking organizations" are categorized as enemies whose combat requires exceptional military means, in addition to the normal police response (e.g. RODRIGUES, 2012); broader trends of approximation, in Latin American countries, between the practices of soldiers and cops, composing processes of "militarization of law enforcement" (e.g. FLORES-MACÍAS; ZARKIN,

2021); the connected blurring of the boundary between security and defense across the region, especially in the context of a "hemispheric security agenda" (e.g. SAINT-PIERRE, 2011); as well as the transnational dimensions of these processes of "militarization" (e.g. CORVA, 2008). Moreover, the expansion of "military missions" has been analyzed in the context of an international emergence of discourse on "new threats" following the end of the Cold War — and domestically, in Latin American contexts, simultaneously following peace and democratization processes (CENTRO DE ESTUDIOS LEGALES Y SOCIALES [CELS], 2018).

Moreover, in Latin America contexts, this analysis must still account for the historical particularities of countries in the region, whose formation frequently calls into question the narrative of a "recent differentiation" between police and military forces, with these only now turning towards internal security. After all, as illustrated by Adriana Barreto (BARRETO, 2020), it is not by chance that the patron of the Brazilian Army, Duque de Caxias, had made his career repressing internal rebellions such as Balaiada (1841) and Farroupilha (1845); and his first command experience had not been in the Army, but as the head of the Permanent Municipal Guard, a police force. In Mexico, similarly, while the "militarization of public security" through the involvement of soldiers in these tasks has often been traced back to 2006, Carlos Pérez Ricart (PÉREZ RICART, 2018) has discussed the extent to which military institutions have been historically established precisely for the goal of internal security in the 18th century, shaping that field ever since. Finally, in relation to Colombia, Manuela Trindade Viana (2020a) has demonstrated that the "blurred boundary" between the work of military and police forces in the country, often framed as an anomaly, has been in fact transnationally produced throughout the history of military professionalization in the country. Thus, an analysis of the practices through which the line between military and police activities is continuously redrawn in Latin American contexts must also account for the historically rooted character of these practices, avoiding an essentialization of the site of such line.

Finally, transformations in the line between military and police forces – from the missions attributed to them, to their character and training – coexist with broader forms of *militarization*. Beyond an institutional focus, this term can refer to the "historical social process by which investments in military institutions and particular and positive kinds of thinking about military personnel and activities have shaped global human life" (LUTZ, 2018). In this vein, multiple studies have investigated the

social conditions of possibility for the militarization of public security in Latin American countries, as well as the discursive and material dimensions of militarized public security practices. A highlighted aspect in this regard is the mobilization of war metaphors to refer to public security policies. In relation to Rio de Janeiro, Márcia Leite discusses the effects of this discourse in enabling "the perception of alterity as threat and of this as immune to any sort of political or institutional solution", and thereby activating a repertoire in which armed groups are enemies and exceptional violence is an acceptable strategy of war (LEITE, 2012, p. 379). Reviewing the literature on the militarization of public security in Mexico, Sabina Morales Rosas and Carlos Perez Ricart (2015) argue that the two understandings mentioned above – the prevalence of military institutions as central axes of security policy, and the adoption by civilian actors of military logics and practices – are interrelated parts of militarization as a social phenomenon in the country. Acknowledging the social dimension of militarization in Latin America is important to the extent that the deployment of soldiers in public security as well as the adoption of "tougher" practices by police forces are often associated with social demand for this kind of response to crime, especially in countries marked by high levels of inequality and of distrust in the democratic system (HERNÁNDEZ; ROMERO-ARIAS, 2019).

In summary, the drawing (and redrawing, and blurring, and bridging…) of the line between the work of military and police forces is closely associated with processes of redrawing boundaries between criminal and political violence as *threats* to be controlled by these state forces. This connection, as well as some of the related points mentioned in this section, will be taken up in chapter 1 as part of our discussion of how this *redrawing* takes place in three Latin American contexts; and it will also be central for our discussions of foundations and implications of this line-drawing in chapters 2 and 3.

A.4. Lines as boundaries and cartographic metaphors

Between criminal violence and political violence, between soldiers and cops, between war and peace, between different national territories… *boundaries* that separate different entities have long been present in IR analyses, whether as an implicit dimension of the study of entities or as a research object in themselves. In line with R. B. J. Walker's (2015, p. 1) work, the term "boundary" is here taken to be a broad category that encompasses others such "borders" and "limits". For Walker, boundaries "produce, reproduce and sometimes transform phenomena that they also distinguish".

They are understood as "sites of often intense political practice on many dimensions: as practices of connection quite as much as practices of distinction, and as practices of conceptualization and principle quite as much as practices of tangible materiality" (WALKER, 2015, p. 2).

Over the last decades, research on these broadly understood boundaries has had an increasing place in fields such as international political sociology, critical security studies, and critical geopolitics. Within these fields, there has often been a focus on exclusionary boundary practices, as illustrated by certain forms of distinction between inside and outside and between self and other (e.g. CAMPBELL, 1998). More recent scholarship has also been looking at practices through which boundaries are *spanned* or *bridged* in international or transnational settings (e.g. HOFIUS, 2016; KRANKE, 2020). In these studies, the concept of *boundary work* can also be found with increasing frequency, often in dialogue with literature from the field of Science and Technology Studies (STS).

The concept of *boundary work* has been developed outside the realm of IR, in broader social research on relations between boundaries and entities. About these relations, Andrew Abbott (1995, p. 860) has asserted: "social entities come into existence when social actors tie social boundaries together in certain ways. Boundaries come first, then entities." He thus suggested that, rather than looking for preexisting entities, one could start with boundaries, investigating "how people create entities by linking those boundaries into units" (ABBOTT, 1995, p. 857). In line with that proposal, scholars have investigated multiple forms of "boundary work", from the demarcation of areas of competence of certain social groups, such as the realm of scientists in relation to other intellectual activities (GIERYN, 1983), to the constitution of certain collective identities through practices of categorization and distinction, for instance. Moreover, scholars have sought to account not only for practices of *exclusion*, but also for those of *inclusion*, attending to interactions that take place "over, within, and across boundaries" (LIU, 2018)— which includes discussions about practices of "boundary-spanning" that complement those of "boundary drawing" and "boundary blurring", amongst others.

The image of boundaries that are drawn in particular ways relies on a spatialized visualization of the entities and distinctions under study, whether these entities are social groups, professions, institutions, or others. In this regard, Abbott

(1995) has discussed the spatialization that underlies his image of boundary work. Looking back at his studies of professions, he told:

> I conceived of the professions as living in an ecology (Abbott, 1988). There were professions, and turfs, and a social and cultural mapping — the mapping of jurisdiction — between those professions and turfs. A change in this mapping was the proper focus of studies of professions and happened most often at the edges of professional jurisdictions. These edges could be studied in the three arenas of workplace, public, and state. All of this presupposed much about boundaries of professions, of turfs, indeed of jurisdictions themselves. About boundaries, I presumed that they could be specified, that they did in fact separate professions, and that they were the zones of action because they were the zones of conflict. And, indeed, *I presumed a spatial structure to these boundaries*, as did the many people who attacked my theory for covering mainly the exceptions in the lives of professions and not accounting for the stable life "at the core of a profession." (ABBOTT, 1995, p. 857–858, emphasis added).

At the introduction to this thesis, I have suggested, following Lakoff and Johnson (2003, p. 30), that metaphors can be understood as more than mere rhetorical devices; instead, metaphorical concepts structure the way we understand and experience one kind of thing in terms of another. An example would be what those authors have called "container metaphors": not only do we often experience ourselves as "a container, with a bounding surface and an in-out orientation" (LAKOFF; JOHNSON, 2003, p. 30), but we also often project this in-out orientation and bounded character onto other phenomena that surround us. In a sense, when we speak of boundaries and entities, we usually evoke a kind of container metaphor — although, by speaking of an *ecology*, Abbott (1995, p. 857–858) intended to "reverse the whole flow of metaphor" (p. 861) between the individual human being and the social actor, presenting entities as emergent through the connecting up of proto-boundaries.

Beyond container metaphors, however, when we speak of lines such as the ones we study here as *boundaries* that can be drawn, redrawn and blurred, we are structuring them through what we could call *cartographic metaphors*. The "blurriness" or "fuzziness" of a boundary is not *seen* in the "territory" itself, but in the map that *represents* it. Although the "redrawing" of a country's border can be materially expressed in landmarks and checkpoints, the very term *redrawing* leads us to imagine these changes through the inscription of new traces over a map. A similar image is projected onto other categories when we visualize the "redrawing" or "blurring" of lines between criminal and political violence, or between the competence of military and police forces: the *mapping* (to recover a term used by Abbott in the last long quote) of these entities has changed.

There are particular implications of structuring the way we think of *lines* and their *drawing* cartographically. Firstly, a cartographic map traditionally pins down over a flat surface a snapshot of the position of surfaces and lines at a given moment. It is meant to *represent* a reality — not in an exact replica, as in Jorge Luis Borges's "On Exactitude in Science (BORGES, 1998), but in a simplified version that is made for a particular purpose. Its focus is thus on the representation of entities, boundaries, and other relevant markings, rather than of the processes through which those traces are produced and transformed. Ingold raises some of these points in relation to the *cartographic map*:

> The map itself, however, bears no testimony to these journeys. They have been bracketed out, or consigned to a past that is now superseded. As de Certeau has shown, the map eliminates all trace of the practices that produced it, creating the impression that the structure of the map springs directly from the structure of the world (Certeau 1984: 120–1; Ingold 2000: 234). But the world that is represented in the map is one without inhabitants: no one is there; nothing moves or makes any sound. Now in just the same way that the journeys of inhabitants are eliminated from the cartographic map, the voices of the past are eliminated from the printed text. (INGOLD, 2007, p. 24).

The cartographic map is distinguished by him from the *sketch map*, with the first being a representation of the territory that can be used by navigators while the second represents the journeys of wayfarers. In the first, lines separate the space inside the map from the space outside it; represent fixed administrative boundaries; or are drawn across the surface for representing the *occupation* of space through roads and railways, for instance. In the sketch map, in turn, there is

> no claim to represent a certain territory, or to mark the spatial locations of features included within its frontiers. What count are the lines, not the spaces around them. Just as the country through which the wayfarer passes is composed of the meshwork of paths of travel, so the sketch map consists – no more and no less – of the lines that make it up (INGOLD, 2007, p. 84).

Reflecting on the epistemology of mapping, Luis Lobo-Guerrero relatedly notes:

> the practice of drawing lines [is] the basic feature of cartography. The drawing of a line is not simply a technical matter involving the tracing of ink on a surface to create a shape, […] drawing lines is not an innocent practice. The decision on where to draw a line and how, with what intensity, in what form, in which colour, is already stating a position embedded in political, cultural, economic and social contexts, a position that contributes towards the projection of an imaginary of power (LOBO-GUERRERO, 2018, p. 30).

While engaging cartographical metaphors to reflect on practices that can be visualized as the "drawing" and "blurring" of boundaries, we can also consider the extent to which "maps operate an interface between the mapmaker and the map-user

where the former projects a spatial imaginary onto the latter exercising a particular form of power" (LOBO-GUERRERO, 2018, p. 29).

In the following chapters, I will also invite you to bring that reflection to bear on other sorts of metaphorical mappings *beyond* the representation of territory — for instance, in the analysis of the mapping of competences of military and police forces, as well as of the emergence of overlapping legalities in connection with the role of military actors in the combat against crime. We will look at instances in which the practices analyzed here are themselves structured through these metaphors – as seen in the identification of spaces that are "voids" of state presence as targets of militarized intervention – while in other instances it will be the analysis of these practices that will be primarily structured in these terms. That will allow us to reflect on what this cartographic thinking does bring to light (for instance, the relation between boundary-drawing and entity-making, offering an alternative way to look at the production of security forces, spaces, and legalities) and, simultaneous, what it has trouble accounting for (such as the changes that do not happen at boundaries, but rather across or despite these).

***

This introduction is the starting point for the paths that will be followed in chapters 1, 2, and 3. In these chapters, we will follow the line between criminal and political violence as a *boundary* that is redrawn through the attribution of roles to military and police forces in three countries, Brazil, Colombia, and Mexico, over the last decade. In each chapter, stories and aspects of these three countries will be juxtaposed, highlighting different dimensions of what is commonly called the "militarization of public security".

In visualizing that line as a boundary, we will evoke a spatial and cartographic imagination that is expressed in very different ways in each of the chapters.

In the first chapter, we will look at how military and police forces are, themselves, outlined in these three countries — that is, we will tentatively *map* the composition of these forces —, as well as some of the ways in which the military/police boundary is *redrawn*, *bridged* and/or *blurred* in three particular contexts: the recent creation, from 2018, of a new National Guard under military command in Mexico; the Guarantee of Law and Order (GLO) operations dedicated to public security in Brazil; and the roles of military forces in the implementation of the 2016 peace agreement in rural areas in Colombia. In these processes, we will also look at the

ways in which the boundary between criminal and political violence is redrawn in connection with these changes in the map of state security forces.

In the second chapter, we will map the cartographic imagination that grounds the deployment of military forces "against crime" in different parts of these national territories, emphasizing a particular dimension of this imaginary: the characterization of certain territories as *ungoverned*, that is, as being *outside state control*. We will discuss the expressions of this imaginary in the territorial distribution of National Guard troops in Mexico, of Brazilian military troops in public security GLO operations, and of Colombian military forces in support of the establishment of "Zonas Futuro" in Colombia. We will also look at some political implications of this underlying imaginary, such as the equivalence that is established between "state presence" and "military presence" and the way it displaces broader participatory discussions on security and other public policies.

Finally, in the third chapter, we will look at some of the ways in which the processes discussed above redraw legal boundaries in the three countries. As military actors are deployed in crime-fighting in Brazil, Mexico, and Colombia, there are also consequences for how overlapping legalities are outlined, due to the redrawing of boundaries between IHL and IHRL, between military and ordinary justice, and between the realms of activity that can be legally attributed to military forces. As we will see in that chapter, military demands for "legal safeguard" become, in the three contexts, the fuel for an expansion of the kind and intensity of force that can be used by military actors within national boundaries, not only against "political" opponents but also against "criminal" ones.

Throughout the three chapters, the drawing of the CVPV line will be followed through a specific analysis of what happens when military actors are deployed domestically against "criminal threats". The enactment of that line will be visualized by reference to the cartographic metaphors of the *redrawing*, *bridging*, and *blurring* of boundaries. In the conclusion of chapter 3, we will also touch on some of the possibilities and limitations of this cartographic imagination for an engagement with certain practices through which that line is drawn, which will then lead us to part B of this thesis where textile metaphors are tentatively mobilized in relation to truth and memory initiatives.

Chapter 1. Outlining security forces

In April 2019, at a coffee place in Mexico City, human rights expert Mariclaire Acosta showed me a WhatsApp group on her smartphone. It was called "Seguridad sin Guerra" (Security without war). At the group, dozens of activists and scholars working in the fields of public security and human rights were continuously exchanging messages and news articles. Those days, messages revolved around a single focus: *what exactly will this new Mexican "National Guard" look like?* "I'm not a lawyer, but the law says that while there is no regulation, they are governed by the law of the Federal Police", one member guessed. Another one said that it seemed like the Guard would be under a Secretariat dedicated to public security. Others guessed who would command the Guard: would it really be an active-duty general, in line with previous rumors? "It's all very confusing, right?", Acosta summarized (ACOSTA, 2019, personal interview).

The creation of a National Guard by recently elected Mexican President Andrés Manuel López Obrador was the most recent attempt in the country in redrawing the boundaries of security forces, as a response to organized crime in different parts of the country. As in previous attempts, the chosen way was to redraw the outlines of security agencies; this time, by creating a new force, initially defined as ambiguously as possible. While some of the confusion around the Guard remains, the prominence of military actors in the command and composition of the new force has only become more marked since then, as we will discuss later in this chapter.

Similarly, in other Latin American countries, addressing the problem of criminal violence has often hinged on the redrawing of boundaries of security sectors — either by changing the way particular forces are composed, their names, their identities as "soldiers" or "cops"; or by keeping them equally outlined, but changing the roles that are attributed to either military or police forces, including the kinds of "threats" they are asked to combat. Examples of these changes range from the creation and dissolution of previously existing forces, as mentioned in relation to Mexico; to the building of bridges across boundaries that are preserved, as we will see in the Brazilian context; or it may even be limited to the redrawing of attributed missions, while maintaining the outlines of existing forces, as in the Colombian context we will discuss later in this chapter.

Broader discussions about this redrawing of security sectors, however, tend to emphasize the "blurring" of the boundary between military and police forces — a blurring that is constructed as a problem in itself. In this vein, a growing literature has been dedicated to processes of "militarization of public security" in Latin America. Flores-Macías and Zarkin (2021), for instance, have recently argued that this phenomenon can be unpacked into two components, "civilian police operating more like armed forces and soldiers replacing civilian police in law enforcement tasks"; and that, in this process, "the distinction between civilian and military law enforcement typical of democratic regimes has been blurred in Latin America". Similar diagnoses of "blurriness" are often found in discussions of militarization in Latin America, not only in relation to the boundary between military and police functions, but also to the related boundary between defense and security (e.g. CELS, 2018; SAINT-PIERRE, 2011). This "blurriness" is usually identified by comparison with a normative ideal according to which military forces should defend the state against external enemies, using maximal lethal force; while police forces are in charge of controlling deviant behaviors among citizens within national territory, through minimal coercion (SUCCI JUNIOR, 2020).

At its core, this "blurriness" is understood as problematic because it deviates from standard expectations on the place of organized violence (by state and non-state actors) in peaceful, democratic contexts. Over time, this "deviation" has been justified through a succession of doctrines and concepts which ultimately highlighted the indistinction between internal and external threats, as well as between political enemies and criminal actors – an indistinction that would be especially clear in the case of transnational threats, such as that of organized crime (CELS, 2018; SAINT-PIERRE, 2011). In other words, the drawing of connections between "criminal" and "political" threats — justified by reference to organizations' capacity to use force and control territories, among other factors — ultimately enables transformations in military missions that are reflected in the redrawing of boundaries between soldiers and cops.

In this chapter, we will look at three recent Latin American contexts in which military forces have been participating in the combat against criminal organizations. Beyond the identification of these military missions as indicative of a *blurring* process, we will address the specific ways in which the boundary between the composition and the competence of police and military actors has been redrawn in the contexts analyzed here. As discussed in the introduction to this part of the thesis, we will remain

within the realm of a cartographic imagination that allows us to imagine these practices as boundary work in the first place. However, alongside the metaphor of *blurring*, others will help us probe these contexts more precisely — such as the images of boundary *redrawing* and *bridging*, as well as the redistribution of missions to forces whose boundaries are *maintained* in their place. In all of these processes, the very existence of a boundary between military and police forces as separate surfaces remains unquestioned, while the outlines and missions attributed to each force are continuously renegotiated and reshaped.

In the sections that compose this chapter, I will present tentative *maps* — mostly in writing, occasionally in drawing — of the outlines and surfaces of these three security sectors. In line with this "cartographic" intent, the sections will be more focused on *describing* the reality they aim to represent than on *narrating* the stories of how these boundaries have been redrawn. Also in line with this aim, these maps will not mirror the represented sectors point-by-point, but rather simplify them in light of their purpose, which is to provide an empirical background for discussions that will be developed in the next two chapters — where we will look at how the transformations discussed here have been associated with a particular conception of territories (Chapter 2) and with the redrawing of overlapping legalities (Chapter 3).

Therefore, in the following sections, we look at the three contexts of military engagement in crime-fighting on which we will focus: the creation of a (militarized) National Guard in 2018, in Mexico, as an instance of *redrawing* of the boundaries of security forces themselves; the deployment of Brazilian military actors in Guarantee of Law and Order (GLO) operations in public security, as an instance of *bridging* of the military/police boundary; and the attribution of the fight against organized crime as a mission of Colombian military forces, as part of their role in "consolidating" peace following the 2016 peace agreement with FARC-EP — an example in which the outlines of forces have been *maintained* while their attributions have been partially renegotiated and reshaped.

1.1. Drawing new security outlines in Mexico

In this first section, we look at the Mexican context, where the outlines of police and military surfaces have been *redrawn* through the creation and dissolution of forces. After a brief overview of transformations in the country's security sector over the last few decades — and in particular, transformations that have been connected to the intention of deploying soldiers against crime —, we will take a closer look at how

this redrawing has been (and continues to be) performed in relation to a new, mixed surface of security in the country: the National Guard, whose creation was announced in 2018. As we will see in this section and in the following chapters, the aims and justifications of this latest redrawing have been associated with a narrative of *pacification*: only soldiers would have the capacity to *pacify* the national territory, an aim that brings together "criminal" and "political" non-state violence as threats to peace.

1.1.1. An overview of the Mexican security sector

Mexico is a federal republic composed of 31 states and a Federal District, and the local government is in charge of over 2,000 municipalities. There are police forces at the federal, state and municipal levels — although, since 2018, most municipalities have signed agreements turning over the control of local security to state governments (LÓPEZ, 2018). The country also has three military forces: the Army (which includes most of the military troops) and the Air Force are both managed by the Secretariat of National Defense (SEDENA); and the Navy is managed by the Secretariat of the Navy (SEMAR).

Differently from Brazil, Mexican military forces have not directly governed the country since the 1920s. However, throughout the 20th century, the military have retained a high degree of political autonomy, and they have continued to perform certain public security tasks and to hold key positions in federal, state and municipal policing structures. From 1938, for instance, military forces and police agents jointly supported the public health department in multiple operations of eradication of poppy crops. From the 1950s, these "civic-sanitary campaigns" increasingly joined eradication and repression (PÉREZ RICART, 2018); and since then, military officials have retained important positions in drug enforcement structures.

Moreover, military actors have often been engaged alongside police forces in *internal security* ("*seguridad interior*"), including "counterinsurgency" activities against political opponents and student movements between the 1960s and 1980s (in the so-called "Dirty War", to which we will return in chapter 4), and against the Zapatistas in Chiapas later in the century. An example in this regard was the creation, in the 1970s, of joint brigades such as Brigada Blanca, composed of local policemen from Mexico City, agents of the Federal Security Direction and of the Federal Judicial Police, and Army officials, which engaged in political repression (PÉREZ RICART, 2018).

While there had been a long history of military participation in internal security activities, 2006 is usually marked as a point of drastic escalation in these roles, following

the declaration by President Felipe Calderón (2006-2012) of a "war on drugs". The deployment of military troops in public security operations often targeted cartel leaders — a strategy that is widely considered failed as it led to the fragmentation of cartels and an increase in violent struggles among drug trafficking organizations and between these and state forces (PORTILLO VARGAS, 2020a). While the following administration, under President Enrique Peña Nieto (2013-2018), initially reduced military deployment, from 2016 this trend was reversed, and by the end of the term around 53,000 soldiers and 16,700 marines were deployed in these tasks — more than under Calderón. Finally, under the current administration by President López Obrador, these numbers continue to rise, reaching 98,500 soldiers, 27,400 marines and 90,000 National Guard troops, who are mostly military personnel, by August 2021 (PORTILLO; STORR, 2021).

Going beyond the number of military troops deployed in public security tasks, Mexican governments have also often resorted to redrawing the outlines of their security forces as a response to criminality. From the 1980s, for instance, numerous police agencies have been created and dissolved in the country, often following corruption and human rights scandals involving previously existing agencies. In 1998, Mexican President Ernesto Zedillo (1994-2000) created the Federal Preventive Police, which aggregated elements of other previously existing federal police agencies; and as a "temporary deployment", it incorporated 10,000 members of the Military Police among its troops, while civilian agents would be selected and trained (a shift that never really came). The Military and Navy Police forces are branches of these military forces that were meant to be in charge of preserving order *inside military facilities and spaces* and enforcing military justice and discipline among soldiers and marines; however, the inclusion of these military actors in police forces would be another avenue for their increasing presence in public security tasks. In 2009, the Federal Preventive Police was absorbed into the newly created Federal Police, with broader capacities and still with an important share of its composition coming from military troops (MEYER, 2014).

In 2014, Enrique Peña Nieto announced the creation of a new force, a Gendarmerie, which would combine members of military and police forces and be dedicated to public security. However, the new force failed to recruit enough troops and faced resistance among military officials, and it was soon dismantled and absorbed by the Federal Police (PORTILLO VARGAS, 2020a, p. 5). The creation of the new force had been an attempt to institutionalize the participation of military troops in

public security operations, and due to its failure, other paths were tried. One of them was the increase in the size of the Military Police and of the Navy Police, which went from 12,000 troops in 2012 to 36,000 under SEDENA and 11,000 under SEMAR, in 2015 (PORTILLO VARGAS, 2020a). From 2015, these enlarged Military Police troops began to be formally deployed in public security operations in several parts of the Mexican territory, officially surpassing their originally limited task of enforcing military discipline within the barracks (STORR, 2021). Another avenue for this attempt was the Internal Security Law issued in 2017 by Peña Nieto, which responded to military demands for a legal framework that would ensure that their engagement in public security was constitutional, since according to the Constitution public security would be a civilian task — an attempt to remap the legality of military missions, as will be further discussed in chapter 3.

The story of these institutional transformations is not simply one of an *increasingly blurred* boundary between military and police forces, between the troops that compose these two surfaces: rather, it tells us of how a series of redrawings have taken place over time. A succession of maps of these forces were sold by political administrations as better solutions to similar problems: rising levels of non-state criminal violence, and denunciations of human rights violations and corruption scandals involving previously existing security forces. In this sense, the creation of the National Guard announced in 2018 is a new instance in this series of redrawings, which further institutionalizes the existence of a mixed surface where military and police surfaces overlap and whose command has been increasingly moved to military actors, as will be discussed below.

1.1.2. The Mexican National Guard as a mixed surface

"*Trabajo, buenos salarios, y abrazos, no balazos*" ("Work, good wages, and hugs, not bullets"). That was how Mexican presidential candidate Andrés Manuel López Obrador (often referred to as AMLO) promised to respond to violence in the country during his campaign in 2018. AMLO said he would pursue a different strategy from that adopted by previous administrations, who had been militarizing public security; instead, he would deal with the causes of violence. In July 2018, AMLO was elected president, and he then started to organize Forums for National Peace and Reconciliation to listen to the demands of victims of armed violence and civil society organizations.

At the time of the elections, the Internal Security Law, issued in 2017 and which would legalize the participation of the army in law enforcement, was under discussion in Mexico; but in November 2018, the country's Supreme Court declared that law unconstitutional. This decision had long been expected by members of the Collective "Seguridad sin Guerra" mentioned in the opening of this chapter, as the researchers, activists and organizations that composed the group had been strongly advocating against this law. Just before the Court's decision, however, the then President-elect AMLO issued his official plans for public security — at the center of which was the creation of a National Guard. And as would soon become clear, this structure would be placed under the command of a military official, and it would be mainly composed of military troops, frustrating expectations of change that had surrounded the presidential transition.

This turn was part of his National Peace and Security Plan (2018-2024) presented in the context of the presidential transition. The section of the Plan devoted to public security included, as a first subsection, the goal of "rethinking national security and reorienting the role of the Armed Forces"; and as a second subsection, "creating a National Guard". Regarding the first objective, the document initially stated that the Army and Navy had been losing the population's trust due to orders from the civilian command to participate in repressive actions against delinquent groups, tasks that were outside their functions — since the military was not trained to prevent and investigate crimes. Shortly thereafter, however, the plan stated that due to "the crisis of criminal violence and insecurity that the country is experiencing, and given the decomposition and inefficiency of police bodies at the three levels of government, it would be disastrous to remove the Armed Forces of their current deployment in matters of public safety" (AMLO, 2018, p. 14).

The "reorientation of the Armed Forces" mentioned in the plan would not, therefore, be the interruption of the deployment of military personnel in public security tasks; but rather its use for "building peace, mainly in the formation, structuring and capacity building of the National Guard" (AMLO, 2018, p. 14). Such guard, in turn, is presented as "a primordial instrument of the Federal Executive in the prevention of crime, in the preservation of public safety, and in the fight against delinquency throughout the country". The troops, which would include police officers, would receive training in military barracks, being endowed with the "discipline, hierarchy and echelon proper to the Armed Forces" (AMLO, 2018, p. 15). There was

also a promise that the military would withdraw from this role within five years, but this promise was not accompanied by concrete plans to ensure they would be replaced by police forces at the end of this period.

Figure 1.1. Map of security forces deployed in the Mexican state of Veracruz, presented by the government in June 2020 (MEDELLÍN, 2020).

Although the National Guard was officially described as a civilian institution, the centrality of the military in training, in command and in most of the composition of the troops has meant that the new security force has an essentially military identity (PORTILLO VARGAS, 2020a). In April 2019, just days after the WhatsApp conversation mentioned in the opening of this chapter, the commander of the Guard was announced: it would be Luis Rodríguez Bucio, an Army general presented as having "a large experience in activities such as the combat on drug trafficking", who had directed poppy eradication operations between 2003 and 2004 (EFE, 2019). In May 2020, the National Guard officially absorbed the material, financial and human resources of the Federal Police, becoming the only police force at the federal level, although it would still collaborate with police forces at the state and municipal levels. One of these instances of "collaboration" is illustrated in figure 1.1, a map presented by the head of SEDENA at a morning press conference ("*mañanera*") held by AMLO in the Mexican state of Veracruz. The map listed the numbers of troops from the Army, Navy, National Guard, state police and municipal police deployed in different parts of the state, as well as the projects for the construction of National Guard headquarters in the area.

By mid-2021, the government announced its intention to further the insertion of the National Guard in the military realm by incorporating it as the *third armed force*

under SEDENA, alongside the Army and the Air Force (while the Navy is under SEMAR). According to Alfonso Durazo, who had previously been in charge of the Guard as the Secretary of Security and Citizen Protection, "there is no civilian leadership who has the ability to conduct an organization whose original base is composed of ex-military and ex-marines" (CORTEZ, 2021). This shift of the National Guard towards SEDENA is still a contested proposal, but if effectively implemented it will officially incorporate the National Guard as the fourth military Armed Force, though it is mainly dedicated to public security (PORTILLO; STORR, 2021). Finally, by the end of 2021, the Guard is expected to be composed of 25,357 former Federal Police members; and 92,875 troops connected to SEDENA or SEMAR, including military veterans and new recruits (STORR, 2021).

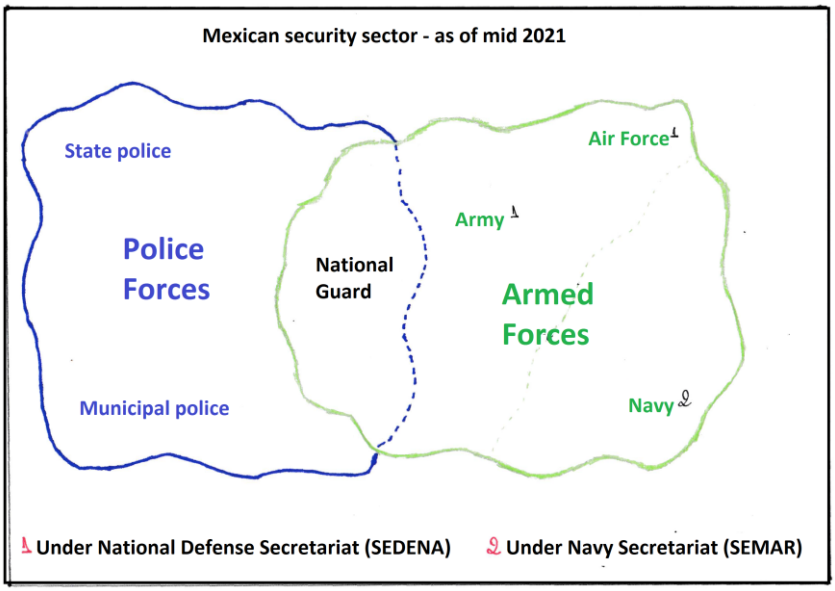

Figure 1.2. A "map" of the Mexican security sector as of mid 2021, by the author.

The figure 1.2 illustrates the current state of this redrawing, with the National Guard as a *mixed surface* which blends together police and military elements. On the one hand, it has incorporated the previously existing Federal Police, and at least in paper it remains a "civilian" force as of the writing of this chapter. In practice, it is led, trained, and mostly composed of elements of military forces, a character that the government intends to further institutionalize by moving the Guard officially to be the "third armed force" under the control of SEDENA, while the Navy is under the control of SEMAR. Therefore, the redrawing of these boundaries in a map mirrors the sort of "solutions" to public security that have been proposed not only by AMLO,

but also by previous administrations, which is to draw a new outline of forces themselves.

From the months of presidential transition, the proposal of a militarized National Guard was widely criticized by Mexican civil society. Human rights defenders argued that the initiative recycled existing patterns of military deployment in public security, but in a new guise that gave it a more permanent and institutionalized character. In other words, it provided a legal framework for the employment of military personnel in public security, not only in an auxiliary and exceptional way, but at the center of state response to crime. Such criticisms were often accompanied by the presentation of the numbers of human rights violations perpetrated by members of the Army and Navy over the years when employed in police functions (COMISIÓN MEXICANA DE DEFENSA Y PROMOCIÓN DE DERECHOS HUMANOS [CMDPDH], 2018).

Although the decision to create a National Guard under military command seemed, for many, incompatible with the pacification agenda that had marked AMLO's campaign, a similar plan had already appeared in 2017 in the book "*2018: La Salida - Decadencia y renacimiento de México*", where Andrés Manuel López Obrador presented his diagnosis of the country's problems and the proposals that would guide his presidential campaign. In the book, AMLO proposed that the Army and the Navy should join the effort to guarantee public security, becoming institutions for the protection of Mexicans; a purpose that would also be added to that of National Defense (AMLO, 2017). In addition, at various times during the campaign, the possibility of creating a National Guard was mentioned, although with different specificities and with the promise that the Army should eventually return to the barracks and give way to professional police forces (SERRANO CARRETO, 2019).

Thus, the widespread surprise caused by the announcement of the creation of a large structurally militarized National Guard may be partly related to the apparent incompatibility between the "pacification" that had been at the center of his campaign and the "militarization" of his security strategy. It was expected, after all, that his government would be an opportunity for *change* in patterns of militarized public security that had marked previous administrations, rather than continuity. This appearance of incompatibility, however, is less evident when we look at the multiple recent military engagements in Latin America under the label of "pacification", as will be discussed in chapter 2. AMLO himself evidenced the coherence between both

logics when stating that the National Guard would not be a "security body to repress the people", but something like "the UN Peace Army" (MORALES; ZAVALA, 2019).

In sum, the creation of the National Guard represented the latest in a series of attempts at *redrawing the boundary between military and police forces*, in line with the aim of attributing to soldiers the mission to combat organized crime. This redrawing has not been a straightforward process: the current Mexican administration has gone from arguing during the campaign that military forces should not be fighting crime, since their main mission is the external defense of the country; to the creation of a new force, temporarily composed mostly of military troops and under military command, but presented as primarily "civilian" and submitted to the Secretariat of Public Security; to the position that the Guard should just be incorporated into SEDENA as a new military armed force, despite the fact that it has replaced the Federal Police in public security tasks. Throughout this remapping of Mexican security forces, an underlying governmental argument has been mobilized under different guises over time: the understanding that the vast deployment of military troops against crime is not only a proper response, but an *unavoidable* one. In the following chapter, we will look at some of the foundations for this argument, as well as some of its political consequences.

1.2. Drawing bridges between security forces in Brazil

If in the Mexican context we saw the redrawing of boundaries through the creation and merging of surfaces, here we will discuss a context where the deployment of military actors against "criminal" threats has been done not by changing the boundary between military and police institutions, but by drawing *bridges* between them. After an overview of how these forces are generally outlined in Brazil, we will look at a particular mechanism that has been mobilized to enable this deployment: the Guarantee of Law and Order (GLO), a constitutional mission of military actors that has been interpreted as an authorization for joint public security activities. In these missions, military forces have increasingly been deployed *in support* of police corporations, as seen in Rio de Janeiro — when and where the threat posed by "criminal organizations" is deemed superior to the capacity of the local police.

1.2.1. An overview of the Brazilian security sector

Similarly to Mexico, Brazil is a federal state composed of 26 states and a Federal District, and locally governed by over 5,000 municipalities. Each of the 27 federal units has its own branches of the Military Police, which is in charge of "maintaining order" — and which, differently from the Mexican Military Police

mentioned above, is not part of the Army — and of the Civil Police, which carries out investigations. There is also a Federal Police which handles issues related to border control, drug enforcement, environmental crimes, and others; and federal police agencies dedicated to highways and railroads. The 1988 Brazilian Constitution, in Article 144, delimited these bodies as being in charge of public security, with particular tasks and spatial realms (BRAZIL, 1988). Still at the federal level, there is a National Public Security Force, created in 2004 and currently composed of around 1300 police agents provided by the federal units, which is deployed in cases of emergency, such as police strikes (BRAZIL, [s.d.]). At the local level there are also municipal guards, with generally more limited preventive powers.

On the other hand, there are three military Armed Forces, the Navy, the Army and the Air Force, whose activities are managed by the Ministry of Defense. Article 142 of the 1988 Constitution attributed to the Armed Forces the following three missions: the national defense, the guarantee of constitutional powers and, by initiative of any of those powers, the guarantee of law and order (BRAZIL, 1988). In 1999, Complementary Law n. 97 further specified these missions. On the guarantee of law and order (GLO), the law determined that their deployment for this purpose would be possible after the exhaustion of all instruments aimed at preserving the public order and the integrity of people and property listed in Article 144, that is, when police forces were deemed unavailable, inexistent, or insufficient. In these circumstances, after a message from the President, the Armed Forces could develop, in an episodic manner, in a previously established area and for a limited time, preventive and repressive actions. Moreover, the 1999 law attributed certain subsidiary missions to the Armed Forces, such as the development of preventive and repressive actions at the country's borders and in domestic waters, against transnational and environmental crimes, whether in isolation or in coordination with other state agencies (BRAZIL, 1999).

While the constitutional provisions mentioned above draw clear boundaries between police and military forces — institutional boundaries that are maintained in the present — it also indicates some of the *bridges* that have been drawn over that boundary. One often noted bridge is the fact that, according to Article 144 mentioned above, the Military Police and the firefighters are auxiliary forces of the Army, meaning that they can be summoned by the president in an exceptional context, such as a war or an extreme disturbance of public order. A related and often noted connection lies in the many aspects of the Military Police of the states that are similar to the Armed

Forces, ranging from the organizing principles of hierarchy and discipline — reflected, for instance, in the prohibition of strikes — to elements of their training. This dimension of the "militarization of policing" is the most referred to in calls for "demilitarization", as we will explore in chapter 6 when looking at the recommendations of Brazilian truth commissions. Another bridge is found in various forms of coordination between military and police actors, as well as in the historical and growing presence of military professionals in prominent positions of the public administration — including the management of security agencies from the federal level to the cities.

For the moment, however, we will focus on a third *bridge* between the surfaces of police and military forces: the Guarantee of Law and Order operations, or GLOs. These operations have become the most visible side of military engagement in public security over the last decades, and they have often involved the coordination between military forces and other state agencies. These bridges are illustrated in figure 1.3 below, as is the boundary between military and police forces that remains in place despite these several forms of "coordination" and "support".

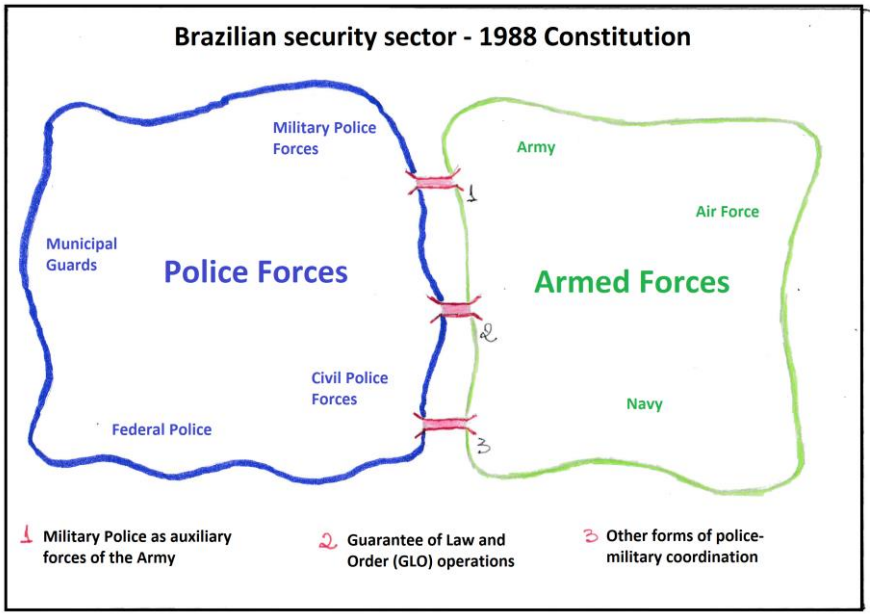

Figure 1.3. A "map" of the Brazilian security sector, as established by the 1988 Constitution and with the bridges drawn since then, by the author.

In the next section, I will present a brief overview of these engagements in GLO operations in the field of public security. I will focus on the ones developed in Rio de Janeiro, which will be recovered in the following chapters.

1.2.2. GLO operations as bridges over the military/police boundary

As mentioned above, GLO operations are those in which the Brazilian president decides to deploy military forces due to an exceptional context in which the "normal" instruments of public security — the police forces of the states — have been unable to provide order. Therefore, this category inserts the deployment of the Armed Forces, an instrument of external defense, in policing tasks as part of its constitutional mission.

Between 1992 and 2020, GLO operations have been established 143 times. According to the Ministry of Defense, 27% of these operations aimed to secure large events — from the protection of the ECO-92 conference in 1992 to the Olympic Games in 2016, for instance. Among other reasons, 18% of operations were deployed due to strikes of Military Police forces in the states; 16% were dedicated to securing elections; and 16% were motivated by "other situations of urban violence". Among 32 operations categorized by the Ministry as "others" are those where military forces were tasked with combatting deforestation in the Amazon (GULLINO, 2021).

In the 2000s, in connection with an increase in this kind of operations, there were also efforts to further legitimize these engagements through their legal regulation. In 2001, a presidential decree further specified the nature of GLO operations. It determined, for instance, that in these operations military troops could develop policing actions that are usually in the competence of police forces. When Military Police troops were available but insufficient, they could be placed under the operational control of the military command. It also clarified that GLO operations could take place not only in already existing circumstances of public order disturbance, but also when a future disturbance is presumed possible, as is the case of certain official events or elections (BRAZIL, 2001).

While these engagements are meant to be "episodic", for exceptional situations, at least two elements reveal the normalization of this category of operations over time: the constant military preparation for these operations, and the frequency — and in some cases, the long duration — of these engagements (SUCCI JUNIOR, 2018). In relation to the first element, an illustrative example is the creation in 2005 of a military center specifically dedicated to training soldiers for GLO, in Campinas. The center was also in charge of developing a specific doctrine for GLO engagements (SUCCI JUNIOR, 2018).

In relation to the second element, the frequency and duration of GLO operations, numerous military engagement in "situations of urban violence" in Rio de Janeiro offer a clear example of the normalization of this instrument. These include the so-called "Pacification Forces" that occupied the favelas of Complexos do Alemão and Penha (Operation Arcanjo, between November 2010 and July 2012), and Complexo da Maré (Operation São Francisco, between April 2014 and June 2015). Between July 2017 and December 2018, moreover, another GLO decree enabled multiple military operations in various parts of Rio de Janeiro. Although most GLO decrees had a duration of less than 5 months, the long duration of the decrees above has made soldiers a regular part of security provision for certain populations in Rio de Janeiro.

In this sense, a crucial aspect of the legal evolution described above, which is reflected in the actual military deployments under GLO decrees, is the indeterminacy of the relevant laws as to when exactly — and where, and for how long — can these military troops be called to "guarantee law and order". There is no clear threshold for the identification of "insufficient" police forces or "exhausted" public security means (SAMSET, 2014). Relatedly, there is no definition of the end state — when can public order be said to be reestablished? This indeterminacy is further deepened with the incorporation of the possibility of a "presumed" disturbance of order as grounds for a GLO decree, which makes room for the establishment of military surveillance practices in order to verify and follow such assumptions (SUCCI JUNIOR, 2018). Through these developments, GLO operations have gone from a "last resort" to another public security tool to be deployed by the federal government, often when the provision of this kind of "support" to state governors is deemed convenient for external reasons.

Similarly underdefined remains the status of the *threats* that are combated by security forces in these operations — that is, the sources of such "disturbance of public order" in the case of GLO missions motivated by "urban violence". Understandings of these threats can be found in doctrine manuals developed by the Ministry of Defense and by the Army in the 2010s. These manuals aimed to institutionalize the experience of soldiers in GLO operations and to set standards for the following engagements. The first edition of the Ministry's manual on GLO, issued in 2013, spoke of "*opponent forces*" ("*Forças oponentes*"), defined as "persons, groups of people, or organizations whose work compromises the preservation of public order

or the integrity of people and property" (BRAZIL. MINISTRY OF DEFENSE, 2014, parag. 1.4). At a later point, the manual describes a "spectrum" of opponent forces, which includes "a) movements and organizations; b) criminal organizations, drug trafficking cartels, smugglers of arms and ammunition, armed groups, etc; c) people, groups of people or organizations working as autonomous or infiltrated segments in movements, entities, institutions […] provoking or fomenting radical and violent actions; and e) individuals or groups who use violent methods to impose their will due to the absence of public security police forces" (BRAZIL. MINISTRY OF DEFENSE, 2014, parag. 4.3).

References to "opponent forces", and especially the definitions that brought together references to "movements and organizations" and "criminal organizations", have raised concerns due to being dangerously reminiscent of a very recent past of military repression against political opponents during the dictatorship in Brazil (1964-1985). At a public hearing on the manual held in April 2014 at the Congress, Deputy Ivan Valente of the Socialism and Freedom Party (PSOL) claimed that the term was "inappropriate". In response, the Minister of Defense Celso Amorim reassured him, saying that a revised version of the manual was already going to be released without the term (SAMSET, 2014). At the second edition, released later in 2014, the term had been replaced with the seemingly vaguer term "public order disturbance agent" (*Agente de Perturbação da Ordem Pública*, or APOPs), defined as a person or group whose actions immediately compromise the preservation of public order or threatens the safety of people or property (BRAZIL. MINISTRY OF DEFENSE, 2014, parag. 1.4) — and this time, without offering a list of possible forms and motivations of these threats.

Finally, by understanding the kind of GLO operations above not as the *blurring* of the distinction between military and police forces, but as the *bridging* between them, we can draw attention to the centrality of coordination between security forces that are still maintained separate. It also highlights the logic of support between forces that governs these joint operations: on the one hand, military actors are summoned to act in support of police forces that are unable to intervene in certain territories; on the other, when present, military officials command the activities of both soldiers and cops involved in a given operation.

In the case of Operation Arcanjo, for instance, the 2010 agreement between federal and state governments that established it noted that its goal was to give "continuity to the integrated process of pacification in the state of Rio". With that

aim, the Pacification Force would be subordinated to the regional Military Command and integrated both by military human and material operational resources and by the public security means of the state of Rio de Janeiro. The agreement also assigned tasks to the various components of the Force: members of the Brazilian Army would perform patrolling, searches, and arrests; members of the Military Police would participate in similar tasks and support the Civilian Police in applying judicial warrants; and the Civil Police would perform investigations and support the execution of judicial warrants within the Pacification Area (BRAZIL. MINISTRY OF DEFENSE; GOVERNMENT OF RIO DE JANEIRO, 2010). In the other GLO operations mentioned above, similarly, police and military forces worked in coordination *under military command* — that is, the fact that police and military forces work in coordination does not mean that there is a horizontal relation between them, but instead that military leadership was needed to deal with *threats* that somehow surpassed the capabilities of regular police forces. Moreover, the two "pacification forces", in Operations Arcanjo and São Francisco, had a particular goal: recovering territories under criminal command to enable the establishment of Pacifying Police Units by the Military Police of Rio de Janeiro. This justification for military deployment (territorial recovery), the geographical imagination that underlies it, and its implications will be further explored in chapter 2.

1.3. Drawing through fixed lines of security forces in Colombia

Finally, in the Colombian context, we will look at recent discussions about the place of military forces in a "post-conflict" — or, as it has increasingly been described, "post-agreement" — setting, following the 2016 peace accords between the government and FARC-EP. After a brief overview of the outlines of the Colombian security sector, we will look at one of the main avenues for these discussions: recent efforts for the "transformation" of the Armed Forces, including those centered on defining the Army of the Future. Central to these discussions has been the attribution of a role for military forces in the *consolidation* of the peace agreement. That includes an expanded role in the stabilization of areas that have previously been under the control of guerrillas, to avoid the filling of these "vacuums" by criminal organizations — which furthers a geographical imagination in which criminal and political non-state armed actors are brought together as results of the existence of "empty spaces", where the state is "absent", as we will discuss in chapter 2. Moreover, this expanded role

against criminal organizations has been consolidated through the redrawing of legalities applicable to this military mission, as we will see in chapter 3.

1.3.1. An overview of the Colombian security sector

Our map of the Colombian security sector also starts with the country's latest Constitution (COLOMBIA, 1991). In its chapter 7, it outlines the composition of its so-called "public force", which is "integrated exclusively by the Military Forces and the National Police" (Art. 216). The permanent Military Forces are the Army, the Navy, and the Air Force, with the primary goal of defending "the sovereignty, the independence, the integrity of the national territory and of the constitutional order" (Art. 217). The National Police, in turn, is described as "a permanent armed body of civilian nature", whose primary aim is "the maintenance of the necessary conditions for the exercise of public rights and freedoms, and to ensure that the Colombian inhabitants coexist in peace" (Art. 218). Therefore, while the Constitution establishes a distinction between the military forces, on one side, and the civilian National Police on the other, both sets of actors are part of the Public Force, which is in turn submitted to the Ministry of Defense. This particular configuration, which remains in place, is illustrated in figure 1.4 below.

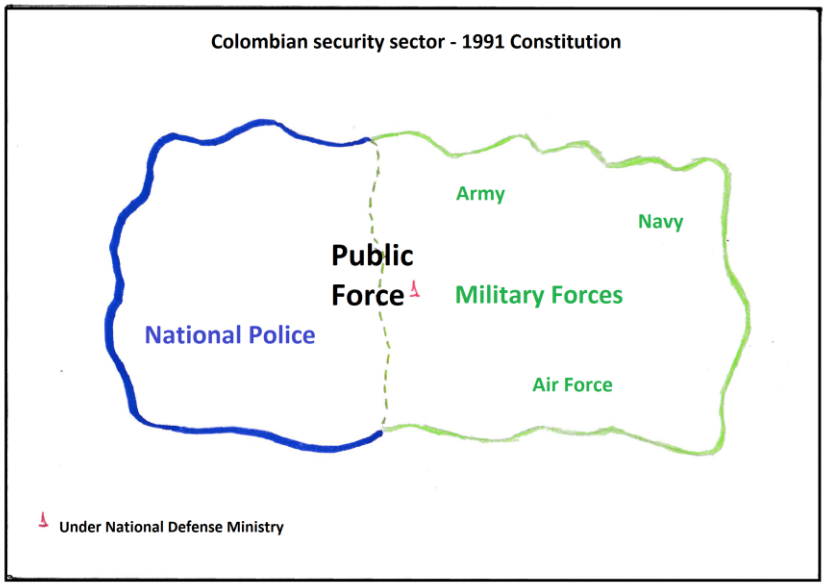

Figure 1.4. A "map" of the Colombian security sector, as of the 1991 Constitution, by the author.

Since the 1991 Constitution, discussions about a potential reform of the Colombian security sector have often included debates on whether the National Police should remain under the Ministry of Defense, due to the "civilian" nature of its tasks

— along with the related discussion of where to move the National Police if that were to be the case (e.g. DUQUE; LLORENTE, 2020). These discussions on possibilities of police reform tend to reemerge in the occasion of human rights abuse, as recently witnessed during massive protests in Bogotá in 2019 and 2020. The terms of this potential reform have often been repeated from crisis to crisis, with echoes that can be traced back to the creation of the National Police itself in 1891, and onto the succession of migrations of the corporation between the Ministry of War/Defense and the Ministry of Interior during its history (VIANA, 2020b).

On the other hand, there have also been discussions about the roles of the Colombian military forces. In addition to combatting politically-motivated non-state armed actors — especially guerrillas such as FARC and ELN —, the combat against criminal groups with significant firepower, internal organization, and territorial control has been increasingly consolidated over the last decades as part of the missions assigned to the Colombian Armed Forces, which helps removing discussions on possible reductions of military troops and budget from the political horizon. Although until the 1990s the use of the Colombian Armed Forces against drug trafficking was met with some resistance among the military themselves, from the 2000s onwards, this action was consolidated and gained more stable contours. Several factors contributed to this transformation. One of them was the existence of international incentives — for example, in the form of Plan Colombia, a bilateral initiative by the US and Colombian governments, initially focused on supporting counternarcotics operations in Colombian territory, but which would soon have its resources also partly channeled into fighting guerrillas in connection with the global war on terror. Under President Álvaro Uribe's administration (2002-2010), the characterization of groups such as the FARC as "narcoguerrillas" or "narco-terrorists" was mobilized as a justification for the military to act in operations that called into question the distinction between criminal violence and political violence, allowing them to also benefit from the growing flows of resources and international support (see GRAJALES, 2017).

Under Juan Manuel Santos's presidency (2010-2018), there have been further discussions about the sorts of "transformations" that might be necessary in face of a coming "post-conflict" setting. Below, we will look at how some of these discussions have unfolded over the last few years, with a focus on its effects for how the line between criminal and political threats has been redrawn within the missions of military forces.

1.3.2. Redrawing military missions for a post-agreement Colombia

In 2016, after years of negotiations, the Colombian government and the FARC-EP reached a peace agreement, which represented a formal end to decades of armed conflict between the two parties. The peace agreement was quite comprehensive, including not only issues such as the cessation of conflict and the reincorporation of demobilized actors into the political party system, but also broader issues such as the treatment of drugs by state institutions in the "post-agreement" context. Another political issue, however, was markedly – and deliberately – absent from the peace negotiations: the place of military forces in the post-agreement context. Since the beginning of the negotiations, the government of Juan Manuel Santos had been reassuring its military forces that their place would not be discussed with an armed non-state actor, even though the FARC-EP initially demanded the inclusion of the topic on the agenda (EL PAÍS CALI, 2015; see HERZ; SANTOS, 2019).

However, simultaneous processes had been taking place within the military forces and in partnership with international experts and defense scholars, in discussions about the transformations needed for an "Army of the Future" in the country. These discussions can be traced back to previous efforts for the "transformation" of the Colombian Armed Forces since the 1990s — a transformation enmeshed in broader transnational rationales, including the "hemispheric security agenda" and the concept of "multidimensional security" promoted by US and NATO military actors (SAINT-PIERRE, 2011).

Around 2011, however, a scenario of weakened guerrillas (including the FARC, who would begin the Havana negotiations with the Colombian government in 2012) and stronger criminal groups (especially Clan del Golfo, a drug trafficking organization which emerged from the demobilization of paramilitary actors) contributed to the consolidation of a "multidimensional" perspective that brought criminal threats further to the center of the mission of military forces. Within the Army, this trend was reflected on a series of organizational and doctrine changes. In 2013, a Strategic Committee for the Design of the Army of the Future (CEDEF) was created with the aim of restructuring that force, making it more prepared to combat threats that went beyond the realm of defense and which required integrated responses (SANTOS FILHO; CARREÑO, 2021). Another important element in this process was the Command for the Transformation of the Army of the Future (COTEF), created in 2016, which held a series of forums and consultations with local actors from different

regions of the country, in partnership with the United Nations and the Centre for Thought and Follow-up to the Peace Dialogue of the National University of Colombia. Following these forums, the COTEF gathered recommendations regarding how the role of the army could be restructured for a transitional situation (VARGAS VELÁSQUEZ, 2019, personal interview).

From 2016, the signature of the peace agreement with the FARC in Havana led to a consolidation of this process, in light of the weakening of the guerrillas and the prospect of a "post-conflict" setting. At the same time, other actors such as criminal organizations, FARC's dissident groups and ELN were increasingly highlighted in defense policy documents as national security threats, which should be handled by the Armed Forces in coordination with the National Police and with other state agencies (SANTOS FILHO; CARREÑO, 2021). This was reflected in the Strategic Transformation Plan Army of the Future 1.0 published in 2016, which aimed to contribute

> towards the success of the peace agreements, the stabilization and consolidation of the national territory; to anticipate and reduce the [System of Persisting Threat] and the impact of criminal economies; as well as an Army in transformation which is strong, organized, educated, equipped and motivated, focused on the asymmetrical and projecting itself as a Multimission Force (Colombian Army apud. BULLA, 2018).

According to the then Commander of the Colombian Army, Gen. Ricardo Gómez Nieto, this conception of the Army as a "multimission force" was aligned "with NATO's policies and international standards", which require the force to have the "ability to act in face of any challenge and to deal with all kinds of threats. It is also translated into adaptability, a capability of a modern Force which is able to react in record time to any internal or external threat" (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2018, p. 28). Also connected with this process is the adoption in 2017 of the Strategic Military Plan "Victoria" on Stabilization and Consolidation, which emphasizes military and police actions in "joint, coordinated and interagency" efforts and defines strategic roles of the Army, including: unified operations against strategic targets "such as ELN, organized armed groups [(GAOs)], residual armed groups/dissidence [(GAOR)], criminality phenomena, transnational organized crime and the defense of sovereignty", as well as "border control efforts, protection of the civilian population and private resources and the neutralization of internal and external threats, so as to contribute towards a stable and lasting peace and the country's development" (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2018, p. 28). This transformation in military forces, and especially in the Army, was

also reflected in doctrine development with the adoption of the Damasco Doctrine in 2016.

In relation to the definition of threats to be fought by military and/or police forces, the list of strategic targets mentioned above gives a few hints on how they have been recently categorized. Central to these categories is the Permanent Directive n. 0015/2016, adopted by the Colombian Ministry of National Defense on 22 April 2016. The directive outlines the Ministry's strategy to "characterize and confront the Organized Armed Groups ["*Grupos Armados Organizados*"] (GAO)", and it derogates a 2011 directive which outlined a strategy against the "BACRIM" (*"Bandas Criminales"*), the previously used category. (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2016, p. Art. I). By establishing a procedure for the characterization of GAOs, the directive also aims to inform the decision on which legal framework applies for the use of force — an aspect which we will further explore in chapter 3, when discussing the ways in which these practices participate in the redrawing of legal boundaries.

Two categories are central in this directive. The first are the GAOs, those groups who, under a responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations — a definition that comes directly from the Geneva Conventions. Concrete criteria for their identification include the use of armed force against the Public Force or other state institutions, against civilian people or targets, or against other armed groups; the capacity to generate a level of armed violence that is beyond that of internal disturbances or tensions; and the existence of an organization and a command leading its members. The second category are the Delictive Organized Groups (GDOs), defined as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit — a definition that directly draws from the UN Convention against Transnational Organized Crime (Palermo Convention), although the crimes committed by GDOs are not necessarily transnational (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2016, p. Art. VII).

The process through which groups are categorized into these two labels will be further explored in chapter 3, but for now we should note that, while for GAOs, the directive clearly states that a group's motivation (i.e. political or criminal) will not

be relevant for their categorization, and that neither will this category lead to a recognition of the political status of a given group — a determination that mirrors the language of International Humanitarian Law —, for GDOs the private motivation for financial or material benefit is an inherent part of the category. That is what allows, for instance, that a guerrilla such as ELN and a criminal neoparamilitary organization such as Clan del Golfo share the label of GAOs (and that, more recently, dissidences of the FARC become labeled as GAOR, residual GAOs), while GDOs generally include smaller criminal organizations with a local reach. This difference is important as it brings "political" and "criminal" groups together as actors whose capacity to use the force might require a consistent engagement of the military forces, reinforcing their relevance even in a "post-conflict" (or, at least, "post-agreement") setting.

In operations against criminal groups, therefore, military forces are generally described as playing an auxiliary role to police forces, and joint operations between the two have been common. A paradigmatic example of this cooperation was Operation Agamenon carried out against the Clan del Golfo, categorized as an organized armed group (GAO). Although the "recovery of zones" that were under the control of the Clan del Golfo was among the objectives of the Operation, its most visible objective was the capture of the organization's leaders (COLOMBIA. EJÉRCITO NACIONAL, [s.d.]). Other examples of this coordinated action include the operations *Relámpago Rojo* against ELN structures; and *Escudo Democrático* in urban areas (SANTOS FILHO; CARREÑO, 2021).

However, one dimension of this distribution of tasks between the National Police and the Army is expressed as a division in space: the discourse according to which the lack of state presence in rural areas and the inability of the National Police to produce order in these spaces reproduces the need for a large army. The military would therefore be responsible for taking the state to the vast rural areas of the country, due to the inability of police forces — and in particular, of the Carabineros, the rural arm of the Colombian National Police — to cover such spaces. This dimension of the discourse on why having large military forces remains unavoidable in post-agreement Colombia will be discussed in the next chapter.

1.4. Conclusion: On spatializing forces – boundaries, bridges, and beyond

In this chapter, I have drawn a series of maps in which I have attempted to represent the outlines of military and police forces in the three countries we will focus

here: Mexico, Brazil and Colombia. In these maps, I have highlighted some of the concrete ways in which the boundary between the activities of military and police forces — and in particular, the sorts of *threats* they are expected to combat — have been continuously redrawn in recent years. By looking at this redrawing, we can go beyond the recognition of this boundary as *blurred* (becoming blurred? Always already blurred?) and engage the actual practices, negotiations, and frictions that go into these processes.

In the Mexican context, we have seen how the last few administrations have often resorted to redrawing the outlines of security forces as a way of demonstrating their willingness to fight crime. These efforts ranged from the creation of new police forces, to the establishment of corporations that mixed military and police elements. The creation of the National Guard by current president Andrés Manuel López Obrador, from 2018, is a particularly telling example in this regard, as he went from denouncing military engagement in public security during his campaign; to the creation of a "civilian" police force under military command and, at least initially, mainly composed by military elements; to finally, the current attempt to move that force to the realm of the National Defense Secretariat, officially making it the fourth military force in the country. In this sense, rather than a blurred boundary between police and military forces, we have a third surface being outlined at the intersection between military and police actors — an intersection that is increasingly occupied by military elements over civilian police ones.

At the Brazilian context, I have highlighted the extent to which many instances of "militarization" of public security that are often criticized by civil society organizations and scholars can be understood as *bridges* between the military and police realms. That goes for the characteristics of Military Police forces, whose training and organization often emulates military corporations, and who are constitutionally framed as auxiliary to the Armed Forces; and it also goes for the contexts that will be in our focus on the next two chapters: the engagement of military forces in "Guarantee of Law and Order" (GLO) operations related to situations of "urban violence". In these operations, military forces are often deployed in "support" of police forces, who are deemed insufficient in face of an always underdefined "public disturbance of order" — and against "public order disturbance agents", a category that is as vague as possible, allowing for the inclusion of criminal or political actors and often highlighting their "indistinction".

Finally, in Colombia, we have seen recent discussions on the missions of military forces, especially in view of the 2016 peace agreement between the government and the FARC. As we have seen, while the security sector architecture in the country brings the military forces and the National Police together as part of the so-called Public Force, a distinction is still maintained between the two and their missions. However, recent military doctrines have further consolidated the possibility of deploying military actors in support of the police against a subset of criminal actors. Moreover, as will be further explored in chapter 2, an important element of this expanded military mission lies in the identification of broad parts of the Colombian territory, especially in rural areas, as being marked by state absence due to the inability of the National Police to reach these spaces, which further entrenches this military role and favors the maintenance of their size and budget.

For sure, as we engage in the effort of producing *maps* of these Latin American security forces, much is left outside. As discussed at the intro to this part of the thesis, cartographic maps generally aim to represent a given object in terms of surfaces, lines and points; and this representation is not meant to reproduce the object in all its details but to simplify it in view of a particular purpose. In this sense, by engaging in the writing of this chapter by reference to the act of mapping, I have mostly bracketed out both the history of the surfaces and lines represented here, and their political implications.

While some of these justifications and effects have been hinted at here, they will be further explored in the next two chapters, respectively. Firstly, in chapter 2, we discuss the geographical imagination that produces certain spaces as marked by *state absence*, as *ungoverned*, and the way this imagination authorizes military presence as a proxy for state presence — and thereby makes military deployment against crime unavoidable. Secondly, in chapter 3, we explore some of the implications of the maps presented here, especially to the extent that military engagement against crime has also been reflected in the remapping of relevant legalities.

In this sense, the descriptions of this chapter flatten out military and police forces as horizontal surfaces whose boundaries are continuously redrawn and bridged — and by extension, as entities whose very "entity-ness" is continuously at stake, not only in institutional redesign efforts but also in everyday exercises in coordination. While there are limits to this spatialized representation of security forces — the same spatialization that allows one to imagine the military/police boundary as *blurred* —, this

expanded cartographic metaphor allows us to account for some of the practices that are usually placed under the wide label of "militarization of public security in Latin America". Moreover, while foregrounding the military/police boundary, we can also begin to see the effects of its redrawing for the ways in which lines between criminal and political violence — in this case, as threats to be handled by certain state security forces — are also relatedly renegotiated and transformed. Finally, the brief representation offered in this chapter also aims to serve the purpose of a cartographic map for navigators: it can be repeatedly consulted, and its content will hopefully support the journeys that lie ahead.

Chapter 2. Occupying spaces

"The Airborne Infantry Brigade" — or the "paratroopers" — has "the capacity of ready response and force projection in any part of the Brazilian territory". "In the irregular asymmetric conflicts of the 21st century", their deployment has been increasingly frequent, as seen in "the operations of combat against extremist violence in Afghanistan and Iraq". "The same predominant role was attributed to the paratroopers when the Brazilian Army was deployed in the *combat on extremist violence in the 1960s and 1970s* and in the *situations of public security crisis* in several states of the federation, caused by the inexistence, insufficiency or unavailability of state public security bodies. Historically, the Airborne Infantry Brigade has been the first troop to be deployed to fulfill these constitutional missions" (ESCOTO, 2015, emphasis added).

That is how Brigade General Roberto Escoto, who in 2014 had commanded the pacification force in Complexo da Maré, in Rio de Janeiro, started an article telling his experience in leading soldiers and cops in the occupation of Brazilian favelas. The article went on explaining why it made sense to deploy similarly trained forces against drug trafficking organizations in favelas and against political opponents in the past; the *asymmetric* character of these threats brought them together. This similarity was, Escoto argued, reinforced by the history of these organizations — Comando Vermelho, in Rio de Janeiro, had learned their trade in the early 1980s from their coexistence with "terrorists", the political prisoners with whom they shared their cells; decades later, in 2001, the group's leader Fernandinho Beira-mar had been arrested in Colombia where he "negotiated the exchange between arms and cocaine with FARC guerrilla members" (ESCOTO, 2015). On this subject, he concluded, "it is possible to question, in terms of doctrine, whether Brazilian criminal groups — which apparently have no political-ideological motivations — can be considered irregular forces, but it is impossible to deny that they act with the same tactics, techniques and procedures of guerrillas and terrorists" (ESCOTO, 2015).

Most importantly, he highlighted the centrality of soldiers' preparation for operations against irregular forces in urban and rural environments alike. Although the Armed Forces had been deployed in *support* of what was primarily a police project, the establishment of Pacifying Police Units (UPPs), Escoto concludes that military organizations — and particularly the Army — had become "protagonists" in the

"pacification of favelas fully dominated by drug trafficking", a problem that had gone from the level of public security to that of national security (ESCOTO, 2015).

This account of the role of soldiers in the pacification of Rio's favelas highlights some of the elements that go into the justification of an increasing role for military forces against crime in the Latin American countries analyzed here. As criminal organizations "dominate territories", the sorts of military knowledge developed to fight "terrorists" and "guerrillas" is represented as more relevant in the face of what are often — and vaguely — referred to as "asymmetric threats". After all, fighting crime is in these contexts indissociable from the recovery of the *territories* they allegedly dominate, a requirement for the exercise of sovereignty itself. The motivations that drive this "territory control" by non-state actors are, thus, rendered irrelevant.

In this chapter, we will analyze a particular way in which this bind between state sovereignty and military occupation has been expressed in contemporary state practices in these three countries. It happens when criminal violence is represented as a result of *state absence* in certain territories — an absence to which the solution is found in the *presence* of military forces. In this narrative, military presence is the first step in the occupation of large (urban and/or rural) areas that remain outside the reach of the state, that remain *ungoverned* or *disordered*; otherwise, the process of "state-making" as the monopoly over the exercise of violence on the entire national territory remains *unfinished*, enabling the emergence of non-state armed actors with either political or "merely" criminal motivations.

This narrative is important because it provides one of the main justifications for the maintenance or even expansion of military forces in Latin American contexts understood as "democratic" and "peaceful" — especially following processes of democratization and peace agreements. Given the persistence of violent actors whose capacity surpasses "normal" public security means, the participation of military forces becomes an *unavoidable* solution to crime. Moreover, this narrative is grounded on a particular geographical imagination that represents territories as voids that can be filled with the exercise of authority, whether this authority is (desirably) exercised by states or (undesirably) exercised by non-state actors. The distinction between how "crime" and "enemies" are expected to be handled by peaceful, democratic states is brushed aside by an account of armed actors as ones who dispute the exercise of sovereignty over certain spaces. Finally, this narrative allows for the reproduction of an equivalence

between state presence and military presence — an equivalence that already grounds the discourse of these forces regarding their own historical origins and missions.

In the next sections, we will look at how the image of ungoverned spaces as prone to crime has favored a specific form of intervention: the occupation of these spaces by military forces, in operations that allegedly combine the use of force and social actions under labels such as "pacification", "stabilization" and "consolidation". In particular, we will look at how this process has unfolded in three contexts: the deployment of military forces in Rio de Janeiro, Brazil, in 2010 and 2014, in Guarantee of Law and Order (GLO) operations that supported the establishment of Pacifying Police Units (UPPs); in the context of discussions about the place of the Colombian Armed Forces after the signing of the agreement between the government and the FARC, and the representation of rural spaces as ungoverned in the legitimization of their maintenance; and in the creation of a National Guard under military command in Mexico, associated with an understanding of the Armed Forces as the best option for the production of order in large parts of the national territory.

Simultaneously, throughout the chapter, we will discuss some of the foundations and implications of the narrative of ungoverned spaces in such contexts, with an emphasis on how it enables the deepening of militarization as a strategy of territorial occupation. That will include, in the next section, a discussion of the concept of ungoverned spaces — which enables military responses to "criminal" and "political" armed non-state actors alike, as long as they are represented as results of the existence of spaces that are empty of state presence —, before looking at how this narrative has been reflected in the deployment of "pacification forces" in Rio de Janeiro. Afterwards, we will discuss the extent to which this narrative is often enmeshed with the construction of military forces as the most (or only) "effective" form of state presence that can be guaranteed in large parts of the territory, before looking at how this narrative has been mobilized in the justification of the National Guard's territorial distribution. Finally, we will look at the notion of "territorial peace" and how it has been developed during the Colombian peace negotiations; and then at how this "territorial focus" has been captured by a militarized understanding of the consolidation of peace.

The sections will be illustrated with infographic maps of these operations and engagements which have been elaborated by local news outlets on the bases of governmental documents. The maps reflect the cartographic imagination that animates

the respective projects, identifying the spaces that need to be "occupied" by the military troops who are in charge of making the state present, and detailing the reasons and modes of these occupation engagements.

2.1. "Recovering" ungoverned surfaces

In the opening of this chapter, we have seen how a Brazilian Army General described the "protagonist" participation of military forces in a pacification mission in Rio de Janeiro. At the center of this "pacification" was the effort to occupy — and ultimately recover — the spaces of favelas; that is, to make the Brazilian state present in those spaces, through the deployment of soldiers. Underlying the aims of this mission is the representation of such spaces as "ungoverned", as ultimately marked by state absence; a narrative that is at also at the center of the other contexts we will analyze in this chapter. Therefore, before taking a closer look at the pacification forces in Rio later in this section, I will briefly discuss the narrative of "ungoverned spaces" that grounds the understanding that circulates across these contexts.

2.1.1. On the boundary between governed and ungoverned spaces

The characterization of certain territories as "ungoverned spaces" is based on a particular political conception of the relations between space and governance. Among the features of this conception, Williams (2010) includes the following aspects:

1) Space can be controlled. In a Westphalian conception, the single authority of a state must exercise exclusive jurisdiction over a delimited territory; in alternative conceptions, however, there is room for other sources of control.

2) Space can be filled, by things or people, although such "filling" has very different characteristics in urban or rural spaces, for example.

3) The control and filling of spaces often leave gaps, or "vacuums", which when not filled by the state can be occupied by other entities.

4) Space can be contested, and such contestations often revolve on the demarcation of territorial boundaries between different authorities; in certain cases, however, what is disputed is the possibility of providing effective governance (WILLIAMS, 2010).

A growing literature has highlighted some of the limits of the concept of "ungoverned spaces" both for policy design and for analytical purposes. An important part of this literature starts from an understanding of the relationship between space and governance that is close to the conception described above; they emphasize, however, the possibility of governance beyond the state (and its absence). For example,

several authors have observed that, in many territories commonly designated as "ungoverned", there is not an absence of governance, but rather alternative forms and sources of it. In Latin American spaces where state governance is somewhat "limited", with basic services not being guaranteed to local populations, it is observed that such "vacuums" are often filled by the governance of violent non-state actors — who, in addition to conducting activities such as money laundering, drug trafficking, arms smuggling and other crimes, exercise some form of authority at the local level, with degrees of legitimacy that can be associated with the provision of services to the community (FERREIRA; RICHMOND, 2021; FERREIRA, 2021; LESSING; WILLIS, 2019; VILLA; PIMENTA, 2019). Furthermore, in many of these contexts it is possible to observe complex relationships between different state and non-state actors in the provision of governance in certain spaces – as illustrated by Enrique Desmond Arias (ARIAS, 2010, p. 116) when referring to "violent pluralism" as a form of governance existing in certain Latin American cities, in which armed groups become part of the political system itself. The concept of "hybrid governance" has also referred to contexts in which informal governance practices by violent non-state actors — such as conflict resolution or the provision of basic services — overlap with state practices, or in which state and non-state actors interact directly in the provision of local governance (CRUZ, 2021; VILLA; BRAGA; FERREIRA, 2021).

A related criticism of the diagnosis of "ungoverned spaces" is found in a growing literature on "limited statehood". Thomas Risse (2015), for instance, argues that "[t]he modern fully sovereign state as the template for organizing our understanding of statehood is largely a myth"; instead, more often than not there are "areas of limited statehood", that is, "parts of the territory or policy areas in which the central government lacks the capacity to implement decisions and/or its monopoly over the means of violence is challenged". These areas, according to Risse, are not ungoverned, although collective goods may be provided by a variety of state and non-state, local and transnational actors, in line with the literature mentioned above.

Moreover, in addition to the plurality of governance, the narrative of "ungoverned spaces" also invisibilizes the possibility that certain populations may be at risk not because of the state's "absence", but because of its presence — insofar as state security forces themselves can be a threat to local populations (CLUNAN; TRINKUNAS, 2010). This silence becomes particularly relevant as such characterization enables different forms of international and domestic intervention in

so-called "ungoverned" spaces. In terms of the production of international order, counterterrorism, counterinsurgency, and stabilization strategies are often presented as responses to such contexts, whose "ordering" would require a combination of military and civilian practices — or of "security and development". In general, such prescriptions are essentially aimed at containing or managing the risk posed by such spaces to the rest of the world, rather than at a positive transformation of the threats experienced by local communities (CONSTANTINOU; OPONDO, 2016; MCCORMACK, 2018; MITCHELL, 2010; PRINZ; SCHETTER, 2016, 2020).

In this sense, the narrative that underlies the label of "ungoverned" effectively maps the world (or the territory of a particular state) by drawing lines between two types of spaces:

1. The spaces which are filled with statehood, which have already been fully "occupied" by the state, and where the normal means of public security — e.g. police forces — can be put in charge of maintaining order; and

2. The spaces that are empty of statehood, and which may either be already in control of non-state armed actors — from guerrillas to drug trafficking organizations — or be prone to their formation, and which thus require the deployment of the state's tool of occupation, the military forces.

Such maps can either be metaphorical, expressed in the discourse of politicians who justify various programs of territorial occupation, or concretely expressed in color-coded representations of space – such as the ones we will see later in this chapter. More importantly, these maps "are not a simple representation of the real", but instead "constitute rhetorical images" in which the mapmaker aims to convince about a certain production of space (LOBO-GUERRERO, 2018). In this sense, the silences of maps — that is, their "empty or forgotten spaces" — are as crucial rhetorical elements as are those spaces which are already filled. Lobo-Guerrero (2018) illustrates this point by reference to maps that represented the American continent as Terra Incognita, as almost empty spaces which spoke "of a world to be colonised, a frontier where sovereignty can be exercised".

Also importantly, these maps make the motivations of non-state actors who (attempt to) dominate spaces that are empty of statehood ultimately irrelevant; beyond their categorization as "criminal" or "political", what matters is what brings them together, their ability and/or intention to control urban and/or rural spaces.

Such representation of spaces as devoid of statehood is central to the Latin American contexts analyzed in this chapter. In the Brazilian city of Rio de Janeiro, numerous public policies have been adopted with the aim of "recovering" territories which would be under the control of criminal organizations and outside the control of the state, over the last few decades. A particular aspect of organized crime in Rio de Janeiro helps to explain not only the warlike imagery associated with fighting crime but also the option for this type of occupation practices: the centrality of territorial control for the activities of criminal groups in the city. In other Latin American contexts, such as in Mexico, disputes between armed criminal groups were, for a long time, mostly focused on controlling trade routes, while in Rio de Janeiro territorial control over fixed points of sale has been central at least since the 1990s. As a result, terms like "parallel power" and "parallel state" have been widely used to represent such criminal groups as threats to national sovereignty itself, often in analogies between these groups and political actors (CANO, 2019, personal interview).

In the next subsection, we will look at an instance of these state practices guided by the principle of territorial occupation in Rio de Janeiro: the Pacifying Police Program, and particularly the role attributed to the military forces in support of the "pacification" of some of Rio's communities in 2010-2012 and 2014-2015. As should become clear, the representation of certain spaces as being outside of state control has been mobilized not only in the authorization of police interventions with high levels of violence, but also in the drawing of bridges between police and military forces, through the kind of GLO operations discussed in the last chapter.

2.1.2. Brazilian soldiers "recovering territories" in Rio de Janeiro

The so-called Pacifying Police Units (UPPs) are the center of a public security policy which started in 2008 in the Brazilian state of Rio de Janeiro. This policy was regulated in 2015 under the name of Pacifying Police Program, a program described in a state government decree as

> an integral part of the Pacification Policy, [which] combines, with balance and reasonableness, proactive prevention actions with legitimate and qualified coercive actions by state police forces, observing the principle of human dignity, for (1) the recovery of territories under the control of illegal armed groups, (2) the restoration of the state's legal and legitimate monopoly of force, and (3) the reduction of violent criminality, especially lethal one (GOVERNO DO RIO DE JANEIRO, 2015a).

Since 2008, 38 UPPs, composed essentially of military police, have been established with the stated goal of "recovering" certain territories. Although some of these UPPs have been extinguished or incorporated into Military Police battalions,

most continue to exist in some form as of the writing of this chapter. Regarding the spaces that should be "pacified", a 2011 decree stated that:

> Areas potentially contemplated by UPPs, according to criteria established by the State Secretary of Security, are those comprised by poor communities, with low institutionality and a high degree of informality, in which the opportunistic installation of ostensibly armed criminal groups affronts the Democratic Rule of Law (GOVERNO DO RIO DE JANEIRO, 2011, p. Art. 1º, § 1º).

The idea of territorial occupation through the constant presence of security forces in selected communities was at the center of the "pacification" strategy, under the concept of "proximity policing" — presented as distinct from the sporadic police incursions that were often the only form of state presence in some of these spaces. At the same time, the frequent representation of these spaces as "disordered", "out of control", "ungoverned" was accompanied by a strategy guided by the logic of stabilization — which places armed intervention for territorial recovery, associated with social actions by which security forces seek to gain legitimacy among the population, as a condition for other forms of state presence (SIMAN; SANTOS, 2018). Obtaining legitimacy among the population, more than an end in itself, would be a means to avoid the rise of "parallel powers" to state authority. This discursive articulation is perceptible in the way José Mariano Beltrame, former secretary of public security of Rio de Janeiro responsible for the conception of the UPPs, describes in his biography the underlying logic of pacification:

> Trafficking, by coercion, has operated in people's minds for a long time and taken root. It ruled the territory, and crime was the consequence and no longer the motivation for that control. Based on this logic, we had to dislodge the drug dealer from the symbolic place of "chief of the hill". Instead of promising to attack crime, arrest people, and end drugs, our commitment was to retake the territories. The other aspects would come naturally, as a consequence (BELTRAME; GARCIA, 2014, p. 80).

Regarding the form of intervention in different areas "in process of pacification", an annex to the 2015 decree determined that UPPs would be classified based on an Operational Risk Index developed by Rio de Janeiro's Public Security Institute. In this index, areas were classified as green, yellow, and red based on the operational risk they represented, which would determine different combinations of "proximity police actions" and "strict security techniques and tactical occupation" (GOVERNO DO RIO DE JANEIRO, 2015b). Thus, although presented as central to the project, "proximity policing" was conditioned by the military recovery and stabilization of territories — a stage that could count on the participation of Special Operations Command troops and, in certain cases, on the support of military forces.

Thus, although the UPPs were essentially a program carried out by the Military Police, the Armed Forces played an important role in this "recovery of territories", especially in two contexts: in the so-called "Pacification Forces" that occupied the favelas of Complexos do Alemão and Penha (Operation Arcanjo, between November 2010 and July 2012), and Complexo da Maré (Operation São Francisco, between April 2014 and June 2015). In both cases, these were interagency forces led by and mostly composed of army soldiers, although there were also a smaller number of cops who participated in patrolling and the execution of warrants. The military action, authorized under GLO decrees, aimed to support military police in interventions aimed at establishing UPPs; but military presence in the territory was soon extended beyond the "episodic" character that is supposed characterize this type of operation, as discussed in chapter 1.

Operation Arcanjo began with the use of troops from the parachute infantry brigade, which were later replaced by light and motorized infantry brigades. As a commander told in a video published by the Brazilian Army, "when we entered, we occupied the entire interior of these communities and developed an intensive patrol action, in which we did not have Saturdays, Sundays... we suffocated any initiative through presence". In addition to patrolling within the communities, roadblocks were established to "verify" vehicles and individuals, and some "strongholds" ("*pontos fortes*") were occupied. Another commander explained that the goal was to protect the population by promoting "dissuasion through the presence of patrols in the alleys… through the presence, people see us" (BRAZIL. ARMY, 2012).

In figure 2.1 below, an infographic published by the Brazilian newspaper O Globo on 29 November 2010, following the operation in which the communities of Complexo da Maré were first occupied, illustrates the narrative and logic that underlie this engagement. The image, based on governmental data, illustrates the routes through which the different military and police forces occupied the space through land and air, as well as the equipment and tactics used at different points of the "D Day". In its opening paragraph, it describes the operation:

> Around 2700 military, civil and federal policemen, marines, and paratroopers participated in the historical operation that expelled the drug trafficking gang that dominated Complexo do Alemão. Little over an hour after the entry of cops, the favelas had already been fully conquered by security forces. In the place, previously controlled by 600 crooks, around 40 tons of marijuana, 50 rifles, and 10,000 ammunition of various calibers were apprehended (O GLOBO, 2010a).

Figure 2.1. Infographic illustrating the "conquest of Complexo do Alemão", published by Rio's newspaper O Globo at its special section "The War of Rio" (O GLOBO, 2010a).

At the maps of the region, houses are sketched as small and similar squares, with only the "strategic routes" for the occupation being highlighted in different colors to represent the different forces. The represented "phases of occupation" culminate with the raising of flags of Brazil and of the state of Rio de Janeiro by policemen. Among the Navy vehicles that "made a difference" represented at the right side of the image, the first one is said to be used in Iraq by patrol groups (O GLOBO, 2010a). The imagery clearly recalls a larger history of war mapping, especially for journalistic purposes; and the selected elements foreground the "overwhelming conquest of the favela", which until then had been "enemy territory" (PINTO, 2018, p. 177).

The same newspaper edition explained, a few pages later, that Comando Vermelho — the criminal organization that had been displaced by the operation — had been "born from the coexistence with political prisoners"; the prison they had shared around 1979, in Ilha Grande, had been a "school" for the formation of the criminal group. By political prisoners, they referred to those who had been imprisoned for opposing the military dictatorship, and from whom the "common prisoners"

would have learned tactics such as bank robberies. This connection is followed by the information that Comando Vermelho "still controls parts of the city", reinforcing a sense of these groups as asymmetric threats that ultimately defy the political/criminal distinction (O GLOBO, 2010b).

In Operation São Francisco (2014-2015), similarly, military participation included the attribution of police powers to soldiers, who engaged in patrolling, search, and detention activities. According to an Army official, such practices allowed them "to reach all points of the communities in Complexo da Maré and to dismantle the idea of territorial domination by a parallel power" (CAMPOS, 2016, p. 14). The ostensible use of force was combined with a series of social communication practices and with the collection of intelligence information among the population, including meetings with community leaders and the creation of complaints mechanisms. Civic-social actions, such as regularizing garbage collection, were also seen as a way of obtaining legitimacy and, eventually, information (CAMPOS, 2016, p. 14; RIBAS, 2019).

In both contexts, the presence of military forces was represented as the first step towards the recovery of such territories from criminal groups. Years later, such initiatives are often described by military personnel such as General Villas-Bôas as having been a waste of resources, failing to produce lasting pacification (AGÊNCIA PÚBLICA, 2018); this failure, however, is attributed in such speeches not to military forces, but to the political actors who chose to employ them and who did not guarantee that the military occupation would be followed by the arrival of civilian agencies.

Thus, the option for the "recovery" of territories by the state through the massive presence of security forces — usually police officers, but at least in cases of greater "operational risk", with the support of military troops — reflects a geographic imagination in which state presence begins with the literal "occupation" of marginalized spaces; and it usually stops at this so-called initial stage. The discontinuity of "pacification" is ultimately often attributed to civilian agencies, whose arrival would not have followed the production of a stable and secure environment by military actors, in a discourse that contributes to the legitimacy of military actors even in relation to operations understood as ultimately failed (see SIMAN; SANTOS, 2019).

Finally, we should note the continuity between the representation of certain favelas as marked by state absence, and a broader tendency to represent these communities as generally marked by a series of "absences", that is, for what they "lack".

For Fernando Fernandes, Jailson de Souza e Silva e Jorge Barbosa, this emphasis on the absence is part of a broader trend of stigmatization of these territories as abnormal and even immoral, perpetuating hierarchies that are inseparable from race and class inequalities. As a counterpart to the categorization of peripheral spaces as primarily "unprivileged", "marginalized", "excluded" (or, we might add, "ungoverned"), they propose a shift from the paradigm of absence to the paradigm of "potency", so as to highlight the capacity of peripheries to generate practical and legitimate answers to the inequalities that affect them, thus recognizing their creative potential to devise counter-hegemonic forms of living (FERNANDES; SILVA; BARBOSA, 2018).

Attending to the "mapping" of Rio de Janeiro that underlies the strategy of pacification and the role attributed to military forces in these practices, and juxtaposing it with the "countermapping" of the paradigm of potency, allows us to observe some of the effects of the framing of the combat on larger criminal organizations as a matter of occupying spaces where the state is absent. Moreover, it draws attention to a dimension of these practices that will be further explored in the following section, as we look at the experience of the National Guard in Mexico: the equivalence between military presence and an "effective" form of state presence.

2.2. Filling surfaces with "effective" state presence

There are many forms of "state absence". In the context of pacification forces in Brazil, as discussed above, this diagnosis was associated with the existence of urban spaces that were "under the control" of criminal organizations. Often, however, this absence is associated not only with the presence of powerful criminal organizations, but also with the characterization of the (civilian) state agencies that are actually in place, including cops, as ineffective. As unable to make the state truly present. This narrative, which further feeds the legitimacy of military organizations vis-a-vis their civilian counterparts, is often found in Mexican discourses of politicians and military officials alike. Before looking at instances of this trend later in this section, we will briefly discuss some foundations of this understanding of military presence as the main, or only, way of effective state presence.

2.2.1. Military-making as state-making in Latin America?

In the narratives of origin of Brazilian, Mexican and Colombian Armed Forces, it is frequent for them to represent the history of states, nations, and military forces as fundamentally entangled (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2018) (BRAZIL. MINISTRY OF DEFENSE, 2016; MÉXICO. NATIONAL

DEFENSE SECRETARIAT, 2010). This equivalence is reinforced, in several Latin American countries, by the extensive attribution to military forces of tasks that fall far beyond the realm of "defense", and even beyond the realm of "security" — tasks that are often associated with the representation of these actors as the only state branches who are able to reach vast and hardly accessible territories. In other words, it is up to military forces to *fill the empty spaces* of national territory, not only by providing security but also through the provision of aid, engineering services, health support and many other tasks.

There are many perspectives on the effects of this role expansion. On the one hand, there is the argument that military actors might indeed be the most *effective* means of the state to perform some of these tasks of occupation. In this vein, Pion-Berlin (2016) has assessed the performance of Latin American military forces in the areas of defense, internal security, natural disasters, and social programs, in selected case studies. In each case, he considered "the institution's innate organizational strengths that could prove useful in non-combat situations: its coordination, its command and control, its national reach and geographical dispersion, its capacity to move huge numbers of men, materials, and machines, and its diversified skill set (i.e. to build and repair structures, to administer medical care, etc.)" (PION-BERLIN, 2016, p. 183). He argues that "there has to be a fundamental congruence between the organization's abilities and the functions it is asked to perform" (PION-BERLIN, 2016, p. 182–183), meaning that even tasks such as high-value targeted operations against criminal organizations and the participation in social programs can be "successfully" performed by military organizations as long as they are designed with that congruence in mind.

The continuous expansion of roles attributed to military forces in Mexico is often justified in terms that are coherent with the logic above — military participation is desirable when their abilities are congruent with the task at hand. Since 2019, under AMLO's administration, military troops have been put in charge of such tasks as the containment of immigrants in the Southern and Northern borders; the construction of strategic infrastructure (such as a new international airport in Mexico City) by soldiers; and the control of ports and customs by marines. In these last two tasks, the Secretariats of National Defense and of the Navy took over functions that were traditionally attributed to the Secretariat of Communications and Transportation. According to the president, it made sense to place these tasks under the control of soldiers and marines: they were less prone to corruption and more efficient than their

civilian counterparts (BENÍTEZ MANAUT, 2020), and would thus be able to perform such tasks in an orderly, austere way with their technical capacity (MEXICO, [s.d.]).

On the other hand, there is a concern that this legitimation of military actors as the bearers of apolitical capabilities that can be easily applied in the most various realms might indeed contribute to the delegitimation of the civilian agencies that were supposed to be in charge of these tasks in the first place. This concern is not new: it can be found, for instance, in a discussion held in a US Congress hearing in 1970, on topics that included the effects of US security assistance to Latin American countries — and in particular, the effects of their increasing support to military engagement in the tasks of "civilian" ministries as a counterinsurgency tool, in order to obtain support among local communities. On this matter, Alfred Stepan argued that US advocacy of the engagement of Latin American armies in "civic action programs" – that is, "nation-building activities which would win the support of the people and thereby deny guerrillas the environment they needed in order to survive", such as the delivery of food and health supplies in remote areas and in engineering activities – could exacerbate relations between military actors and civilian ministries, due to the competition over the allocation of scarce resources; and they could favor political involvement of the military through these budgetary negotiations ("Military Assistance Training: Hearings Before the Subcommittee on National Policy and Scientific Development", 1970).

However, the framing of counterinsurgency was far from being the only motivation for this type of military engagement, which can be traced back to the very formation of these states. A more recent example in this regard can be seen in the choice by the Brazilian Army, in the 1990s, of the 1648 Battle of Guararapes as the "cradle of nationality and of the Brazilian Army" (BRAZILIAN ARMY, [s.d.]). Celso Castro and Adriana Barreto de Souza (2006) have further discussed this choice, highlighting its connections with the emergence of the protection of the Brazilian Amazon, especially against foreign interests, as the new "main mission" of Brazilian soldiers following the end of the Cold War. Guararapes, in the Brazilian state of Pernambuco, is not actually located in the Amazon; but Castro and Souza argue that, in military identity construction, it "ended up in the Amazon" by standing as a historical symbol of military action against "international greed" (in 1648, against Dutch invaders; in the 1990s, against US actors and NGOs who were allegedly interested in internationalizing the region) (CASTRO; SOUZA, 2006, p. 61–62). More

importantly, it fit the narrative that Brazilian soldiers had historically been the only state actors who were able to reach inaccessible parts of the Amazon — not only as means of security provision, as seen in GLO operations throughout the region and at its borders, but also through tasks as varied as the provision of aid and health supplies to indigenous communities and through engineering activities, among other missions.

The examples above illustrate the way in which the tradition of military participation in the occupation of national territory has been rearticulated in various forms over time. At times, this expansion of their roles is represented as only natural in view of the set of capabilities and resources detained by military forces, as seen in the tasks attributed to Mexican soldiers in large engineering engagements mentioned above. That is, soldiers would be the most *effective* means to perform these tasks, regardless of the fact of being military. Other times, the role of soldiers in "bringing the state" to the entire national territory has been associated with specific aims as varied as consolidating and expanding national borders, preventing and repressing internal political opponents, and discouraging potential foreign invaders. In other words, soldiers can make the state present throughout the territory, including through the provision of social programs and other "civilian" tasks, as a means for preserving territorial integrity against internal and external enemies.

A more recent goal for which territorial occupation by military forces would be the favored means is the prevention and repression of criminal violence — and in particular, of drug trafficking organizations, as we have seen in the case of Rio de Janeiro, discussed above. In that case, the delineation of territories that were supposed to be "pacified" relied on the identification of certain spaces as being poor, with little institutionalization and high levels of informality and, most importantly, marked by the "opportunistic installation of ostensibly armed criminal groups" (GOVERNO DO RIO DE JANEIRO, 2011, p. Art. 1º, § 1º). These territories were under the control of criminal organizations rather than of the state, and thus needed to be "recovered". In the complexes of Maré, Alemão and Penha, the attempts at "recovery" started with the presence of "pacification forces" mostly composed of military troops for many months, who were eventually expected to make way for the entry of the pacification police.

In other contexts, however, the spaces that are represented as being outside the control of the state, thus needing to be "occupied", are not actually marked by the complete and permanent absence of state security forces. In Mexico, for instance,

arguments for the deployment of military forces against crime in various parts of the national territory have often been coupled with the argument, by presidents and other federal politicians, that local police forces and state agencies are "ineffective" and "corrupt". As mentioned in the previous chapter, Mexico is a federal state, and in addition to the National Guard at the federal level there are also police forces at the levels of states and municipalities. In this context, the representation of military forces as legitimate and trustworthy has coexisted with the frequent representation of local security actors as weak and too closely involved with criminal actors — leading to a *de facto* state absence at the local level that can only be solved through federal intervention. In the subsection below, we will look at how these processes have been unfolding in the context of the Mexican National Guard, and how its creation and deployment are deeply grounded in the representation of large parts of the Mexican territories as being marked by a lack of (effective) state presence that can only be solved by soldiers.

2.2.2. Building barracks to "pacify" the Mexican territory

When discussing the Mexican National Guard in the last chapter, we have seen that the announcement, by AMLO, of its creation (under military command and with a mainly military composition) came as an apparently surprising shift in relation to his campaign discourse, and even to his discourse in previous years — when the presidential candidate had been frequently critical of the strategy adopted by the previous administrations, of sending soldiers to the streets against drug cartels. One the main narratives for this apparently sudden shift places the "turning point" at a few specific meetings held by AMLO soon after his election, in August 2018, with military officials who were then Secretary of National Defense, Salvador Cienfuegos, and Secretary of the Navy, Vidal Francisco Soberón Sanz. Following these meetings, AMLO publicly declared that the military officials had offered him their "perspectives on the serious problem of violence and the alternatives" for the country (FORBES STAFF, 2018); and having these data, it was now clear to AMLO that he had no option but to use the Army and the Navy in public security. "The Federal Police is not prepared to replace what the soldiers and marines do", he argued; plus, "the state and municipal police forces are almost not functioning, to say it diplomatically, are not fulfilling their duties; there are of course honored exceptions, but this is the bitter reality" (RAMÍREZ, 2018). These meetings are thus marked as a moment when AMLO's discourse on military roles in public security has "drastically changed", from the promise of sending soldiers back to the barracks to recognizing that there was no

other way than keeping them on the streets (ORTEGA RAMÍREZ; MORALES GÁMEZ, 2020, p. 167)

An implication of this narrative is that the participation of military forces in the fight against crime, going beyond national defense, is not only a desirable response: it is an *unavoidable* one. Given the quantitative and qualitative nature of crime in Mexico, and given the ineffectiveness of police forces to control it, there would be no way around the deployment of soldiers against this problem. This understanding has recurred, with different nuances, in the political discourse of successive administrations in the 2000s; and as mentioned in the previous chapter, this narrative reappears in AMLO's National Peace and Security Plan (2018-2024), where a criticism of military participation in tasks that were outside their primary mission was followed by the argument that due to "the crisis of criminal violence and insecurity that the country is experiencing, and given the decomposition and inefficiency of police bodies at the three levels of government, it would be disastrous to remove the Armed Forces of their current deployment in matters of public safety" (AMLO, 2018, p. 14). In this sense, rather than simply blurring the boundary between military and police affairs, this discourse carefully redraws the boundary between the two by establishing a hierarchy between military forces and police forces.

Beyond questioning whether or not it would be *feasible* to send soldiers "back to the barracks" in 2018 or at the present moment, one should attend to the conditions for the reproduction of this "unavoidability" of military roles against crime in administration after administration; and more fundamentally for this chapter, in what this narrative does for the construction of certain territories as problematic due to an absence of (effective) state. As will be seen below, effects of this narrative are expressed in mappings of the national territory which outline spaces that are, effectively, outside of state control — not due to a complete absence of state agencies, but due to the alleged ineffectiveness and corruption of local actors — and which thus require the presence of the military troops that compose the National Guard. In other words, beyond assessing levels of effectiveness or corruption of local actors and police forces, one should attend to the ways this characterization is mobilized for the legitimation of expanded military roles.

Since its creation, the National Guard has been employed in several parts of the country, in tasks ranging from migration controls on the southern border to patrolling neighborhoods in the capital (PÉREZ, 2020). In May 2020, Mexico's

Secretary of National Defense, General Sandoval, announced that the National Guard had more than 85,000 troops, of which more than 74,000 were employed in the field; and 53 percent of these troops were carrying out "peacebuilding operations". These operations included activities such as "citizen protection" in "priority regions" such as Coahuila, Guerrero and Michoacán; "actions to reduce violence rates and ensure the country's economic and social development"; and "maintaining the peace, tranquility and security of the population", among other tasks (PORTILLO VARGAS, 2020a, p. 13–14).

The expansion of activities attributed to military actors was accompanied by the plan to deploy, by the end of 2021, members of the National Guard throughout the entire national territory. In AMLO's words, "even in the most remote places the National Guard will have a presence, not as a corporation that goes from time to time, but as a corporation with fixed premises, which will be in the territory" (NAVARRO, 2020). In several regions, this presence would take place through the construction of barracks where the troops would reside, to guarantee the protection of members against security threats and risks of corruption; this decision, however, has raised concern due to the fact that such spaces would be less transparent to civilian control, possibly increasing the risk of abuses and bringing the program closer to an "occupation force" (PORTILLO VARGAS, 2020a, p. 15–16).

In practice, if the tactics employed by the National Guard did not significantly diverge from those seen in previous administrations when the military had been increasingly supporting public security operations, there was now a change regarding the geographic dispersion of these troops on the ground. The National Guard would be permanently present throughout the territory, but its proportional distribution would be guided by the assessment of homicide rates between different areas of the country — divided by AMLO's government into regional coordinations and entities (PORTILLO VARGAS, 2020a, p. 15).

Regarding the criteria for territorial distribution, official documents released in 2019 classified the different regions according to a "criminal traffic light", which indicated in colors the level of priority that different zones would receive from the National Guard. On the map drawn up by the government, around 70% of the national territory was shown in red, due to the high incidence of crimes linked to organized crime; about 20% in yellow; and less than 10% in green. According to the diagnosis, the territories in red would be "under the domain" of 300 criminal

organizations, and their combat would require the engagement of military and civilian forces. An Admiral linked to the program stated that such criminal organizations "have gone beyond the boundary between terror and organized crime, have become a de facto political-social actor in enclaves and acquired impunity to carry out their activities"; and he emphasized the existence of a scenario of institutional weakness, fueled by the corruption and impunity of some local governments that would have ceded part of the state's power to criminal organizations (REYEZ, 2019).

The map in figure 2.2 was made by the Mexican news outlet based on data from that governmental document, but more accurately representing the 266 "coordinations" or quadrants that had been assigned as priorities for the deployment of the National Guard against organized crime — and their color-coding in line with the "criminal traffic light". Most of the red areas, characterized by the high criminal rates, were assigned to troops that were under SEDENA — that is, to Army troops. As explained in the infographic, the red areas were "controlled, until this moment, by criminals"; at the yellow areas there was a "dispute over the control of the zone between criminal organizations and authorities"; and at the green zones, the low criminal rates meant that "the control is exercised by [state] authorities". In the case of this news outlet, however, this characterization and the associated strategy were

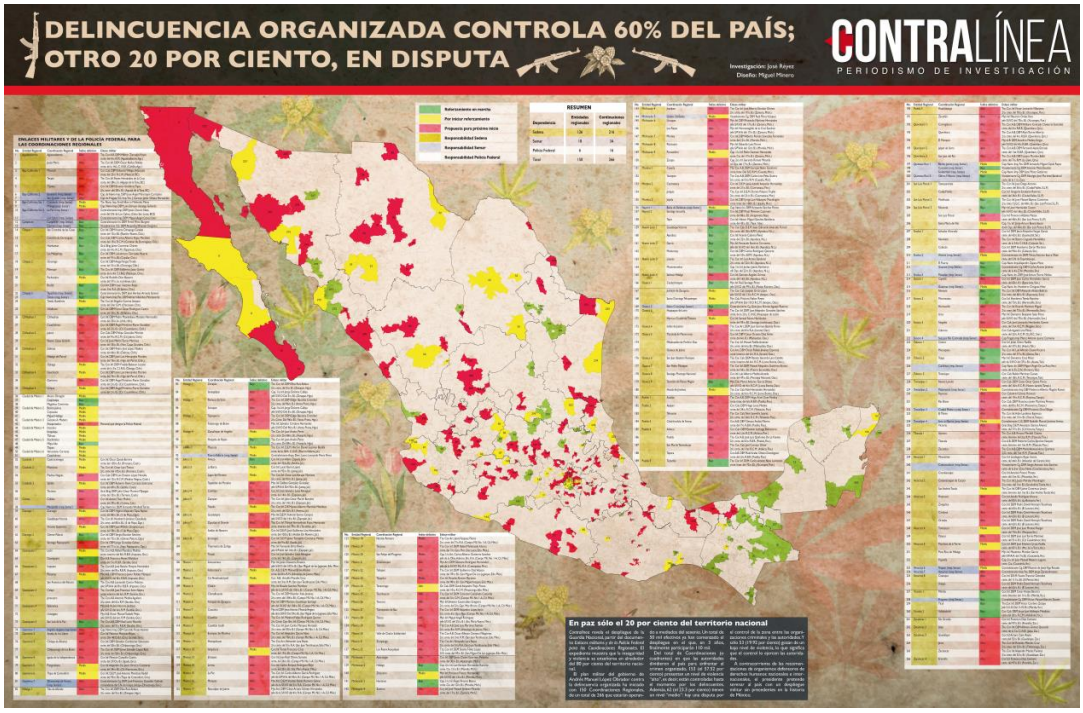

Figure 2.2. Map of Mexican regions controlled by "organized crime" and associated deployment of the National Guard. Published by Mexican news outlet Contralínea based on governmental data on military and federal police engagement in regional coordinations (REYEZ, 2019).

signaled as a cause for concern, as it indicated that, against the recommendations national and international human rights defenders, "the president intends to tranquilize the country with a military deployment that has no precedent in Mexican history" (REYEZ, 2019).

Therefore, in addition to the continuity that military participation in public security represents in AMLO's government in relation to previous administrations, it is interesting to note that the creation of the National Guard covers such militarization of the "pacification" clothing and advances a narrative of territorial recovery through military occupation. The permanent presence of military personnel throughout the national territory is defended as a necessary path for spaces currently controlled by criminal groups to be reincorporated to state control. A particular element of this case is the delegitimation, in the discourse of state agents, of local administrations and police forces — here, the corruption and weakness of these agents is represented as part of a scenario of effective "state absence", to be resolved, somehow, through the construction of barracks and permanent military presence. Similarly to Brazil, this delegitimation of civilian agencies in the field of security and beyond is reinforced even when military strategies "fail" — since this failure has, over time, consistently been attributed to poor decision-making of previous civilian administrators, from the Presidency to local mayors, rather than to the capabilities and adequacy (or lack thereof) of military forces themselves (PORTILLO; STORR, 2021).

2.3. Occupying surfaces to "consolidate" peace

As we have seen in Brazilian and Mexican contexts, the mapping of territories through the binary of "state presence" and "state absence" has grounded a series of security strategies in Latin American contexts, with the solution of "state presence" often being equated with "military presence". This conclusion, which has been arising in the discussion of concepts such as "limited statehood" and "hybrid governance" as we have seen in section 1, has also been very present among those involved in peace efforts in Colombia. A particular concept, which was often repeated in official discourse during the Havana peace negotiations between the Colombian government and the FARC (2012-2016), encapsulated these discussions: the notion of "*territorial peace*".

In the first part of this section, we will take this concept as a starting point to see how an attention to the "territorial" or the "local" had been central to predominant visions of peace leading up to the agreements, and to how their implementation was

imagined. However, as we will see at the second part of this section, the increasing centrality of military actors in the "consolidation" of peace in the "territories", in line with processes of transformation we have seen in chapter 1, has favored a reorientation of this notion towards centralizing and militarist understandings of space, in a conception of peacemaking that in many ways approximates the aims of "pacification" we have discussed so far.

2.3.1. Building "territorial peace" in Colombia

The term "territorial peace" appeared often in the discourse of governmental actors such as the High Commissioner for Peace Sergio Jaramillo during the negotiations that led to the 2016 peace agreements. According to Jaramillo, "territorial peace" was composed of three fundamental elements: 1) the development of *new game rules* at the local level, in the form of institutions that could guarantee the rights of Colombians in all national territory, while recognizing that the armed conflict has affected differently the various regions of the country; 2) an attention to *social and citizen dynamics*, that is, the promotion of a broad citizen participation and mobilization, through the creation of participative planning councils that designed bottom-up solutions; and 3) *a new alliance between the state and the communities*, conceived as a middle way between a "centralist state model" and "the logic of fragmentation" that would result from asking communities to organize on their own (GUZMÁN; VÁZQUEZ; BARRERA, 2015, p. 11; JARAMILLO, 2013).

Reference to the centrality of the territorial scale was taken up by multiple civil society actors, researchers, and even institutions dedicated to the implementation of the 2016 peace agreement — for instance, it is central to the methodology of the currently active Colombian Truth Commission, which we will discuss in chapter 6. This is connected to "the recognition that the territory constitutes the fundamental setting for solving the practical and most recurring problems in post-conflict processes" (GUZMÁN; VÁZQUEZ; BARRERA, 2015, p. 12–13). This emphasis is in tune with what is usually called the "local turn" in peace studies and in peacebuilding, often expressed as an emphasis on the need to include and prioritize local experiences and perspectives not only in the construction of peace, but also in knowledge production on a given context (JULIAN; BLIESEMANN DE GUEVARA; REDHEAD, 2019; PAFFENHOLZ, 2015).

Beyond this emphasis on local participation, the focus on the "territory" has been mobilized by researchers at the Colombian non-profit foundation Center for

Research and Popular Education / Peace Program (CINEP/PPP) as a device for understanding the so-called "differentiated presence of the state" (PDE in Spanish). The concept of PDE is associated with "the need to offer a more realistic interpretation of the nature of state in Colombia which is disconnected of certain traditional conceptions that assume it to be a failed, collapsed, coopted state" (AUNTA; BARRERA, 2016, p. 6), categories which stem from the comparison with an ideal model of state. These categories would induce paralysis and limit the possibilities of change, favoring a chicken-and-egg dilemma: "How do we achieve peace? By strengthening the state. How can one strengthen the state? By pacifying the society" (AUNTA; BARRERA, 2016, p. 6). Instead, the category of PDE is grounded on the understanding that the Colombian state, rather than a failure, is a state in construction which has been integrating, in conflictive and at times violent ways, new territories and populations to the nation; and this incorporation has been affected by reactions of local and regional power elites to efforts of national centralization. This process has led to the differentiated presence of the state, that is, to the unequal character in which state institutions are projected onto the territories, and to the unequal ways in which this presence evolves over time (AUNTA; BARRERA, 2016, p. 7).

In this sense, a *territorial awareness* would be central not only for conceiving forms of peacebuilding that go beyond "making the state present", but also for understanding the ways in which this state has already been present, in highly differentiated ways, in zones of the country that have so often been represented as inhospitable and ungovernable. In other words, "a territorial focus allows us to understand that this geographical unit we call a country is composed of an internal territorial mesh that is heterogeneous" (AUNTA; BARRERA, 2016, p. 10).

At the 2016 Colombian peace agreement, this territorial focus has been expressed in several points, with one of the most important being the recognition of the need to intervene in socioeconomical conditions of the territories that have been the most affected by the conflict. For the FARC, a particularly crucial issue at the negotiations was the inclusion of some sort of land reform; and this became the first of six points of the peace agreement, entitled "comprehensive rural reform" ("*reforma rural integral*"). Under this heading were policies guided by the aims of poverty eradication, the formalization of progressive access to land property, and its democratization. A central strategy in this regard were the so-called Development Plans with a Territorial Focus ("*Planes de Desarrollo con Enfoque Territorial*", or PDET),

which aimed to foster institutional and participative capacities in a bottom-up perspective. Also related to the topic is the fourth point of the agreement, related to "solutions to the problem of illicit drugs", expressed in projects such as the National Comprehensive Program for the Substitution of Crops of Illicit Use (RÍOS; GONZÁLEZ, 2021).

However, while this development-oriented conception of territorial peace was praised for the inclusion, in a peace agreement, of socioeconomical structural causes of the conflict, there have been multiple challenges in its implementation, some of which will be discussed below. On the one hand, this conception of the territory coexisted with other understandings at the local level, among indigenous and black populations and peasants, some of whom favored alternative forms of social and economic organizations. This coexistence has been expressed, in certain regions, through social protests, whose repression by the Colombian Public Force has led to an increased presence of both military and police forces in these territories (OLARTE-OLARTE, 2019). On the other hand, and more crucially for the purpose of this chapter, a form of "territorial awareness" was simultaneously incorporated into programs implemented by the Ministry of National Defense, in strategies that increasingly prioritized military presence in these territories as a path to "consolidation" and "stabilization" over the kinds of socioeconomical transformation agreed in 2016, in Havana.

2.3.2. Consolidation as the militarization of territorial peace

As discussed in the last chapter, there has been an increasing approximation between the official missions of the police and military forces that, together, make up the Public Force under the political command of the Colombian Ministry of Defense. In general, it is understood that in combating criminal groups, the military forces play an auxiliary role to the police forces, as illustrated by the joint Operation Agamenon against the GAO Clan del Golfo (COLOMBIA. EJÉRCITO NACIONAL, [s.d.]).

In addition to such coordination efforts, however, the distribution of tasks between the National Police and the Army in Colombia is also expressed as a division in space, as seen when the lack of state presence in rural areas and the inability of the National Police to provide order in these spaces justifies the continuous need for a large army. Military personnel would therefore be responsible for taking the state to large rural areas of the country, due to the inability of police forces to produce order in such spaces. This trend is understood as a "chronic security deficit in the Colombian

rurality, which is translated not only into state precariousness, but also in its surpassing by illegal actors and in the generation of gray zones where the work of police and military actors is mixed, overlapped, or absent" (LLORENTE; BULLA; GÓMEZ, 2016, p. 6).

That is in spite of the creation, in the 1990s, of a sector of the National Police (the "*Dirección de Carabineros y Seguridad Rural*") which precisely targeted those areas, and which were relatively strengthened in the 2000s as part of the development of capabilities among the Public Force against networks of "narcoterrorists". However, military forces still have a much wider reach in these regions, and in many areas are often described as "the only institutional presence of the state" (LLORENTE; BULLA; GÓMEZ, 2016, p. 7). Among the hypotheses for this trend are, on the one hand, a historically urban vocation of the Colombian police; and on the other hand, resistances to the significant redistribution of resources from military forces to the police which would be entailed to strengthen these actors (LLORENTE; BULLA; GÓMEZ, 2016, p. 8).

In this sense, the representation of less urbanized territories as ungoverned, as they would not only be beyond the reach of public policies in general, but also beyond "normal" policing capacities, has long favored the prescription of military deployment in such areas as a form of state presence. Important in this regard is the fact that many peripheral territories where guerrillas and criminal organizations have had consolidated positions also have geographical features, such as forests and/or mountains, that are said to pose challenges for the deployment of Public Force troops and operations (RÍOS; GONZÁLEZ, 2021, p. 71), favoring their representation as inaccessible enclaves.

In the post-agreement context, this presence of the Public Force has acquired particular contours. On the one hand, a branch of the National Police has become more present in the countryside: the National Mobile Anti-Riot Squad, or ESMAD. Although, in principle, the ESMAD can operate both in rural and urban areas, their manuals, protocols and practices have been guided by urban priorities and concerns. Over the last six years, however, their presence in rural areas has significantly increased, especially in response to socio-environmental conflicts and social protests — in violent repression activities that go against peace agreement commitments to guarantee protest rights and secure land rights to peasants and to Indigenous and Black communities (OLARTE-OLARTE, 2019).

On the other hand, the processes of military transformation discussed in the last chapter, in connection with the effort to develop a "Multimission Army", have also been expressed in the roles attributed to soldiers in rural areas. In organizational terms, that is expressed in the replacement of previously existing military taskforces by Operational Commands of Stabilization and Consolidation, which aimed to consolidate the control of the state over areas that had been previously dominated by armed groups. From 2017, the Strategic Military Plan "Victoria" on Stabilization and Consolidation marked this change in strategic focus: while previous plans emphasized the direct combat against the guerrillas, the focus at the "post-conflict" setting was to fight *other sources of threat* in those territories that had been previously dominated by them. The implementation of this strategy was organized on three axes: *institutional control over the territory*, through the provision of security in these areas; *institutional strengthening*, with the arrival of other civilian institutions; and the use of the Armed Forces in *socioeconomic projects*, humanitarian missions, environmental protection, and international cooperation (SANTOS FILHO; CARREÑO, 2021, p. 90).

The 2017 Plan envisaged joint action among the military forces as well as their coordination with the Police and other civilian agencies, and it was represented by Gen. Alberto José Mejía (who was then the General Commander of the Armed Forces) as part of "efforts to achieve peace and to take development and prosperity to all Colombians". The final aim, however, was to "neutralize the structures of the ELN, Organized Armed Groups (GAO) […] and the criminality phenomena which affect the civilian population and national security, and moreover, to counteract drug trafficking, extorsion and kidnapping" and several other crimes (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2018, p. 19–20). In other words, the role of military actors in the fight against crime, especially outside of urban centers, was institutionalized into doctrine and strategy as part of their mission in the post-conflict (or at least, "post-agreement") setting. They were in charge of occupying these territories, as "multimission" actors.

More recently, this mission was institutionalized into a new specific strategy to integrate peripheral areas "back" to the control of the Colombian state: the creation of Strategic Areas for Integrated Intervention (ZEII in Spanish), or "*Zonas Futuro*". The intervention strategy in these areas is presented as a kind of "stabilization operation", which would not be limited to military presence but would also take with it other state institutions and public policies. In practice, however, the program

promotes military control of the designated territories as a condition for considering the action of other state institutions (FUNDACIÓN COMITÉ DE SOLIDARIDAD CON LOS PRESOS POLÍTICOS [FCSPP], 2020).

The creation of Zonas Futuro is represented as "a flagship program of the Government of President Iván Duque for the areas that are most affected by institutional weakness, the presence of organized armed groups, illicit economies and poverty" (COLOMBIA, 2020). Created by Law 1941 of 2018 and Decree 2278 of 2019, Zonas Futuro would be an intervention strategy in territories that require "a unified, interagency, coordinated, sustained and integral action by the State". The program establishes five Zonas Futuro, located in the Pacífico Nariñense, Catatumbo, Bajo Cauca and Southern Córdoba, Arauca, and Chiribiquete and Parques Nacionales Naturales Aledaños – corresponding to 2.4% of the national territory. In addition to being regions affected by illicit economies, violence, and crime, such regions are identified as "territories with no state or a precarious presence", which might in turn be a laboratory for future intervention elsewhere. The program's objectives would include intervening in coca production, protecting the population and acting against environmental crimes (COLOMBIA, [s.d.]). The territories covered by the project are illustrated in figure 2.3, an infographic that also incorporates information on the criteria used to prioritize these areas. The image incorporates the criteria mentioned above for the prioritizations of these areas, such as the presence of violence and criminal economies, as well as the environmental crimes and killings of social leaders.

Although presented as a comprehensive strategy aimed at strengthening the state presence in designated areas, the priority of a militarized production of security would soon reveal itself in the program, in line with the militaristic "Peace with Legality" agenda advocated by Duque since his presidential campaign. In practice, therefore, mechanisms defined by the 2016 Peace Agreement for the prevention and protection of social leaders and for territorial development, to be implemented in dialogue with local communities (including the PDET), were largely replaced with a strategy based on military presence (CRUZ, 2020; FUNDACIÓN COMITÉ DE SOLIDARIDAD CON LOS PRESOS POLÍTICOS [FCSPP], 2020). After all, if the PDET originally covered over 36% of the national territory (COLOMBIA. MINTIC, 2019), the Zonas Futuro — a strategy that was meant to "accelerate" those development policies — conditioned development to the stabilization of these regions (initially, as mentioned above, 2.4% of the territory) by security forces. As a result, state presence is reinscribed

in the logic of the production of "public order", and the objectives of national security displace the aims of strengthening local economies and communities which had been agreed in Havana (POSSO, 2020, p. 278).

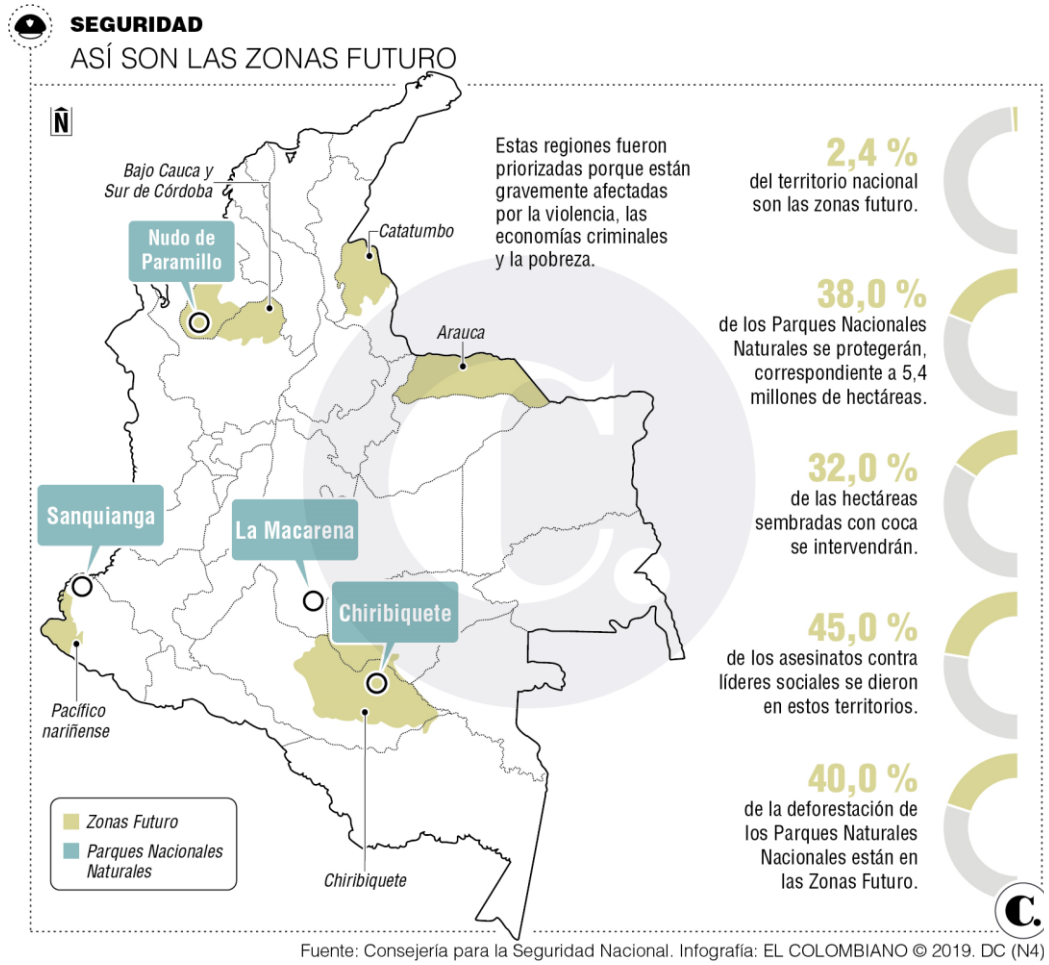

Figure 2.3. Map of "Zonas Futuro", prepared by the Colombian news outlet El Colombiano with data from the country's National Security Council (MARULANDA, 2019).

The incompatibility between a comprehensive intervention promised by the state and a militarized strategy was highlighted by a human rights defender from Southern Cordoba, Arnobi Zapata: "[f]or social assistance to arrive we do not need military intervention. The 'Zonas Futuro' are the responsibility of the National Security Council and the state's social policy doesn't have to be in the hands of the military, there are other state entities for that purpose" (CRUZ, 2020). Zapata recalled the death of a peasant in Anori, Antioquia, by army troops carrying out forced eradication practices, and argued that "this is what can happen when they say that the Public Force will be responsible for social investment in a territory", raising the risk of human rights violations. Pedro Arenas, a researcher who advises peasant communities in the south of the country, similarly considered that the current government's anti-

drug policy involves militarizing territories, leaving aside peacebuilding programs associated with the 2016 peace agreement with the FARC (CRUZ, 2020) —especially in its points 1 and 4, which as we have seen, had been praised for the incorporation of a "territorial awareness".

Thus, in the Colombian context, the Zonas Futuro strategy starts from the characterization of certain territories as marked by state absence and controlled by non-state actors; which authorizes strategies that, although represented as "comprehensive", make room for the massive deployment of security forces in the name of producing a militarized order. This highlights the disconnect between the demands of local communities — not only in terms of security, but also in terms of basic services and development — and the formulation of national security strategies, including the assignment of missions to the military forces.

Therefore, in a "post-agreement" context in which Colombian military forces emerge as a "success story" whose security expertise is exported (see VIANA, 2019), we should attend to the extent to which this success is grounded on a militaristic and centralizing conception of peace and security and their relationship with the territories. That is especially so when this "success" narrative praises the ability of the Colombian Public Force to deal with the country's "internal center-periphery dynamics, which limited the reach of the Colombian state, and the growing merging of the insurgency with criminality" (MÜLLER, 2018), and thereby reinforces the solution of military occupation of space for the combat against "threats" that would allegedly blur the criminal/political distinction in the first place.

2.4. Conclusion: Redrawing the boundaries of "ungoverned spaces"

In this chapter, we have looked at three Latin American contexts in which military forces were called to support the "recovery" of territories that would otherwise be out of state control. The three sets of practices analyzed here (the pacification forces in Rio de Janeiro, the consolidation of Zonas Futuro in Colombia and the geographical dispersion of the newly created National Guard in Mexico) are enabled by a geographical imagination which characterizes certain zones as "ungoverned spaces".

According to this conception, these spaces would be marked by the absence of an effective exercise of sovereignty by the state, a problem that demands an armed intervention that must be led and carried out by the Armed Forces, since this mission would be beyond "normal" police capabilities. As seen in the three strategies discussed

above, rather than highlighting demands from local communities for basic services, the description of peripheral territories as being "out of state control" often serves to justify military interventions in these spaces, in order to occupy them and "take them back".

In these processes, in different ways, governmental authorities and military actors have drawn the boundaries around certain parts of their territories and constituted them as a threat that effectively *blurred* the criminal/political distinction. That is illustrated by the characterization of these groups by a Brazilian official involved in the occupation of Maré as "asymmetric threats", or by a Mexican official as a "de facto political-social actor". It did not matter that the non-state actors who allegedly dominated these spaces were criminal groups: they were the result of state absence and established enclaves that threatened state sovereignty. More important than drawing a line *between* criminal and political violence, this characterization is centered on the drawing of boundaries *around* these de facto enclaves, these spaces of absence that required occupation.

It matters that the strategies used in the different contexts discussed here were *different*, because they allow us to attend to various modes of occupation. In Rio de Janeiro, Brazil, we saw that the occupation by police forces combined the drawing of *lines* by military vehicles that invaded that space through strategic roads; and through the drawing of *points*, such as roadblocks and strongholds; which then allowed soldiers to control territorial surfaces through "presence" (figure 2.1). In Mexico, the drawing of lines between priority areas was produced through the color-coding of the various coordinations in which national territory was divided by the current administration; in this sense, the drawing and coloring of the map is the condition for the deployment of different numbers of National Guard troops and the construction of headquarters throughout the country (figure 2.2). In Colombia, lines were drawn around the "Zonas Futuro", spaces that were seen to satisfy a series of conditions, and which needed to be occupied for the consolidation of peace. In this sense, the strategy appropriated the "territorial awareness" of previously defined policies to redraw the map of peacebuilding in the country in a different way, with fewer delimited surfaces that should be the target of a primarily militarized strategy (figure 2.3).

As reminded by Lobo-Guerrero,

> the practice of drawing lines [is] the basic feature of cartography. The drawing of a line is not simply a technical matter involving the tracing of ink on a surface to create a shape […]. The decision on where to draw a line and how, with what intensity, in

> what form, in which colour, is already stating a position embedded in political, cultural, economic and social contexts, a position that contributes towards the projection of an imaginary of power (LOBO-GUERRERO, 2018, p. 30).

By imagining these acts of occupation as inseparable from the drawing of lines in map-making, we can attend to the production of these troubled "empty surfaces" in the territory as a condition the authorization of a particular set of solutions to crime – ones that allow the state to deploy means that are allegedly trained for war-making, since the occupation of spaces draws from capabilities that are understood as fungible across the criminal/political distinction.

In the case of the forms of intervention discussed here, I have argued that they tend to combine two essential dimensions. The first dimension is a sequential conception of the relationship between security and development. "Territorial recovery" is often represented as a first step towards a more positive and consistent presence of state institutions. However, in line with a logic of stabilization, more often than not "state presence" in these territories ends up being limited to armed intervention itself for the production of a specific order, while the arrival of effective public policies is continually postponed to an elusive moment of complete stability (see SIMAN; SANTOS, 2018). In Rio de Janeiro, the "recovery" of Complexo do Alemão and Complexo da Maré would be the condition for an arrival of proximity policing and public policies of civil agencies; in Colombia, military control would be a condition for territorial development policies; and in Mexico, the presence of the National Guard under military command throughout the territory would be a condition for the promised social policies that had marked AMLO's presidential campaign. As a result, the implementation of public services demanded by local populations is postponed to a post-stabilization moment — a moment whose parameters are not defined in transparent terms or in a participatory manner.

A second dimension of these interventions is the way in which they are guided by an equivalence between state presence and military occupation, when it comes to peripheral Latin American territories. In political discourse, such interventions are presented as distinct from episodic military operations, which would authorize the use of labels such as "pacification", "peacebuilding" and "stabilization". Thus, the strategies associated with the pacification forces in Rio de Janeiro, at Zonas Futuro in Colombia after the peace agreement, and the use of the National Guard in Mexico would aim at the very presence of military troops in the territory, represented as a pacifying "state presence" that would fill voids and displace criminal control. The

tactics employed to occupy these spaces — building barracks, conducting patrols, occupying strongholds and other ways of making the military presence continuous over time and space — would be combined with civic-social actions, such as aid provision or rebuilding roads. As a consequence, the maintenance of large armies — and large military budgets — is justified in the name of "pacification" of peripheral territories through the massive presence of security agents; civilian state agencies, in turn, are equivalently delegitimized, represented as less able to "fill in" spaces effectively. Thus, an opposition between the presence and absence of the state displaces political discussions about the purposes of state agencies, as well as any possibilities for local actors to participate in the definition of public policies.

In this way, the idea of "ungoverned spaces" occupies a central place in the geographical imagination that delimits the territories that should be the target of interventions, while favoring forms of intervention represented as more comprehensive, deep and long-lasting — but which remain centrally implemented by military actors. These practices reflect a conception of order and security that is largely imposed by the state, in disconnection with local demands and perspectives, and that often prioritizes the containment of a risk posed by such spaces for the rest of the population over the protection of inhabitants of occupied territories. It is not by chance, therefore, that civil society organizations in the three countries frequently emphasize in their critiques what is continuous between militarized strategies and those that present themselves as supposedly innovative, under the label of pacification. Thus, such a geographic imagination enables the construction of military occupation as a strategy, through the classification of spaces as sources of risk to receive greater or lesser amounts of military personnel, to the detriment of "peacebuilding" efforts that truly engage local demands, needs and solutions.

An alternative geographic imagination involves an understanding of statehood that goes beyond the diagnosis of its presence or absence in comparison to a single model, recognizing the diversity of state expressions. Thus, it becomes possible to conceive responses that are not limited to the "'centralist model' of bringing the state to the regions" (AUNTA; BARRERA, 2016, p. 7), and to broaden the understanding of "peacebuilding" from a rhetorical device referring to military operations to a transformation process that necessarily incorporates local conceptions and demands of different territories.

In this regard, particularly relevant are two instances of what we could call "countermapping" discussed in this chapter: on the one hand, the proposal of replacing a "paradigm of absence" with a "paradigm of potency" when discussing the reality of Rio de Janeiro's favelas (FERNANDES; SILVA; BARBOSA, 2018); and on the other hand, the coupling of a notion of "territorial peace" with the recognition of the differentiated presence of the state throughout different territories, which displaces the prioritization of "state presence" — especially in its military form — as equivalent to peace (AUNTA; BARRERA, 2016, p. 7). By displacing the state presence/absence dichotomy as a form of coding territories, these kinds of proposals make room for an imagination of violence and of its transformation that goes beyond the filling of "empty spaces" with troops in order to prevent disorder, as a category in which political and criminal violence are a single indistinct threat.

Chapter 3. Overlapping legalities

In the 2000s, under Álvaro Uribe's government (2002-2010) in Colombia, an anecdote that circulated at the Superior War College of Bogotá told of an event in which a group of new students were welcomed. In what was meant as an inspiring welcome speech for the military officers who would be trained at the College, an Army colonel concluded his thoughts with these words: "officials, we will win this war, '*whether it exists or not*"[3] (BORRERO MANSILLA, 2013, p. 25).

The remark played with the fact that words such as "armed conflict" or "postconflict" were, under Uribe's administration, all but abolished in governmental discourse. Guerrillas such as the FARC were often framed as a "narcoterrorist threat", meaning that they had to be combated rather than negotiated with — a narrative that was enmeshed in the Global War on Terror and, thus, also facilitated the flow of international security assistance resources (BORRERO MANSILLA, 2013; MÜLLER, 2020). A book published in 2005 by José Obdulio Gaviria, who was close to Uribe, presented the main reasons why Colombia could not be considered to be going through an armed conflict: the country was a "legitimate democracy", so there was no justification for political groups to be armed; after the end of the Cold War, guerrillas would be allegedly functioning as "mafias" who were only interested in drug trafficking, not in political ideals; and because those groups would often harm civilians, and were thus terrorists who had no respect for humanitarian norms (VÉLEZ, 2005).

In practice, however, the denial of conflict[4] had few effects for the possibility of the use of force in military operations against the FARC. While the context was not called an "armed conflict", the character of Colombian guerrillas as a legitimate military objective under International Humanitarian Law (IHL) was carefully preserved. After all, the denial of conflict could not be reflected on a lack of *legal safeguard* for Colombian soldiers who were effectively sent to fight that war and asked to target and neutralize such internal enemies (BORRERO MANSILLA, 2013, p. 25).

A greater challenge, in terms of the delimitation of the use of force, would arise as the military were increasingly asked to fight organizations who seemed farther from the partial definitions of "combatant" that can be drawn from the Geneva

3 In the original: "señores oficiales, esta guerra vamos a ganarla, 'la haya o no la haya'" (BORRERO MANSILLA, 2013, p. 255).

4 The issue of conflict denial will be further explored in the following chapters, especially in chapter 6, when we will look at how it is being faced by the Colombian Truth Commission.

Conventions, their Additional Protocols and later international jurisprudence — such as so-called *criminal organizations*. Were these actors to also be combated under IHL, or under the stricter limits of International Human Rights Law (IHRL)? Related and broader questions would emerge in other Latin American contexts, leading to efforts to renegotiate and redraw legal boundaries for these kinds of engagements. This redrawing generally responded to demands, by military professionals themselves, for *legal safeguards* for the use of force in these "new missions" — that is, guarantees that the use of violence by soldiers when deployed for "public security" would not lead them to domestic or international courts, beyond those tribunals that were essentially composed of military officials themselves.

Therefore, the demands of military actors for legal protection as a condition for their continuous and growing engagements against "criminal violence" connects these contexts to broader transnational transformations that have been increasingly observed over the last decades: the *proliferation of overlapping legalities* in view of transformations in organized violence.

In this regard, much has been written about "transformations" in armed conflicts over the last decades, and about the effects of historical landmarks (such as the end of the Cold War and 9/11) on the drawing and blurring of lines between war and peace, and between combatants and civilians. For instance, according to Mary Kaldor (2012, p. 1–2), during the last decades of the twentieth century "a new type of organized violence developed, especially in Africa and Eastern Europe", which she describes as "new wars". In referring to these as "wars", Kaldor wished "to emphasize the political nature of this new type of violence", while acknowledging that "the new wars involve a blurring of the distinctions between war (usually defined as violence between states or organized political groups for political motives), organized crime (violence undertaken by privately organized groups for private purposes, usually financial gain) and large-scale violations of human rights (violence undertaken by states or politically organized groups against individuals)". In these conflicts, therefore, "the distinction between what is private and what is public, state and non-state, informal and formal, what is done for economic and what for political motives, cannot easily be applied" (KALDOR, 2012, p. 2). While the boundaries of IHL were continuously expanded throughout the 20th century, especially following the 1977 Additional Protocols, to enable the responsibility of non-state actors in armed conflicts for potential violations (such as the targeting of civilians), this progressive

"blurring" of distinctions has also raised questions for the applicability of IHL norms. These questions have become more frequent in the context of the "Global War on Terror", following 9/11, when the characterization of the "terrorist" as an enemy combatant who could be held responsible under IHL became an issue in itself (HEINZE, 2011).

In this context, although the intertwined relationship between war and law has long been acknowledged — especially when it comes to legalities as regimes of authorization for the use of violence — the effects of "late modern war" on "changing legalities" and their spatial grounding have received increasing attention over the last two decades. Discussing what they call a "war/law/space nexus", Jones and Smith (2015) have argued that in the post-9/11 years there has been an *intensification* of the relationship between war and law in connection with the multiplication and redistribution of "forms, sources, authorities and jurisdictional arrangements of law", which go beyond formal instruments of legality (such as treaties and legislation) and also include policy directives and other "quasi-legal measures" (p. 585). In this context, law performs "not only a proscriptive or limiting function, but frequently serves as a strategic resource for belligerents that can be legitimating and enabling" (JONES; SMITH, 2015, p. 585). That is particularly relevant in view of transformations in the geographies of war and law, which are often justified — including in military discourse — by reference to the diagnoses of "collapsing, tenuous and blurred distinctions" (p. 584) between war and peace, police and military missions, enemies and criminals; and by extension, between the spaces where the maximum use of military force is legal and those where it is not (see also JONES, 2015; KOTEF; AMIR, 2011; WEIZMAN, 2010).

In view of Latin American contexts marked by high levels of criminal violence — by which we will refer, here, to the violence related to organized crime or justified in the name of its combat —, new questions arise regarding the drawing of those various lines. For Kalyvas (2015, p. 1517–1518) "[l]arge-scale organized crime occupies a *gray zone* between 'ordinary crime' and political violence, an ambiguity that has been at the root of conceptual and analytical confusion" (emphasis added), as illustrated by the use of terms such as "criminal insurgency" and "civil war" to make sense of Mexican drug-related crime. As a result, these contexts have given rise to discussions about the *boundary between IHL and IHRL* norms, as mentioned at the introduction to Part A and as we will see later in this chapter.

The question of conflict recognition has not been, however, the only site for the redrawing of legal surfaces and boundaries, but only one among the disputes and renegotiations involved in the definition of applicable jurisdictions. As we will see in this chapter, it is precisely due to an attention to the potential of redrawn legalities for legitimating and enabling modalities of war that military officers in Latin American contexts have so often engaged in the transformation and redistribution of legal and quasi-legal arrangements that further protects them as they "accept" to be deployed against crime.

What arises from these various practices and disputes are a series of overlapping legal surfaces and boundaries, which never map neatly onto each other. The effects of their coexistence become particularly clear when military forces — allegedly trained for the use of force against political enemies — are attributed the task of "fighting crime". In the sections that compose this chapter, we will follow the drawing of these lines and the emergence of these legal surfaces over recent years, illustrating their effects for how the limits on the use of force by state agents are continuously renegotiated and redrawn.

Firstly, in contexts such as the Mexican one — where the role of soldiers against crime was not foreseen in the Constitution or in any other unambiguous legislation — there was a question of how to *fill this legal vacuum* with legislation that satisfied military demands for legal certainty and protection. We will thus discuss, in the next section, the way in which the creation of a National Guard has been the most recent (and successful) attempt to fill such vacuum with the legal safeguards long demanded by military officers. Secondly, we will look at how, in the contemporary Colombian context, the redrawing of the line between IHL and IHRL has been translated into guidelines and procedures of *military operational law*, taking the form of technical criteria which displace the (political or criminal) motivations of non-state actors in the decision on when and how soldiers can use force. Thirdly, in the subsequent section, we will turn into the redrawing of the surface of *military criminal justice* in contexts of military engagement "against crime", illustrating its effects by reference to Brazilian contemporary discussions. Finally, in conclusion, we will reflect on the entanglements between law and space that are expressed in these processes, while making way for other sets of metaphors that may be mobilized for the visualization of these line-drawing practices — such as the ones that will be mobilized in the second part of this thesis.

3.1. Redrawing the boundaries of legal military missions

"Fighting crime is not what we are trained to do. We are trained to wage wars". This kind of claim has commonly appeared over recent decades in the discourse of military officials in various Latin American countries, when asked how they felt about being deployed to perform policing tasks in domestic territory.

Mexico has offered many examples in this regard. In 2016, for instance, the Secretary of National Defense Gen. Salvador Cienfuegos asked at a press conference:

> What do Mexicans want the Armed Forces to do? Do they want us to stay in the barracks? Sure, I would be the first to raise not one, but both hands, for us to go back to doing our constitutional tasks. We did not ask to be there (on the streets), we do not feel comfortable, none of us who are here has studied to pursue criminals, our profession is something else and it is being denaturalized, we are performing functions that do not correspond to us because there is no one else who will do them or who are able to do so (GARDUÑO, 2016).

This speech was particularly remarkable at the time, since it had not been common in Mexico for military officials to publicly speak against civilian authority. At the surface, there appeared to be a convergence between the perspective of soldiers, and that of the many civil society organizations and public security experts who had been, for years, pushing Mexican governments to stop deploying soldiers against criminal organizations within domestic territory.

What the rest of Gen. Cienfuegos's speech revealed, however, was that more than a request for soldiers to leave the streets, this was a bargain: "What do we want? For the Armed Forces to have a [legal] framework which supports them when they have to act" (GARDUÑO, 2016). Up until then, he argued, the deployment of soldiers for public security had been surrounded by uncertainty, because no law regulated and authorized their deployment in these operations — which could, in principle, be considered unconstitutional. In other words, they demanded some form of legal protection to engage in these operations; otherwise, they might have to go back to the barracks. We should also note that, perhaps ironically, this is the same Gen. Salvador Cienfuegos who, less than two years later, would meet with AMLO and allegedly help him "change his mind" regarding the need to keep soldiers on the streets, in view of the high levels of violence in the country, as we have seen in chapter 2; but here too, there would be demands associated with this participation, which had to do with the adoption of legislation with which they agreed. This concern about the "absence of a legal framework", when expressed by military officials as a problem to be solved if

they are to continue to police the national territory, tells us the extent to which legal arrangements can function as enablers and legitimizers for the use of force.

In other countries in the region, it is precisely at the Constitution that we first look — as we have done in chapter 1, when drawing the outlines of security forces in Mexico, Brazil, and Colombia — to understand what are the legally assigned "missions" of military forces; and constitutional provisions are usually supplemented by complementary laws that further specify them. In Brazil, for instance, the vaguely defined mission of "Guarantee of Law and Order" was later specified as the mission fulfilled by military forces when deployed with or in lieu of police forces in public security operations. In the Mexican context, in turn, this military concern arose from what was seen as actual gap in legislation — there was no firm legal instrument telling the Armed Forces that they *could* engage in public security activities; instead, the Mexican constitution presented public security as a civilian task for police forces. Having a legislation that clarified *that* (and *when*) soldiers could undertake policing tasks would thus be the first step for the adoption of legislation that, to use Gen. Cienfuego's words, "support[ed] them when they have to act" (GARDUÑO, 2016).

On the one hand, therefore, civil society organizations had been criticizing successive Mexican governments for deploying soldiers in a "war on drugs", especially since 2006, and demanding that state agents be held responsible for the violations committed in the context of this war — whether that took place under domestic or international law, as illustrated by communications sent to the International Criminal Court[5]. On the other hand, military officials have continuously demanded legal safeguards so that they could keep performing public security tasks (not because they wanted to, but because they had to, Cienfuegos would argue), which included the expansion of their roles in times of "peace". Below, we will follow this second thread to see how the creation of a National Guard in Mexico emerged as the latest (and at last, "successful") response to military demands for a *legalization* of their role against crime, ultimately understood as a source of "legal protection" for soldiers.

3.1.1. The Mexican National Guard as the legalization of military policing

Since 1995, when Mexican President Ernesto Zedillo decided to attribute some prominent positions in public security to military officials (due to alleged concerns

5 These communications will be further discussed later in this chapter.

about the "corruption" of civilian police actors, a discourse that would be repeated again and again by future administrations), the constitutionality of this attribution had been at stake. After all, in principle, Article 129 of the Mexican Constitution determined that, "in times of peace", the Armed Forces cannot perform functions that are beyond those related to military discipline. Although this was quite a restrictive formulation, it has been interpreted in increasingly flexible ways since the 1990s, including by the Supreme Court — which in 1996, argued that Art. 129 did not forbid the deployment of Armed Forces in support of civilian authorities, when invited by these through an explicit, well-founded and motivated solicitation. This decision would be invoked as jurisprudence for future "joint operations", although even the minimal requisites expressed in the decision were often disregarded; for instance, in the absence of well-founded solicitations or without ensuring that the forces would be under civilian control. Despite the 1996 Supreme Court decision, however, the Armed Forces continued to push political actors in the following years for the adoption of an explicit legal framework which regulated the new tasks that could be attributed to them — and of course, which defined these tasks and limits in terms that were adequate for their interests (CENTRO PRODH, 2021, p. 27–28).

From 2006 under Felipe Calderón, as the deployment of military troops in public security operations massively increased, so did their demands for legislation on this matter. In response to these requests, in 2009 Calderón's administration presented a proposal for the reform of the National Security Law, which included the regulation of what was called "affectation of internal security" (*"afectación a la seguridad interior"*), in which case the Armed Forces could undertake public security tasks over the entire national territory. The official justification for this proposal was the argument that "the expansion of criminal phenomena poses new challenges to democratic societies", which forces the state to "dispose of all the elements with which it counts to face it" (CENTRO PRODH, 2021, p. 30). In other words, organized crime had reached such level that it had become a threat to democracy itself, which would justify the deployment of military actors in its combat. The presented reform accommodated the demands of military forces; however, as its political negotiation advanced, it was met with resistance among experts and civil society organizations. Javier Sicilia, who had recently founded the important Movement for Peace with Justice and Dignity[6], even

6 We will hear more from Javier Sicilia in the opening of chapter 5.

invited the Army and the Navy for a "deep and constructive" dialog about the National Security Law, where citizens could expose their perspectives and hear those of military actors. Sicilia noted, however, that what victims wanted was access to justice and reparations, rather than "legal frameworks which, through euphemisms — such as calling 'internal security' what was actually 'public security' —, would justify the omission or complicity of civilian authorities, unconstitutional activities of the Armed Forces, and the use of [military justice] to violate human rights and guarantees with absolute impunity" (OLMOS, 2011). Following growing resistance, the proposed law was not passed.

That was far from the end of the Armed Forces' efforts to obtain a favorable legal framework; and the next high point in these efforts was precisely Gen. Salvador Cienfuegos's 2016 declaration (or perhaps, threat) mentioned at the beginning of this section. Rather than a defense of the return of soldiers to the barracks, that declaration was in fact the defense of the adoption of an Internal Security Law ("*Ley de Seguridad Interior*") by the Mexican Congress, during the presidency of Enrique Peña Nieto (2012-2018). The aim was to regularize the participation of military actors in operations against criminal organizations. However, since "public security" was, constitutionally, a task for police forces in the country, separately from "national security" in which soldiers had a role, the proposed law would create a kind of "middle ground" where military actors could be deployed: the field of "internal security", legislating on the "euphemism" criticized by Javier Sicilia years earlier. Gen. Cienfuegos even published an article at a national newspaper outlining the minimal contents of the desired law; for instance, the "use of force" had to be regulated so that authorities and the society knew what the forces could do or not, as well as "the consequences to which they expose themselves if they resist authorities" (CIENFUEGOS, 2016). As a result, both the members of the Armed Forces and the society would be provided with "juridical security" (CIENFUEGOS, 2016).

In response to this demand, once again, public security researchers and human rights activists gathered against the approval of the Law. In 2017, over 300 organizations and persons formed the collective #SeguridadSinGuerra, with the aim of "stopping the militarization of public security and demanding the formation of civilian police forces" (SEGURIDAD SIN GUERRA, 2021). We have heard of this collective before; about two years later, they were chatting at their WhatsApp group and trying to figure out what the National Guard would effectively look like, as we saw

at the opening of Chapter 1. In 2017, they had come together to pressure the Congress not to approve the Law; and while it did get the approval of legislators, it was invalidated in November 2018 by the Mexican Supreme Court, which claimed that legislators had surpassed their competence by disregarding the constitutional provision that public security was a matter of civilian character. Unfortunately for the collective, there was no time to celebrate the decision, as it happened days apart from AMLO's announcement that he would propose a constitutional reform which would enable the participation of military forces in public security (SEGURIDAD SIN GUERRA, 2021). Facing resistance towards this explicit repurposing of military forces, AMLO took a step back and presented a constitutional reform which created a "civilian" National Guard, which would only count on the participation of military forces for five years, and that reform was approved; as we have seen in the previous chapters, however, this "civilian" character was quickly and continuously eroded, culminating in the attempt to turn the Guard officially into the fourth Armed Force.

In this sense, AMLO has achieved what previous administrations had attempted to do, without success: he has made the participation of military forces in public security *constitutional* and managed to provide the Armed Forces with the legal framework they had long demanded (CENTRO PRODH, 2021, p. 39–40), ensuring that the use of force would be regulated in terms that were accepted to soldiers themselves. This shift started in 2019, firstly through the adoption in March of articles that enabled the "temporary" deployment of military forces in these tasks; and then, in May, through the adoption of a set of laws, including the one that officially created and detailed the form of the National Guard, and another one on the use of force by Mexican security actors.

The Law on the Use of Force is relevant because it crystallizes the concrete path that was ultimately chosen with (or to some extent, by) military actors as the applicable "legal framework". It applies for cops and soldiers alike when deployed for public security, and it foresees some form of gradual use of force that is aligned with public security aims (rather than with national security aims, or with the ambiguous and expansive notion of "internal security"), even devising a series of internal and external controls, including the issuing of periodical reports on the use of force by security agencies. In other words, if it were actually applied, it would be an advancement — despite some problematic issues, such as the ambiguous prescription that the forces must not use force against protests that have a "licit object", which

leaves it to the troops on the ground the discretionary evaluation of the legality of protests. In practice, however, implementation of the law, especially in relation to the National Guard, reveals the character of the "legal protection" it represents: annual reports on the use of force and weaponry by the Guard have not been made public, with this data being classified for five years under the justification that it might "endanger the lives of its elements and the success of operations against crime in general" (ÁNGEL; PRADILLA, 2021; CENTRO PRODH, 2021, p. 39–40; PORTILLO VARGAS, 2020b).

Aside from those laws, in May 2020, another legislative change further cemented the possibility of deploying soldiers against crime: a "Presidential Agreement" that consolidated this mission as legal until 2024. Other laws and directives adopted in 2020 progressively moved the National Guard farther from the effective control of civilian agencies; culminating with the announcement, in June 2021, that the government intended to promote a constitutional reform that would officially move the National Guard to the control of SEDENA, as another military force (CENTRO PRODH, 2021).

In sum, as military forces were increasingly deployed for public security missions, they also continuously demanded that a legal gap be filled: they wanted their own deployment against crime to be legislated and made constitutional, so that there was more clarity on how, when and where they could use the force — and, more importantly, what could happen to them at the limits of this how, when and where. These were efforts to *redraw legal boundaries around the activities of military forces*: firstly, through the creation of an ambiguous surface of "internal security" which lied at the intersection between public and national security; and more recently, through the creation of a "civilian" National Guard which had the effects of turning constitutional these military missions.

The filling of this vacuum has not been undisputed, for sure, as it was met with resistance by civil society activists and researchers. For instance, a recent article by José Antonio Guevara Bermúdez, a participant at the Seguridad Sin Guerra collective, has highlighted the urgent need to *restore the distinction* between public security as a task for fully civilian police forces, on the one hand, and military forces whose functions in times of peace are limited to military discipline on the other. Also crucial for him was ensuring that

> the judicial powers of third countries and the International Criminal Court" fulfill the responsibility they share with domestic institutions to 'investigate, prosecute and punish the international crimes (torture, forced disappearance, assassination, *war crimes*, and crimes against humanity) committed by the Armed Forces in the framework of militaristic security policy (GUEVARA BERMÚDEZ, 2021, emphasis added).

In other words, while defending the recognition of a *war* in the short term — and of an associated legal framework, as we will see in the next section — the ultimate aim for some of these experts is *security without war*. However, the continuous consolidation, through legal means, of the National Guard as a *military* force reveals the limits of this resistance, especially in view of an administration and a set of military institutions that remain highly popular and a society that continues to demand "security" through any available means.

3.2. Redrawing boundaries through military operational law

In the last section, we have seen how the adoption of legislation on the mission of military forces has been central as a response to the demand, by Mexican military forces, of a *legal framework* which "protected" soldiers as they were deployed in public security tasks. In Colombia, in turn, we will look at how the redrawing of the applicable legal surfaces for this kind of engagement has been performed through another set of arrangements: the directives and procedures that compose what is called *military operational law*.

The development of operational law by military forces of each country generally arises from the need to "translate" principles of international law — often understood as too abstract or underdefined — into something that can be readily applied by commanders in the field. In this sense, the developed norms and guidelines often aim to ensure that military commanders not only comply with applicable norms, including those of IHL, but also that they are *seen* to be conforming to it. With that aim, IHL norms are turned into checklists of "dos" and "don'ts" in terms of the use of force, in ways that are deemed as permissible to operations as military lawyers can shape it to be. As explained by Jones (2015, p. 690),

> The *raison d'être* of operational law is to specify that which cannot be articulated by international law. Operational law transforms international law from the abstract and general to the specifics of what is militarily 'necessary'. The move from international law to operational law is not a neutral or purely technical exercise of rescaling, but rather is a transformation in the form and content of law itself. Therefore, it is important to note that operational law and international law are not the same thing, although, operational law is partly informed by international law and both can apply in the same space at the same time.

Therefore, operational law is arguably "the tip of the international law spear, a space far away from the sites and institutes commonly associated with the treaty making of international law—the UN, ICC, or the International Committee of the Red Cross—but nonetheless working on the same project of defining and rewriting the power and purpose of law in war, albeit from a radically different direction" (JONES, 2015, p. 691).

In Colombia, the development of operational law was initially prompted and shaped by the needs of the armed conflict against guerrillas such as FARC-EP, in order to make sure that they could be considered legitimate military targets for the use of force under the limits of IHL, rather than under the stricter confines of IHRL. However, as the participation of military forces in operations against other large-scale armed groups — especially those that were framed as primarily criminal rather than political —, the question of applicable norms continued to be answered through the means of operational law.

In order to understand this process, the next subsection will start with the "level" of international law by further outlining the meanings and effects of the distinction between IHL and IHRL. Then, the second part of this section (3.2.2) will move to the discussion of two main mechanisms in the redrawing of these legalities: firstly, a system of *red and blue cards*, designed in 2009 to deal with the distinction between the force that could be used by soldiers against guerrillas and the higher limitations on their combat against other actors; and secondly, through directives adopted in 2016 and 2017 which created *categories of non-state actors* — the Organized Armed Groups (GAOs), the Organized Delinquent Groups (GDOs), and the residual GAOs — on the bases of international treaties, devising "technical" procedures for such categorization on the grounds of military intelligence.

3.2.1. Redrawing distinctions between IHL and IHRL

As mentioned at the opening of this chapter, the levels of (criminal and state) violence in several Latin American countries have led to questions on whether we should refer to such contexts as "armed conflicts". An example in this regard is the Mexican context, where such discussions have only become stronger since the intensification of military deployment from 2006. As part of civil society's efforts to hold state and non-state actors legally responsible, there have been attempts to frame some of these actions as "war crimes" — as illustrated by a communication sent in 2011 to the International Criminal Court by a group of lawyers, led by Netzaí Sandoval,

who demanded the opening of investigations on the deaths of hundreds of "civilians" perpetrated both by drug cartels and Mexican security forces, as well as other war crimes and crimes against humanity such as torture and rape. The communication, accompanied by over 12 thousand signatures, asked the ICC to investigate violations perpetrated by President Felipe Calderón (2006-2012), among other state officials such as the secretaries of National Defense, of the Navy, and of Public Security; and also by leaders of drug trafficking organizations such as Joaquin "El Chapo" Guzman. The document emphasized the declaration of a "war on drugs" by Calderón, for which he relied on the deployment of the Army, Navy, and police forces. Regarding the Army, it emphasized that while their deployment in police tasks had started long before Calderón, that administration had intensified it, going against recommendations of international organizations in this regard. Moreover, the communication compared the number of casualties of the Mexican "armed conflict" with that of the war in Afghanistan. The Mexican government, in turn, responded by categorically rejecting that their National Security Strategy could be considered an international crime, while also stressing its commitment to their responsibility to protect its citizens from criminal violence (BBC NEWS, 2011; ANIMAL POLÍTICO, 2011).

Similar accusations have been taken by civil society activists to the ICC in the following years, but so far none have led to the opening of investigations by the court. Most of the subsequent communications sent to the ICC, however, have focused on providing evidence of *crimes against humanity*, which can be perpetrated in times of war or peace — the Mexican Commission of Defense and Human Rights Promotion (CMDPDH), for instance, has been involved in the production of a series of communications to the ICC, often working with other local and international organizations such as the International Federation for Human Rights (FIDH) and the Citizens' Commission of Human Rights of the Northeast (CCDH), and grounding their claims in extensive research and evidence. In one of these communications, which was focused on crimes against humanity committed in Mexico by state forces and by the Zetas, they argued that the existing patterns of abuse were "pushing this situation past a matter of organised crime and into the field of crimes against humanity" (FIDH, 2017). In the case of war crimes, such accusations are particularly controversial, precisely because they entail the existence of an armed conflict in the first place.

Controversies in this regard go beyond concerns with the effects of the label of "war" as a rhetorical device — they are also connected to the potential applicability

of International Humanitarian Law (IHL) to particular contexts, since this set of norms has been developed to regulate armed conflicts. In the case of non-international armed conflicts (NIACs), the set of applicable norms is more restricted than in the case of international ones, though there has been a trend of equalization between the two. Particularly relevant for these contexts are the Article 3 common to the four Geneva Conventions (1949), and the Additional Protocol II (1977). While these treaties do not directly define what a NIAC is, Art. 1 of Protocol II came closer to it by determining the treaty applied to:

> all armed conflicts which are not covered by Article 1 of Protocol I [on international conflicts] and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organised armed groups which, under responsible command, exercise such control over a part of [the State's] territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.
>
> This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts (Protocol II Additional to the Geneva Conventions, 1977, Art. 1).

On the one hand, the definition above highlights characteristics of the involved non-state "organized armed groups", which should meet certain requisites of *organization*, which include responsible *command* and *territorial control*, to be understood as being parties to a NIAC. On the other hand, the definition was careful to explicitly rule out the attribution of this label to groups that engaged in mere "internal disturbances and tensions", thus adding an element of *intensity* of violence. Another relevant source in this regard has been the 1995 decision of the International Criminal Tribunal for the Former Yugoslavia (ICTY) on the Tadić case, which reinforced the element of *temporal continuity* by stating that "an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State" (TURNS, 2018; UNIVERSITEIT LEIDEN, 2019).

These criteria define the distinction between the applicability of IHL and IHRL as being a matter of *thresholds* (of intensity and organization) that must be met for IHL to be applicable in a given context. In this sense, they draw a certain relationship between IHL and international human rights law (IHRL), with the first being a more narrow surface of *lex specialis* that applies to situations of armed conflict while IHRL is a wider surface of *lex generalis* that applies to contexts of war and peace, although in contexts of war it is mostly limited to the treatment given by states to their

own citizens rather than to enemies. In other words, the surface of IHL is *contained* within the surface of IHRL. Within the surface of IHL, however, certain human rights guarantees are restrained in the name of military aims — for instance, as deaths of civilians may be considered collateral damage when proportional to the intended military aims (TURNS, 2018). That is also why, in contexts such as the Mexican one, there is far from a consensus among civil society organizations over whether IHL should apply, given that this framework might lead to less restrictive standards for the protection of lives during military operations.

In relation to the Colombian armed conflict — involving state forces, guerrillas and paramilitary groups — the applicability of IHL norms was defended not only by civil society organizations, especially since the 1990s with an intensification of conflict-related violence; but also by state actors themselves, even in the absence of the recognition of the conflict under Álvaro Uribe's presidency (2002-2010), as mentioned at the opening of this chapter (BORRERO MANSILLA, 2013). After all, deploying military actors against guerrillas without incorporating these norms as guidelines might legally expose soldiers and governmental actors, leaving them "unprotected" against the much more restrictive limitations on the use of force that are generally applicable to law enforcement, in connection with IHRL.

Following the demobilization of paramilitary groups that composed the Autodefensas Unidas de Colombia (AUC) around 2005, and the later formation of post-demobilization armed groups that are not recognized as parties to the Colombian conflict, there was also an increasing engagement of military forces in the combat against these "criminal groups" — an intensification that has been further consolidated in more recent military doctrine aimed at preparing the Colombian Army for "the future", as discussed in the last two chapters. A less visible effect of this expanded "mission", however, has been the associated expansion of the applicability of IHL to the combat against criminal groups, especially by way of recent transformations in Colombian military operational law. In the subsection below, we will look at how this process has historically evolved in this period, with the emergence of categories that effectively redrew distinctions between criminal and political violence that have often been implicit in discussions of the limits of the "humanitarian".

3.2.2. Military operational law and the expansion of the IHL surface in Colombia

It is often said that the recent history of violence in Colombia is characterized by a proliferation of "gray zones", in a reference to contexts where it is not clear whether threats should be combated by the state's means of war (military forces, and IHL norms) or of policing (cops, and human rights norms). If, by default, combating "criminal organizations" has been a mission attributed to the Colombian National Police, whose use of force is limited by human rights standards, some of these groups have been increasingly perceived as surpassing the thresholds of violence intensity and actors' organization that would allow them to be characterized as *military objectives* under IHL. In this sense, the areas controlled by these armed groups would be "gray" surfaces where applicable norms needed to be clarified (BORRERO MANSILLA, 2013).

While this may seem to be a primarily academic discussion, it has been a concrete issue to be solved by the Colombian Armed Forces in the design of their operations. The procedures they have established for this end — for determining when and where have the thresholds of intensity and organization been met — over the last decades have effectively redrawn the geographical surfaces where different sets of norms posed different limits on the use of force by the state. These procedures were established and described by a succession of military operational manuals and guidelines.

The first procedure established precisely for this goal was an *Advisory Group*, created by a 2008 directive and further outlined in the 2009 manual of operational law issued by the General Command of the Military Forces. According to the manual,

> If the legal classification of operations is clear, the operational reality is not. Due to the profusion of illegal armed organizations which have existed and still exist in Colombia, the officer, sub-officer and the soldier face situations of extreme complexity, in which the application of the legal criteria contained in this manual becomes a daily challenge. The responsibility cannot be solely on those who are in the terrain, legal outlines need to be guaranteed from the highest level. Fundamentally, there are two questions that must be answered: is this an organized armed group? And under which legal framework must one act? (COLOMBIA. GENERAL COMMAND OF THE MILITARY FORCES, 2009, p. 96).

About the first question, the manual explained that while certain "illegal armed organizations" (such as the FARC and ELN) easily fulfilled the criteria of organization and level of hostility of IHL that characterized "organized armed groups", and had been long combated as such, there were also new groups associated with drug trafficking — then termed "criminal bands" ("*bandas criminales*" or BACRIM) by the government — who might eventually meet these criteria. Given that some BACRIMs

surpassed the capacity of the National Police, due to their intensity and territorial reach, it was necessary to establish when the Armed Forces should act in support of police forces (COLOMBIA. GENERAL COMMAND OF THE MILITARY FORCES, 2009, p. 96).

Making that decision would be the role of the Advisory Group, which was presided by the General Commander of the Military Forces and included the military heads of Intelligence and of Joint Operations, as well as the Operational Legal Adviser of the General Command, among other military authorities; other civilian government representatives might also be invited occasionally. The group would meet when requested by the Director General of the National Police, or by commanders of the Army, Air Force, or Navy. On the grounds of intelligence information, the Advisory group would then fit a given armed actor within a *matrix* by "scoring" it in relation to certain criteria: 1) their level of organization (based on the criteria of command structure, the capacities to sustain operations, the use of uniforms, the evidence of doctrine and education, and the existence of internal controls); 2) hostility (divided into weaponry, number of armed troops, types of criminal actions, and whether they surpass the capacity of the National Police); and 3) the capacity and intention of territorial control (COLOMBIA. GENERAL COMMAND OF THE MILITARY FORCES, 2009, p. 191). Moreover, the circumstances of each planned operation would have to be evaluated at the meeting, such as the possibility of distinguishing between combatants and civilians, and of avoiding disproportional damage to protected populations.

Based on this evaluation of the group, and on the analysis of the circumstances of a particular operation being planned, the Advisory Group would then determine what the *rules of engagement* would be. They would communicate that by attributing one of two "cards" to the operation: the "red card" (*"tarjeta roja"*) or "blue card" (*"tarjeta azul"*). Under the *red card*, soldiers could use the force against the military objective, with the aim of "neutralizing the target", under the limits of IHL, such as distinction and proportionality. Under the *blue card*, the rules of engagement would be guided by the norms that limit law enforcement, even when soldiers supported cops. Therefore, the use of force had to be the last resort, for self-defense or for the defense of others who were in immediate danger; and a soldier had to clearly identify as such and warn the targets before opening fire, for instance (COLOMBIA. GENERAL COMMAND OF THE MILITARY FORCES, 2009). It should be noted that, while the manual

mentioned the fact that the fight against BACRIMs might require military support to police forces, it emphasized that in operations against them military actors should generally follow the rules of engagement of the "blue card" (p. 113).

Importantly, this system displaced the decision on which norms would restrain the use of force in a given context from the field to a high-level group in Bogotá, who would have to decide, in advance from each operation, whether it would be held under red or blue target. If, during an operation, new information was received on the presence of a more highly armed criminal group than what was previously known, for instance, the rules of engagement could not be changed at the moment: a new operation would have to be planned and submitted to a new meeting of the Advisory Group (COLOMBIA. GENERAL COMMAND OF THE MILITARY FORCES, 2009, p. 111). The complexity of actual "gray zones" in the field soon made this "bureaucratic" mechanism of decision-making be seen as unworkable (BORRERO MANSILLA, 2013), leading to the need for other guidelines that stabilized the application of these norms. Rather than color-coding specific operations as red or blue, the chosen alternative was to categorize organizations themselves.

That leads us to a second system established for this end, drawn at the Directive no. 15/2016 of the General Command of Military Forces. The directive derogated previous guidelines for characterizing and handling the "BACRIMs" and marked the adoption of two new terms which more clearly connected the distinction between applicable norms and the characteristics of single groups: on the one hand, there were Organized Armed Groups ("*Grupos Armados Organizados*", or GAO) and on the other hand, Organized Delinquent Groups ("*Grupos Delictivos Organizados*", or GDOs) (COLOMBIA. MINISTRY OF NATIONAL DEFENSE, 2016).

As mentioned in chapter 1, the GAOs are defined as those groups who, under a responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations — a definition that directly draws from elements of the Geneva Conventions and the Additional Protocol II, as seen above. The directive also lists concrete criteria for the identification of a group as a GAO, such as the use of armed force against the Public Force or other state institutions, against civilian people or targets, or against other armed groups; the capacity to generate a level of armed violence that is beyond that of internal disturbances or tensions; and the existence of an organization and a command that

leads its members (Art. VII). These groups can be combated either by military forces or by the National Police on their own, or by both in coordination (Art. II).

GDOs, on the other hand, are defined as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit — a definition that directly draws from the UN Convention against Transnational Organized Crime (Palermo Convention) (Art. VII). According to the directive, the National Police is in charge of coordinating and performing investigative and operational activities against these groups, although it can request assistance from the military forces (Art. II).

In a section dedicated to the historical background, the directive explains that, in previous years, the BACRIMs had been understood as necessarily being GDOs, not meeting the "objective requirements" of IHL to be considered GAOs. As a consequence, the fight against them had been circumscribed to IHRL (Art. VI) — that is, under the rules of engagement of the "blue card" mentioned above. More recently, however, it is argued in the directive that some BACRIMs have reached a level of hostilities and organizations that makes it possible to label them GAOs, alongside the guerrillas. "These groups lack political ideology and the application of this directive does not grant them any political status", explains the document; however, "their activities have a national and international reach", with members associated for "the commission of different crimes with economic and material aims" (Art. VI). The fact that framing certain criminal organizations as GAOs that can be combated under International Humanitarian Law does not lead to the recognition of political status is repeated in other parts of the document. In other words, a group's motivation (i.e. political or criminal) is described as irrelevant for their categorization as GAOs and for the applicable legal framework, which would only stem from "objective" characteristics of a given group, in a language that once again mirrors that of International Humanitarian Law itself.

While in the "cards" system, the definition of applicable norms would depend on a meeting held for each military operation, in this case the decision on which organizations are GAOs or GDOs would be taken by the Commanders Agreement, a group that would periodically review intelligence information to update the lists of each category. These lists would then be submitted and ratified, every six months, by

the National Security Council (Art. VIII), which is presided by the Colombian President.

In 2017, another directive (037/2017) would complement this one by establishing the category of Grupo Armado Organizado residual (GAO-R), which would apply to dissidences of demobilized armed groups — such as the FARC, which had signed a peace agreement with the government in 2016 (RCN RADIO, 2017). These groups, just as the GAOs, could also be considered military objectives — or as described by a National Defense minister in relation to GAOs, could be fought through the use of "surprise, ambush, preventive action, […] and even air support of bombardment" (VERDAD ABIERTA, 2016).

Therefore, the 2016 and 2017 directives placed the military combat against guerrillas such as the ELN, large criminal organizations such as Clan del Golfo, and dissidences of the FARC together at the same legal surface: as groups that can legally be the target of military attacks, and against whom the use of force should be limited by the laws of war. The "objective" thresholds established by IHL, such as intensity and organization, came to be mobilized as criteria for the evaluation of intelligence data that would shape decisions regarding when and how military actors could fight criminal organizations, bringing this mission even closer to their "expertise" in counterinsurgency against guerrillas in the Colombian armed conflict.

However, it should be noted that the very status of GAOs such as Clan del Golfo as a primarily "criminal group" remains disputed, since many of these have been formed after the demobilization of paramilitary groups and have continued to pose a risk for social leaders and former combatants. As a result, the effects of the 2016 directive have divided opinions, even among civil society organizations. For some, like Álvaro Villarraga, who then worked at the National Center for Historical Memory, the decision had been positive because it meant that the state faced these "neoparamilitary" threats as more than a mere policing matter, and were willing to face it through military means. For Jorge Restrepo of Centro de Recursos para el Análisis de Conflictos (Cerac), on the other hand, the strategy meant the beginning of a "new war" which entailed new risks — while the ineffectiveness of the Police made military involvement necessary, it might lead to the consolidation of a military approach to crime (VERDAD ABIERTA, 2016).

3.3. Redrawing the boundaries of military justice

If in Mexico the demand for "legal safeguard" was answered by way of adopted legislation on military missions, and in Colombia by way of the development of operational law that distinguished between groups to be fought under IHL and IHRL, in Brazil the question was posed in different terms. After all, the legality of GLO operations has long been ensured by the Constitution and complementary laws[7], and there has been no interest in actually claiming the applicability of IHL for the fight against criminal groups, despite the frequent characterization of these groups in military discourse as "asymmetrical threats" and related labels.

Instead, these demands have been channeled into the redrawing of other surfaces. One of them has been the definition of *rules of engagement* for military operations against crime. Similarly to operational law, the definition of these rules that apply to a particular operation is often made in a "checklist approach" to the use of force — who can be targeted with what sorts of weapons, under what circumstances — which structures legal advice "in such a way that it provides concrete and immediate answers to age-old legal and philosophical questions about the sovereign right to kill" (JONES, 2015, p. 689–190).

While demands for different rules of engagement by Brazilian military officials will be mentioned in the following subsection, we will focus on a second surface that has been and continues to be redrawn in response to these demands: the applicability of *military criminal justice*.

As explained by Maria Celina D'Araújo (2018), military courts have long been a common feature in modern Western states, and their existence is generally premised on the need of specific courts for an institution that is grounded on the principles of discipline, hierarchy and obedience. Their jurisdiction, however, varies widely across countries, with different understandings of what would be considered a "military crime". In general, the kinds of acts that are within the scope of military courts are limited to, on the one hand, crimes that affect the Armed Forces' capacities of defense, resistance, and combat, such as the refusal by a soldier to fulfill one's duties or the betrayal of the institution; and on the other hand, disciplinary infractions, such as inadequate conduct and insubordination. In recent decades, there have been many international discussions about the reform of military justice systems, especially in light of military engagements in international peace support missions and in the global war

7 These laws have been further discussed in Chapter 1.

on terror; moreover, regional and international human rights organizations have pushed for reforms that bring these courts increasingly into alignment with the guarantees of fundamental rights of soldiers and civilians (D'ARAÚJO, 2018).

In Latin America, military justice has similarly been perceived as essential for ensuring discipline and obedience, as well as preserving the command authority. However, their jurisdiction, especially from the mid-20th century, has generally gone beyond internal corporate matters. During the Brazilian dictatorship (1964-1985), the Military Justice has acted in three main dimensions: as a corporative justice, in line with its traditional role; as a political governmental justice, prosecuting those who were accused of conspiring against national security; and as a political justice inside the military corporations, to prosecute soldiers who were suspects of political activity against the regime. Following the end of authoritarian governments, however, certain countries have implemented structural reforms in this justice system — Argentina, for instance, has extinguished it and moved all military legal matters to ordinary justice (D'ARAÚJO, 2018).

In the following sections, we will firstly overview these demands in the Brazilian context and some of the ways they have recently been framed; and then, in the second subsection, we will discuss the process of expansion of the surface in which military justice applies in Brazil.

3.3.1. GLO missions in Brazil and demands for legal protection

When discussing the deployment of military forces against organized crime in Mexico (through the creation of a National Guard) and in Colombia (in post-agreement "consolidation", as seen in Zonas Futuro), we have focused on expressions of the participation of military forces in public security that can be identified in the present, under the presidential administrations that are in power as of the writing of these chapters (AMLO in Mexico, Iván Duque in Colombia). In relation to public security operations performed by military forces in Brazil under GLO decrees, however, we have focused on the ones that were authorized by previous administrations: the pacification forces authorized in 2010 and 2014 by the Workers' Party (PT) presidents Luís Inácio Lula da Silva and Dilma Rousseff; and the broad 2017-2018 GLO decree for Rio de Janeiro authorized by president Michel Temer. Why have we not looked at operations authorized by the current Brazilian president Jair Bolsonaro, elected in 2018?

We saw in chapter 1 that the Guarantee of Law and Order (GLO) is one of the military constitutional missions in Brazil, and it has come to stand for the deployment of military forces where the regular means for the protection of law and order (mainly, the police forces of the states) are either unavailable, inexistent or insufficient for these tasks. That can include the deployment of soldiers in situations of "urban violence", but other contexts have justified GLO operations as well, such as the security of large (usually, international) events and of elections, or the policing of environmental crimes.

In the first two years of Bolsonaro's mandate, seven GLO operations were authorized: two of them for combating environmental crimes in the Amazon — with strikingly poor results, and in the process deviating a massive amount of resources from civilian environmental agencies to military actors and purposes (SALOMON, 2020) —, one in the state of Ceará during a police strike, two for securing federal prisons, one during the 2019 BRICS summit in Brasília, and another one during municipal elections. The number was significantly smaller than the number of GLO decrees approved by the three previous presidents during the same period (GULLINO, 2021).

The decrease in the reliance on military forces against organized crime in urban contexts might seem puzzling for a government that has so largely relied on military actors for virtually everything else. Or at least it would be puzzling, if Bolsonaro did not so frequently tell the press and his followers the alleged main reason for this reduction. "We have practically had no GLO in the current year. And I intend to use the GLO, if I have to use it, with the *exclusion of unlawfulness*", he explained on 31 December 2020, at an online live transmission. "God willing, with the new presidents of the [Deputies] Chamber and Senate, we will put the exclusion of unlawfulness in the agenda" (GULLINO, 2021).

By this he referred to a bill proposal presented by him to legislators one year before, and which still had not been voted, which listed (and expanded) the circumstances in which a member of the Armed Forces in a GLO operation would be exempt from punishment for an act that would otherwise be unlawful, such as a homicide. The proposed law also applies for members of police forces when they act in support of GLO operations. At the center of the proposal is the expansion of the circumstances in which it can be assumed that force was used in legitimate self-defense, to include "the practices or the imminence of practice" of terrorism, of gun carrying,

or of conducts that can cause death or harm, amongst others. In these circumstances, the security agent who, for instance, killed a person, would not be legally prosecuted for a homicide, but only for an eventual "excess" in the use of force. When presented, the project was announced by Bolsonaro as a "turning point" in the combat on violence (MAZUI, 2019). This proposal was one among other attempts by the current administration to expand the legal limits of what is considered "self-defense" by security agents.

In this sense, the recent reduction in the deployment of military actors against organized crime in urban spaces is inserted in a longer context of demands, by military actors, for the expansion of the "legal safeguards" they have for performing these tasks without fear of being prosecuted for the use of force. The "shift", in this sense, would be associated with the fact that these military officials are now better positioned within the government to present this demand as a condition for future deployments. Also relevant is the fact that military officials are, in fact, in a better position to place themselves in whatever mission they desire, including administrative and logistical tasks that are much safer than fighting crime (ACÁCIO, 2021); in the meantime, however, demands for legal protection persist, since these changes tend to be much more enduring than a single presidency.

In this section, we take a step back to look at how these demands had been unfolding in previous years, as well as the effects of these demands in terms of the redrawing of the boundaries of military criminal justice for the activities of soldiers against "crime". As we will see, the growing deployment of military forces in public security over previous decades had actually been reflected in a significant expansion of these "legal guarantees", despite the subsequent continuity of such demands.

3.3.2. Redrawing the surface of military justice in Brazil

"Eight people have died, no one has killed them". That is how reporter Rafael Soares (2021) summarizes the conclusion of two separate inquiries on a massacre perpetrated by state agents in a community of Complexo do Salgueiro, in Rio de Janeiro, on 11 November 2017. The victims were shot and killed around midnight, exactly when agents of the Army and of the Civil Police entered the favelas in three armored vehicles. While the role of cops during this operation was investigated by Rio de Janeiro's ordinary justice system, investigations on the role of soldiers were attributed to a separate set of judicial instances which compose the federal military justice system. Moreover, soldiers did not testify at civilian instances, under the

argument that members of the Armed Forces did not have to contribute to investigations that were outside the military realm (BETIM, 2018). During the two inquiries, the investigated soldiers and cops alleged that when they entered the place, they found the victims already dead. In 2019, both investigations were archived.

There was relevant evidence, however, of the involvement of military actors from the Army Special Forces in the killings — including the account of a witness who was shot as he passed by the area, but who survived. According to this version, gunshots came from military snipers hidden in the woods. The survivor's account, including his description of the soldiers' uniforms and equipment, was corroborated by internal Army documents regarding the operation, obtained years later by Soares. The documents described the weaponry that would be used by the Army soldiers sent to Operation Hurricane XII in Salgueiro, which included rifles and night-vision devices; equipment that would be used by 32 "ghosts" — a nickname for members of the Special Forces who usually perform secret operations during the night; 21 of these "ghosts" were never investigated (SOARES, 2021).

A few days before this special operation, a large-scale one — involving 3,000 Army soldiers alongside members of Rio de Janeiro's Civil Police — had been deployed at Complexo do Salgueiro, with the aim of catching leaders of a drug trafficking organization which controlled the area. It was argued that the communities of Salgueiro had become a kind of "bunker" of drug trafficking, following the occupation of other favelas by the pacification police (including the two Pacification Forces discussed in chapter 2). Due to the "failure" of the large-scale operation, attributed to the difficulty of keeping information secret with the involvement of such large troops, the commanders involved decided to deploy the Special Forces in a smaller engagement, which culminated in the massacre told above (SOARES, 2021).

Operation Hurricane XII — its purpose, its effects, its ensuing (lack of) investigation — is illustrative of many dimensions of how the concept of GLO has functioned as a "bridge" between military forces and police corporations in public security; and in particular, of the implications of that "bridge" for the use of force by state agents. It was authorized, along with many other "Hurricane" operations, under a single GLO decree that was valid from May 2017 to December 2018, which did not even care to specify the "exceptionality" of the situation in Rio de Janeiro that justified its authorization. On the one hand, the decision to deploy military snipers in a secret mission that would target leaders of a criminal organization (although it ultimately

ended up targeting anyone who passed by at the time) is inserted in the consolidation of an understanding that this kind of military engagement in public security required a different, more "robust" set of *rules of engagement*, which approximated these engagements with previous military training for dealing with other "asymmetric" threats. On the other hand, the results of investigations on the use of force by military actors in the case are associated with the gradual consolidation of an expanded reach of federal *military justice*. We will briefly look at both dimensions below.

Regarding the rules of engagement that guide the use of force in GLO operations, there have been debates over whether these rules were too flexible, as argued by civil society organizations, or too restraining, as argued by military officers themselves. Organizations such as the Human Rights Watch have argued that the rules that had been guiding GLO missions provided broader space for the use of force than what is commonly authorized for law enforcement in Brazil – for instance, by allowing the deployment of lethal ammunition for the protection of essential material assets, instead of only for the protection of lives (HUMAN RIGHTS WATCH, 2018).

However, going against these criticisms, military officers have continuously demanded more freedom to act beyond constraints imposed by a normal human rights framework. The character of the threat posed by criminal groups in cities such as Rio de Janeiro, they argued, would require such autonomy. Simultaneously, since many of these officers have participated in UN stabilization missions such as MINUSTAH (including as force commanders), there are also frequent comparisons with the rules of engagement of such missions, which allow for the use of force in a broader range of situations; and generals working in GLO operations have thus often called for an approximation with MINUSTAH's rules (HARIG, 2019). This call for an approximation between the rules of engagement of GLO missions vis-a-vis those of the stabilization of Haiti is often informed by the argument that, in both cases, the combat against criminal organizations had been akin to a form of "asymmetrical war". According to Gen. Floriano Peixoto, who had been a force commander at MINUSTAH, the deployment of the Armed Forces in Rio and in Haiti was not simply the "guarantee of law and order": in both contexts, it was a "deployment against irregular forces, inside an asymmetric concept of a fourth generation war" — a

"capacity that the Armed Forces, for their original training, already had" (VIANA, 2021).[8]

On the other hand, a dimension in which the consolidation of a separate legality for military forces in public security becomes clearer is when it comes to the reach of *military justice*. As noted earlier in this section, having a military justice system is not a particular feature of Brazil; however, the deployment of Brazilian soldiers in GLO missions has gone hand in hand with an expansion of its jurisdiction in the country.

Currently, in Brazil, there are two military justice systems: one functions within each of the states, for the Military Police, and one works at the federal level for the Armed Forces. The scope of the military justice of the states, however, is significantly more limited. Firstly, because only three states (São Paulo, Minas Gerais and Rio Grande do Sul) have separate military courts. And secondly, because, after the 1993 Candelária Massacre perpetrated by members of Rio de Janeiro's Military Police against eight kids, there was a public mobilization to ensure that these crimes — as well as other future crimes perpetrated against "civilians" — would not be prosecuted by military courts, but by the ordinary justice. In response to these demands, a 1996 law determined that intentional crimes committed by members of the Military Police of any state against civilians would always be prosecuted within the ordinary justice system. However, due to pressures by the Armed Forces, this law did not apply to the federal Military Justice system; and as a result, until the present Brazil has remained one of the few Latin American countries where crimes committed by soldiers against the life of civilians continue to be prosecuted by these separate courts, and where even civilians can be prosecuted there in certain circumstances[9] (D'ARAÚJO, 2018).

The federal military justice system has thus remained largely unchanged from dictatorship until the present, including the way it is structured. Its highest instance, the Superior Military Court, has been since 1969 composed of 15 ministers who are indicated by the Senate and nominated by the President. Out of these 15, three are active-duty general officers from the Navy, three from the Army, three from the Air

8 This discourse mirrors Gen. Escoto's rendering of the pacification force in Maré and the associated expertise of paratroopers, as seen in the opening of chapter 2.

9 Civilians can be prosecuted by the federal military justice in Brazil when they commit crimes against military property or administration; if they "defy" ("desacatar") military officers in the exercise of their functions; or if they commit infractions in a location that is subject to the military administration (D'ARAÚJO, 2018).

Force, and five civilians. In terms of its jurisdiction, during the dictatorship, as mentioned above, it expanded its reach to criminalize politically motivated conduct "against national security". With the 1988 Constitution, the prosecution of crimes against national security were taken out of the scope of military justice. At the same time, however, the expansion of military deployment since then for "public security" tasks, in GLO operations, has led to an increase in prosecutions related to these missions — which includes an increase in the number of civilians prosecuted under military justice (D'ARAÚJO, 2018).

In October 2017 — that is, a month before the Salgueiro massacre mentioned earlier in this section — this expansion in the scope of federal military jurisdiction for GLO operations was further consolidated by Law 13.491, which altered the military criminal code. The law established that crimes against life perpetrated by members of the Armed Forces against civilians would be within the scope of federal military justice in certain contexts, including when they were performing tasks attributed to them by the President; or when they were performing activities of military nature, peace operations, of guarantee of law and order or a subsidiary attribution. Before that law, homicides committed by military people in these contexts were investigated by the Civil Police and prosecuted at the ordinary criminal justice system (DEL RIO; CESARIO ALVIM GOMES, 2020)

In other words, the 2017 law expanded the reach of what could be considered a "military crime" to also include intentional homicides against civilians perpetrated during GLO operations, so that these crimes can be channeled into military justice — a corporative system that is mostly composed of active-duty military officers with no legal background and subject to military hierarchy and discipline. If during the dictatorship, this system helped ensuring impunity for politically-motivated "serious human rights violations" — as argued by the Inter-American Court of Human Rights in decisions of 2010 and 2018 regarding these crimes of the past[10] —, present concerns arise from the effects of this system in relation to cases such as the 2017 Salgueiro massacre (DEL RIO; CESARIO ALVIM GOMES, 2020). For instance, in April 2019, both the case of Salgueiro and the law 13.491/2017 were mentioned by the Inter-American Commission on Human Rights as causes for "concern", as they

10 The decisions particularly referred to the cases Araguaia (2010) and Herzog (2018) (DEL RIO; CESARIO ALVIM GOMES, 2020).

were signs of further militarization of public security policies and the resulting impunity of state agents in these missions (INTER-AMERICAN COMMISSION ON HUMAN RIGHTS [IACHR], 2019).

3.4. Conclusion: Redrawing legal boundaries, greening gray surfaces

What are the effects of the increasing deployment of soldiers against criminal organizations — that is, beyond the national defense against political enemies that has, in practice, long been part of their traditional mission? And how can we conceive of these effects by going beyond a concern with the "blurring" of boundaries that are at the center of our imagination of peace and democracy?

In this chapter, we have looked at one of these effects: these expanded missions are often followed by demands, made by military officers, for *legal safeguards* that would allow them to perform these assigned tasks. In this sense, the often mentioned "reluctance" of soldiers to fight crime, in connection with the idea that this would be a "banalization" of the forces and not what they are trained to do, has in many instances amounted to an instrument of bargain with governments — and one of the central conditions demanded in these bargains is precisely the consolidation of *legal frameworks* in which soldiers feel protected in operations against crime.

In the three contexts discussed in this chapter, these military demands for legal safeguard have fueled, through different avenues, an expansion in the kind and intensity of force that can be used by military actors within national boundaries, not only against "political" opponents but also against "criminal" ones. By constructing certain criminal organizations as threats that overpower police capacities, the deployment of soldiers against them is consistently normalized — and *legalized* —, but the consolidation of this mission comes with the redrawing of the legalities that rule military crime-fighting.

In Mexico, the demand was formulated as a concern about the *legal vacuum* in which soldiers had been performing their operations, due to the absence of *legislation that made them constitutional* in the first place. While in other countries, interpretations of constitutions or complementary laws had done the work of making this military mission *legal*, in Mexico this demand was satisfied through the adoption of laws, in 2019 and 2020, which created the National Guard, outlined limits for the use of force — while enabling the avoidance of such "limits" through the classifying of relevant data —, and made the participation of soldiers in public security legal even outside the Guard for the next few years. In other words, in this context we observe the *redrawing*

of boundaries of the types of missions in which soldiers can legally be deployed, through the adoption of legislation that stabilizes military policing tasks by making it constitutional in increasingly expanded forms. This mode of boundary redrawing threatens important forms of resistance to militarization which had been engaged by national experts and activists in previous years, namely pressures on legislators and judicial actors to acknowledge an incompatibility between such militarized security practices and the rule of law.

In Colombia, we saw how military demands for legal safeguards were formulated and answered by means of transformations in *operational law*, which allowed military lawyers to continue the redrawing of boundaries they had been performing in view of the armed conflict in the country and expand its application towards the fight against large criminal groups, such as Clan del Golfo. In this sense, the drawing of norms that applied to the combat against guerrillas was literally extended into operations against groups whose motivations were irrelevant, as long as they fulfilled a set of technical criteria modeled after the Geneva Conventions and Additional Protocols. Moreover, the IHL-based criteria were to be "applied" on the basis of military intelligence regarding each group and their distribution (and control) over space, which ensures that decisions on applicable norms will be made as far from the public arena as possible. The mobilization of military operational law as a means to *redraw the boundaries of applicable norms to the fight against criminal actors* therefore displaces the political discussion of military missions to the realm of the technical design of checklists and matrixes by military experts, an arena that is hidden from public eyes. Simultaneously, these operational checklists and matrixes draw their legitimacy from the same international norms that are so often mobilized by activists who call for limits to violence in wars, and they enable the assertion of indistinction between armed actors with political or criminal motivations by referring to the allegedly objective criteria of IHL.

Finally, when discussing the Brazilian context, we have focused on one of the avenues through which these demands have been channeled: the *redrawing of the boundaries of military criminal law*, that is, of the contexts in which a potential "excessive" use of force by soldiers in public security operations will be prosecuted in military courts, rather than in ordinary ones. The expansion of military criminal jurisdiction has been criticized as an enabler of (further) impunity when state agents use force against national citizens, a concern that is substantiated in view of contexts such as the

Salgueiro Massacre mentioned in the third section. We have seen that the Superior Military Tribunal, the highest instance of this system, is mainly composed of military officers who are bound by the principles of discipline, hierarchy, and obedience. Therefore, as this system is increasingly called to decide on cases of alleged violations committed by soldiers or by civilians in public security operations, a continuity is established between the use this system for political persecution during dictatorship, and its current use for enabling military violence in a "war on crime" – a continuity that would be reflected on the recommendations of the Brazilian National Truth Commission, as we will see in chapter 6.

Cutting across the three contexts is the redrawing of legalities as a demand of military actors, and as a way to enable and legitimize the use of force against criminal organizations. The distinctions between the precise boundaries that were redrawn in each case – as well as between their different impacts on the possibilities of resistance – point precisely to the plurality of "sites" and "layers" where legalities are continuously redrawn as soldiers are deployed in new missions; and as seen in the opening of this chapter, that plurality is aligned with the trend of a proliferation of legalities observed as a result of the Global War on Terror. In this sense, as the combat against criminal organizations is assigned as a new *gray zone* where applicable norms are *ambiguous and underdefined* — especially in view of the "asymmetrical" character of these "new threats" (WINTER, 2011) —, areas that are placed under the control of such non-state armed actors are progressively recolored from gray to *green*. The adoption of new laws, operational guidelines, and interpretations of applicable jurisdictions enable and consolidate certain spaces as zones that can be the target of soldiers' intervention and occupation, and along with soldiers come more flexible rules regarding the use of force and its control by governmental and civil society actors.

Moreover, while each section has focused on the redrawing of a particular set of *legal boundaries*, the sections have also offered glimpses of how these various legalities overlap and interact. In Mexico, while military officers demanded the adoption of a laws that legalized their new mission, they had no interest in the application of IHL standards to their operations — which was precisely the way certain civil society actors attempted to fill the "legal vacuum" regarding state and non-state violence, as seen in communications to the ICC regarding alleged war crimes in the country. In Colombia, in turn, the international redrawing of boundaries between IHL and IHRL did not map neatly onto the way operational law redraws the "equivalent" line at the domestic

level; while international norms are mobilized as a source of legitimation of the guidelines locally designed by military lawyers, the procedures are created and recreated in light of the "needs" perceived in the field, which have changed over time. Finally, in Brazil, discussions about the redrawing of (more flexible) rules of engagement for particular public security operations ran parallel to the efforts to expand the applicability of military jurisdiction, as currently happens with debates about the "exclusion of unlawfulness" for the use of force in particular circumstances.

The *boundary of militaries' legal missions* – between where, when, and how soldiers are allowed to use force, and where, when and how they are not; the *boundary of applicable norms to operations against crime* – which groups are soldiers allowed to target in a military attack under IHL, and against which groups the use of force must be gradual and limited to self-defense under IHRL; the *boundary of applicable jurisdiction when violations are committed by soldiers* – whether such violations are prosecuted under military criminal justice or under the ordinary system. In the redrawing of each of these boundaries, *legal surfaces* have been made and remade, renegotiated, contested, and/or preserved; and they have been central to the effects of the redrawing of lines between criminal and political violence as security threats.

These relations between boundaries and surfaces have been, throughout this chapter – as in the previous two chapters – imagined and analyzed by reference to a series of *cartographic metaphors*, with an attention to the "basic feature of cartography": the "practice drawing of lines", the "tracing of ink on a surface to create a shape" (LOBO-GUERRERO, 2018, p. 30). As discussed at the introduction, these metaphors are not only recurrent in discussions about military missions – from concerns about the blurring of police/military distinctions, to the identification of risky ungoverned territories as sources of criminal/political threats – but they are also "theory-metaphors" (LAW; MOL, 1995) that function as analytical devices for making sense of these transformations.

As a first implication, these metaphors have led our attention from things to boundaries (ABBOTT, 1995), that is, from a primary concern with what either of the entities mentioned above are – i.e., what *is* the proper mission of military forces in a peaceful democracy, what *is* the applicable legal framework when soldiers fight crime, or even what *is* criminal or political violence – to the processes through which these entities are continuously remade through the redrawing and connecting of boundaries. At the same time, we have sought to represent the produced boundaries – mostly in

writing, sometimes in drawing – through actual maps. In chapter 1, as I drew up maps of the security sectors of each country analyzed here, I sought to highlight precisely the contingency of police and military surfaces, from their composition to their attributed tasks, as they result from political decisions and renegotiations. In chapter 2, that has meant an attention to the making of boundaries between governed and ungoverned spaces as processes through which certain surfaces – due to the domination of criminal actors – can come to be the targets of military operations. Here, in chapter 3, we have looked at three paths through which legal boundaries have been redrawn, with fundamental effects that are intertwined with the expansion of military missions.

As a second important implication, these metaphors have drawn our attention to the spatiality of these practices. The maps of chapter 1 illustrate the extent to which a visualization of roles attributed to state institutions as a "mapping of jurisdictions" is inseparable from a spatialization that underlies our discussion on these matters (ABBOTT, 1995, p. 857-858). In chapter 2, this dimension has been more directly engaged through a focus on the *cartographical imagination* that enables the identification of certain spaces as ungoverned in the first place – which requires an understanding of space as potentially fillable with governance of difference sources and merges together different forms of state presence –; and we have also briefly discussed a few instances of potential counter-mappings of the relation between presence and absence that grounds this imagination. Finally, in chapter 3, we have attended to instances of what, in other international contexts, has been referred to as a "war/law/space nexus" (JONES; SMITH, 2015), as the redrawing of legal boundaries has also implicated a multiplication of jurisdictions through legal and quasi-legal mechanisms – as well as associated transformations in how different modalities of state of violence come to be enabled and legitimized, not by reference to "wars" against political enemies, but to soldiers' demands for legal protection in order to fight crime.

In sum, in these three first chapters, we have looked at the redrawing of the outlines of military and police forces, as well as of bridges that connect them and of the missions attributed to them; at the effects of the narrative of "ungoverned spaces" and of the equivalence between military occupation and state presence in shaping recent forms of military intervention against crime; and at the redrawing of legal surfaces that apply to the use of force as soldiers are deployed in these missions. In all of the analyzed processes, a cartographic imagery leads us to think of these

transformations as the act of inscribing — and erasing, and reinscribing — traces over flat surfaces; and it thus helps structuring our discussion of militarization in terms of boundary work by highlighting the centrality of line-drawing in the making of entities.

While the implications mentioned above have been made visible precisely due to the mobilization of cartographic metaphors, there are also parts of these processes that are not as easily grasped through this imagery, not lending themselves to a spatialized and flat mode of visualization. Instances of these processes that may be left out include: firstly, interactions between the production of legalities by different actors – in surfaces that might interact as parallel layers or might cross each other in ways that are not reflected on a two-dimensional map; secondly, the frictions and textures that arise from these encounters and disputes, that are left out of a flat representation on paper; thirdly, transformations that take place not at the boundaries between entities, but within and across them – for instance, the ways in which militarization of public security takes place not only at the redrawing of boundaries between military and police missions, but also in the creation of new militarized units within police forces; and fourthly, the multiple stories that may be left out of the snapshot of a map due to its limited grasp of time. While these metaphors have been essential for our discussion of the "boundary work" that is implicated by these practices, other metaphors might help us account for the *texture* of other enactments of the line between criminal and political violence.

With that in mind, in the next part of the thesis, we will look at stories of how lines between criminal violence and political violence have been drawn through the experience of truth commissions and related mechanisms in those three countries, also during the 2000s. While these processes have most often run parallel to the transformations in military missions discussed over the last chapters, they also crucially reveal the ways in which the redrawing of CVPV lines has been continuously faced with the limits and challenges of the predominant imagination of what the treatment of violence in peaceful democracies should look like. Those stories, however, will be structured through a different set of metaphors — namely, those referring to textile practices and objects — through which I will attempt to account for ambiguities and tensions entailed by processes of truth-making. And later, at the conclusion, we will come back to the juxtaposition of the cartographic and the textile, by drawing connections and disconnections between the stories of both parts of this thesis and the ways they can be sewn together into a patchwork.

Part B. From boundaries to threads: Textiling truth between criminal and political violence in Latin America

B.1. Threading the needle

Allow me to start this introduction with a cliché: "the end of the Cold War". In the first part of this thesis, we've followed *lines between criminal violence and political violence* — CVPV lines, as we have been calling them — into the realm of public security, watching them move, fade and change as military forces were called to "fight crime" in Brazil, Mexico and Colombia. We have seen that many arguments for such military mission identify the end of the Cold War as a turning point: "new threats" — including transnational organized crime, or even strongly armed domestic criminal groups — have come to require state response that surpassed normal police capacities; and large territories have become virtually "ungoverned", with military deployment functioning as a proxy for state presence. Therefore, it is argued, as political enemies fade in importance, criminal actors arise as an almost natural target for military action in Latin America.

Nevertheless, it is not only in relation to military missions that the late 1980s and early 1990s have been perceived as a turning point for the drawing of CVPV lines. The formal end of numerous authoritarian regimes in Latin America, which had violently persecuted internal political enemies, fueled discussions about how past abuse should be dealt with in ways that met the needs of victims without threatening the stability of political transitions to democracy. Among the institutional mechanisms developed to address this challenge were the so-called *truth commissions*, which gathered a diversity of transitional justice experts, human rights activists, and victims' movements to produce an account of past violence in the hope of contributing towards its transformation in the future. That account is presented in a final report, comprising a set of identified *patterns* of human rights violations, detailed accounts of selected emblematic *cases*, and a list of *recommendations* for their non-repetition.

Since then, however, many countries in the region have seen violence rates persist or even rise, often perpetrated by organized criminal groups or by state agents in militarized policing operations. In multiple ways, truth commissions have thus had to handle relations between politically motivated violence and its "other", whether by delimiting the universe of "victims" who could be included in a report, by identifying causal relations between past and present violence, or by deriving recommendations for public security institutions from their analysis.

Here, at the second part of the thesis, we will look at how members of truth commissions and related initiatives in Brazil, Mexico and Colombia continuously draw lines between criminal violence and political violence. I now invite you to visualize these lines not primarily as traces over a surface; but rather as threads that can be pulled, hung, woven, intertwined, tied and cut. As threads, they can be drawn — pulled, extended, stretched — to connect political violence on one end, and criminal violence on the other end. Sometimes, truth reports will localize those ends as separate points in time, identifying political violence as part of an exceptional past, and criminal violence — as well as violence that is perpetrated in the name of "wars on crime" — as an ordinary part of the present. Other times, if we visualize final reports as woven cloths, CVPV lines will emerge as the edges of patterns into which commissions weave certain victims' storylines.

Over the next chapters, we will follow some of these threads as they are drawn by members of truth commissions and related initiatives in those three countries. Before doing so, however, the next pages offer a background on issues I will recover and explore in the following stories, namely: the temporal imagination of truth commissions; the ambiguous place of crime in their accounts; the relations between victims' stories and their representation in truth reports; and the ways in which mobilizing textile metaphors in the following chapters will help us "textiling" the politics of truth commissions.

B.2. Transitions, truth and time

Around the late 1980s and early 1990s, a group of human rights activists, lawyers, and comparative politics scholars, coming from countries such as Chile, Uruguay, Brazil, South Africa, and the US, gathered in international conferences to exchange answers and experiences around a particular question: how should countries transitioning from authoritarian regimes to democratic ones deal with past abuse?

Those meetings, as Paige Arthur (ARTHUR, 2009) tells us, were the foundation for what would later be the field of "transitional justice". In previous decades, some of their participants had been relying on a human rights framework to "name and shame" authoritarian governments into ending political violence. As those regimes came to an end, however, civil society organizations turned their attention — and their advocacy — towards the task of rebuilding relationships between states and their citizens (CARMODY, 2018). That shift was particularly visible in Southern Cone countries, where the mobilization of local and transnational human rights movements

in the 1970s gave way to a protagonist role of the region in the emergence of transitional justice mechanisms. These ranged from amnesty laws to trials of military juntas, and from reparations policies to truth and memory mechanisms — including Argentina's "Nunca Más" in 1984, which launched a global trend in the creation of truth commissions (FUENTES JULIO, 2015).

Since then, transitional justice has grown into an increasingly consolidated transnational field, composed of individuals and institutions "held together by common concepts, practical aims, and distinctive claims for legitimacy" (ARTHUR, 2009). These concepts, aims and claims are centered on the effort to handle massive human rights violations, while recognizing victims and preventing the recurrence of abuse (ARTHUR, 2010, p. 1). In their advocacy for various forms of accountability for past abuse, transitional justice experts have prioritized a set of legal-institutional reforms and responses, traditionally associated with four pillars:

1) "*Criminal prosecutions* for at least the most responsible for the most serious crime";

2) "*'Truth-seeking'* (or fact-finding) processes into human rights violations by non-judicial bodies";

3) "*Reparations* for human rights violations taking a variety of forms: individual, collective, material, and symbolic"; and

4) "Reform of laws and institutions, including the police, judiciary, military, and military intelligence", or the pillar of *non-repetition* (ICTJ, [s.d.] emphasis added).

More recently, a *fifth pillar* has been increasingly recognized as part of transitional justice: at a report presented in July 2020, the UN Special Rapporteur on the promotion of truth, justice reparations and guarantees of non-recurrence Fabián Salvioli argued that *memory* processes are "both a stand-alone and a cross-cutting pillar", constituting "a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace" (UNITED NATIONS GENERAL ASSEMBLY, 2020).

Having emerged in response to "transitions to democracy", the field of transitional justice mechanisms has since extended its reach beyond post-authoritarian contexts, as it became part of the peacebuilding toolkit for post-conflict settings (VAN ZYL, 2005). Comprehensive peace agreements, frequently following intrastate armed conflicts, are now expected to lay the conditions for sustainable peace — which includes establishing legal-institutional tools for dealing with past abuse. International

and regional organizations have been playing a central role in shaping these responses, as illustrated by the fact that UN-mandated mediators cannot endorse agreements providing amnesties for gross human rights violations (UNITED NATIONS, MEDIATION SUPPORT UNIT, 2012).

Whether in post-authoritarian or in post-conflict settings, the narrative of transitional justice tends to follow a particular rhetorical form: beginning in tragedy of large-scale affliction, a society aims to move towards a redemptive resolution in the form of peace and reconciliation (TEITEL, 2014). Therefore, according to Alejandro Castillejo Cuéllar (2017), the transitional justice narrative, as well as the network of legal and extralegal practices it informs, is grounded on two main premises. Firstly, there is a shared promise of a "new imagined nation" which lies ahead in the future. Secondly, there is an intention to assign violence to a place behind, by containing it in the past. That is to say that, according to the *promise* of transitional justice, as a society moves forward, violence will be left behind. The present, in turn, is a liminal moment between a violent past and a promising future. That is why the field of transitional justice has been described as 'Janus-faced', as it brings together backward-looking accountability measures and forward-looking mechanisms seeking to assert stable futures (MUELLER-HIRTH; RIOS OYOLA, 2018, p. 3).

A central role is attributed to truth commissions in these processes. For Priscilla Hayner, these commissions are at least partially defined by their intention: they seek "to address the past in order to change policies, practices, and even relationships in the future, and to do so in a manner that respects and honors those who were affected by abuses" (HAYNER, 2011, p. 11). She further specifies these mechanisms by listing certain common features:

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (HAYNER, 2011, p. 11–12).

This definition aimed to encompass a broad range of international experiences, while still retaining some consistency. It excluded, for instance, commissions of inquiry, which usually aimed to resolve particular facts without necessarily fostering a broader social understanding of the past. Hayner (2011, p. 12) herself recognized, however,

that truth commissions were "being relied on in new ways and new contexts", some of which fell outside some of the parameters outlined above — for instance, by being unofficial processes or by largely focusing on particular events. Over the next chapters, we will find some examples of commissions which also challenge such conceptual boundaries, whether by looking into a much closer "past" (such as the Subcommission of Truth in Democracy "Mothers of Acari") or by being outside the state realm (such as the Colombian Women's Truth and Memory Commission, created by the civil society organization Ruta Pacífica de las Mujeres).

The establishment of truth commissions is often justified in relation to a "right to truth". In Latin America, the consolidation of this right was closely connected to the phenomenon of forced disappearance. At first, it was defined in relation to an obligation of states to promote "an effective search to establish the whereabouts of forcibly disappeared victims, in order to establish the truth of what happened"; in other words, it was primarily "a right pertaining to relatives of victims of forced disappearance" (INTER-AMERICAN COMMISSION ON HUMAN RIGHTS [IACHR], 2014, parag. 10–11). Over time, the right to truth came to be understood as having two dimensions: firstly, the right of victims and their family members to know the truth about their particular case; and secondly, the right of society as a whole "to know the truth about past events, as well as the motives and circumstances in which aberrant crimes came to be committed, in order to prevent recurrence of such acts in the future" (INTER-AMERICAN COMMISSION ON HUMAN RIGHTS [IACHR], 2014, parag. 15). While the individual dimension is often addressed via search mechanisms and judicial proceedings, truth commissions also aim to ensure societies' right to truth.

Truth commissions are largely associated with the field of transitional justice, with expert individuals and institutions from this field contributing towards the establishment of such commissions in different countries — although their genealogy can be at least partly traced back to memory practices that precede the field itself. In these commissions, the narration of personal memories is presented as a site of redemption, especially in contexts where it offered the only way to hold former leaders morally and politically accountable (SHAW, 2007). The theory of change informing those commissions is, thus, compatible with the temporal narrative of transitional justice. Cristina Buarque de Hollanda (2018), having interviewed members of various subnational truth commissions in Brazil, identifies in their discourse a shared

understanding she calls the "pedagogy of truth". According to it, the establishment of "truth" — as opposed to forgetting, more than to lie itself — is a condition for a society to prevent the repetition of past mistakes, indicating a causal relation between knowing about the past and a "never again" in the future. This trope is reflected in the discourse of truth and reconcilitation commissions in countries as varied as South Africa, Peru and Sierra Leone, as truth-telling was presented as a condition for the healing of both individual and national bodies (SHAW, 2007, p. 191).

Simultaneously, Hollanda identifies a second frequent trope in commissioners' discourse: the perception of a continuity or even indistinction between state-perpetrated human rights abuse in the past and in the present, as evidence of an unfinished past that extends its vice into the present and, potentially, into the future (HOLLANDA, 2018, p. 7). This reading of present human rights violations as evidence of persisting *legacies* of past abuse in democratic times is, therefore, compatible with the temporal imagination of transitional justice, as it poses the need for a certain set of legal-institutional mechanisms in order to reassert the present as a liminal moment between a violent past and a promising future. At the same time, however, this temporal narrative has been increasingly discussed for what it may silence — for instance, the centrality of structural inequalities, whose potential transformation defies the possibility of clear-cut transitions between an exceptionally violent past and a normal, peaceful future. In order to account for the complex relationship between change and continuity, Alejandro Castillejo Cuéllar (2017) invites us to critically attend to the historicity of the "transitional" and to the various coexisting registers of war and violence, some of which are more properly conceived as part of a longer continuum of violence that blurs distinctions between "war" and "peace" or "dictatorship" and "democracy."

Attending to those changes and continuities also means questioning the distinction between an exceptional past and an ordinary present, particularly in relation to violent practices. This temporal distinction has also been subject to critique by authors who emphasize the existence of "multiple temporalities" — that is, "the coexistence and simultaneous or consecutive experience of multiple time references in everyday life" — in juxtaposition with a conception of homogeneous and mechanistic time which predominates in transitional justice mechanisms (IGREJA, 2012). In analyzing the indigenous justice and healing practices in Mozambique, Victor Igreja recovers Norbert Elias' understanding of time as "a frame of reference used by people

of a particular group, and finally by humankind, to set up milestones recognized by the group within a continuous sequence of changes" (Elias, 1992 apud IGREJA, 2012). This reading of time as socially shared frames of reference informs a critique of a dominant Western view of time which, in turn, would shape the field of transitional justice — clock time as a series of points on a string, divided between a "before", in this case a past of violence; and an "after", a new era of justice and closure. It is thus a conception of time which favors spatial metaphors such as "moving forward" and "leaving the past behind" (MUELLER-HIRTH; RIOS OYOLA, 2018, p. 2). Simultaneously, in Mozambique as in certain contexts we will encounter in Chapter 5 of this thesis, it is frequently the case that:

> For people who have lived in contexts where violent events are part of the everyday over protracted periods, the line between commonplaceness and extraordinariness becomes rather blurred. Some war survivors in the centre of Mozambique complain that 'when the war was over, little changed,' as wartime violence remains part of their diurnal and nocturnal nightmares (IGREJA, 2012, p. 408)

As a result, the predominant temporal imagination in the field of transitional justice has been criticized both by its teleological character and by the assumption of clear boundaries between past, present and future — boundaries which are reflected, for instance, in the delimitation of truth commission's mandates, with effects over who can be considered a "victims" (MUELLER-HIRTH; RIOS OYOLA, 2018, p. 3–4). Such critique is related, on the one hand, to the fact that victims' experience of violence are often associated with alternative temporalities, as seen above; but also with the frequent frustration that follows the absence of a swift transformation in violent patterns. As we will see throughout the following chapters, however, the practice of many Latin American truth commissions has not been *determined* by this temporal imagination; instead, some of them have incorporated longer temporal narratives alongside shorter transitional ones, or rearticulated their aims in more processual and continuous terms.

A related critical approach to transitional justice is found among scholars and practitioners who propose a shift from "transitional justice" to "transformative justice", in order to address structural and everyday violence in ways that emphasize "local agency and resources", prioritize "process rather than preconceived outcomes", and shift focus from the legal frameworks and institutional templates to social and political transformative change (GREADY; ROBINS, 2019, p. 32). Such critical approaches on

transitional justice often highlight the way this field has traditionally prioritized civil-political rights and politically motivated violence over chronic structural violence and socio-economic rights (GREADY; ROBINS, 2019, p. 32; see also ARTHUR, 2009; MCEVOY; MCGREGOR, 2008; SCHNEIDER; ESPARZA, 2015; SHARP, 2014). This priority is not surprising if we consider the historical emergence of this field in response to the need to deal with past abuse associated with political persecution by authoritarian regimes, through a human rights framework. However, in several Latin American contexts, a rise in violence over the last decades — much of which was labeled "criminal" rather than "political", or is committed by state security forces fighting "crime" rather than political dissidence — has fueled reflection about how such historical changes and continuities can be addressed by transitional justice mechanisms.

The temporality of the transitional has also been called into question as mechanisms inspired by this field of practice were created in contexts with no "transition" — to democracy or to peace — in sight. Debates about the possibility of "transitional justice without a transition" have been frequent in Colombia over the last decade, especially after a Justice and Peace Law was adopted to allow for the creation of exceptional justice, truth, and memory institutions under a presidency which did not even recognize the existence of a conflict; and they have reemerged in Mexico in 2018, after then presidential candidate López Obrador promised a broad transitional justice program which would range from an amnesty law to a truth commission (SAFFON, 2019; UPRIMNY YEPES et al., 2006). These processes and their implications for CVPV line-drawing will be discussed in chapters 4 and 5. In any case, they are part of a broader trend in which activists and social movements draw lessons from transitional justice experiences for dealing with the violence perpetrated by state and non-state actors, even in contexts which escape the neat temporal narrative that largely shapes the field. That means certain truth commissions are asked to handle violence that is no longer restricted to the realm of an *exceptional* period of war or dictatorship, but that also includes the violence of *ordinary* times. That leads us to the question: beyond the treatment of *political violence*, how have truth commissions handled *criminal violence* in their work, when looking at the past and at the present? And how does their work continuously draw lines between the two?

B.3. Crime and truth-seeking

We've seen that transitional justice mechanisms aim to respond to a challenge of post-authoritarian and post-conflict settings: the need to respond to victims' demands for truth, memory, justice, and reparations while contributing to the "non-repetition" of past abuse. It might seem odd, then, that amnesties have played an important role as a transitional justice mechanism in several Latin American contexts. In Brazil, for instance, the 1979 Amnesty Law had been demanded by those who had been politically persecuted by the Brazilian dictatorship, being forced into exile, sent to prison, tortured or fired, for instance; and by their family members, in the case of those who had been forcibly disappeared and executed (a process to which we shall return in chapter 4). The amnesty law was supposed to restore the rights of those who had committed political crimes or related crimes ("*crimes conexos*" in Portuguese), as well as of those who had had their own political rights suspended by the military regime. Therefore, in Brazil as in many other countries in "transition" to democracy or to peace, some forms of amnesty have traditionally been understood as a political measure which should only be applied with respect to political crimes, rather than to "common crimes" (BASTOS, 2008).

However, while such special status is attributed to political crimes in many transitional contexts, that does not mean that any politically motivated action can be amnestied. In what has become an increasing consensus among regional and international organizations since the 2000s, there is a set of serious human rights violations" which must be properly investigated and prosecuted, even during a political transition. That is particularly the case of crimes against humanity, war crimes and genocidal acts, which are among the strict range of international "core crimes" — acts that are criminalized directly by international law, through treaties such as the Geneva Conventions, the Genocide Convention and the Convention Against Torture, as well as through customary law (CRYER, 2018). The United Nations has contributed towards the narrowing of the scope for amnesties — for instance, as previously mentioned, UN-mandated mediators cannot endorse amnesties on gross human rights violations, although they can encourage their adoption for other crimes and political offences (UNITED NATIONS, MEDIATION SUPPORT UNIT, 2012). The Inter-American Court of Human Rights (IACtHR) has gone farther: in several cases submitted to it, including the case "Gomes Lund et al. v. Brazil", the Court has ruled that the amnesty laws adopted by these countries were incompatible with the American Convention on Human Rights, and ordered states parties to investigate, prosecute, and

punish serious human rights violations whose perpetrators had not been prosecuted due to these laws (VEÇOSO, 2016)

This growing opposition to blanket amnesties among human rights and transitional justice experts should be read against the background of a broader coercive and carceral turn in human rights law: a commitment to countering "impunity" which places criminal punishment as an unquestionable imperative for addressing human rights violations (ENGLE, 2015; ENGLE; MILLER; DAVIS, 2016; MAVRONICOLA, 2020). In these contexts, demands by victims and their family members, alongside human rights activists, for retributive justice coexist with concerns about the foundational violence of criminal justice systems across the region (a matter to which we will come back in chapter 6).

Transitional justice is often described as a set of measures, grounded on the "pillars" we have seen in the previous section, which must be adapted to each particular context. Certain institutional templates and trends, however, circulate across space and time. The circulation and consolidation of an "anti-impunity" norm regarding individual criminal accountability for human rights violations, for instance, have been described as a "justice cascade" (SIKKINK, 2011), expressed both in the overturning of domestic amnesty laws and in the rise of international criminal courts, amongst other measures. Truth commissions have also circulated transnationally as a model, often bringing together foreign and local human rights experts around similarly defined mandates: the *extrajudicial* investigation of cases and patterns of serious human rights violations, such as torture, summary execution, forced disappearance and arbitrary detention. Latin American countries have often been considered role models in relation to truth commissions, as well as to judicial trials — although regarding these their leading status has been more disputed (see SCHNEIDER; ESPARZA, 2015, p. XX)

Despite their similar object, relations between truth commissions and criminal trials, often associated with the pillars of "truth" and "justice", have been far from straightforward. In some contexts, tensions may arise from their interaction: perpetrators may refuse to share their stories with extrajudicial truth commissions for fear that their account might be used against them in court; their stories, however, might offer valuable leads into the location of victims' remains, for instance. Negotiating those relations can be particularly tricky when commissions and prosecutions take place simultaneously, as is currently the case in Colombia (in a

process we will discuss in chapter 6). Frequently, however, truth commissions are regarded either as a precedent to criminal prosecutions; as a supplement to these; or as a less desirable substitute for judicial action in contexts where, due to political or material restrictions, prosecutions cannot be carried out at the moment. Illustrating this close relation, the work of truth commissions has often been conceived as quasi-forensic investigations, with a legalistic approach grounded in their international human rights law mandates; over time, however, their nature and design has been gradually expanded, incorporating socio-anthropological accounts to varying degrees (REÁTEGUI, 2009).

So far, we've briefly looked at the way transitional justice mechanisms handle *political crimes* (criminalized politically motivated conducts which have often been afforded a special treatment in transitional contexts) and *serious human rights violations* (the main targets of a human rights anti-impunity agenda, including conducts which are criminalized in international legal order such as crimes against humanity and war crimes). On the other hand, the place of "common crime", or of "organized crime", in transitional justice in general and in the work of truth commissions in particular is not as straightforward. When not represented as "related crimes" — for instance, in the case of drug trafficking activities aimed at funding political actors —, these *ordinary crimes* often occupy a place of otherness in truth reports: from the delimitation of those who fall outside the universe of *victims* commissions are mandated to investigate; to the identification of *perpetrators*, to the extent that state violence understood as law enforcement has traditionally been left out of their mandate as well. We will come back to these issues in the next section, and further discuss them in chapter 4.

However, in Latin America, while truth commissions were mostly developed with a mandate to investigate politically motivated violent acts perpetrated by conflict parties or authoritarian regimes, criminal violence often lurked around the edges of their mandates. After all, in many countries in the region, peace agreements or transitions to democracy were succeeded by rising homicide rates and militarized security policies, frustrating hopes for the construction of non-violent peaceful democracies. In the 2000s, persisting violence was actually among the factors fueling what Roberta Villalón (2017) calls a "second wave" of memory and justice mobilization in Latin America, alongside a generalized distrust in government and law enforcement institutions and a perception of past transitional justice processes as *incomplete*. Therefore, reflecting on the extent to which both criminal violence and

police brutality in the present could be understood as neglected *legacies* of past political violence was almost a subtext to the mandates of many truth commissions, whether established to investigate past or present patterns of human rights violations (a discussion we will further explore throughout the following chapters, but more closely in chapter 5).

B.4. Listing victims, bounding universes

Since truth commissions emerged as a response to past abuse in political transitions, their traditional focus has been on "political victims", that is, those who were persecuted by authoritarian regimes due to their political affiliation. In post-conflict transitions, similarly, transitional justice policies in general and the work of truth commissions in particular have traditionally focused on those who were victimized as a direct result of the conflict, in acts of politically motivated violence. Delimiting who is a "victim" — the "target" of these transitional justice mechanisms, and those whose stories should be included in the accounts of truth reports — is, however, always a contested practice. This act of drawing the boundaries of an "universe of victims" will be further explored in the stories of chapter 4. After all, many disputes over this delimitation have hinged on the identification of who is a "political" victim, who was persecuted due to their political affiliation or was targeted by a political conflict party; and who has had their rights violated in the context of ordinary, unexceptional, at times criminal or counter-criminal acts of violence.

The delimitation of a universe of victims is much more than the top-down act of bureaucrats. It is enmeshed in the social mobilization of victims and their family members for truth, justice, memory, and reparation; groups which themselves often mobilize the category of "victims" and a "human rights" agenda in their calls and demands. In particular contexts of victimization, mobilization has also involved more specific categories: in Brazil, for instance, the category of "political dead and disappeared" was central in the mobilization of their families for truth and justice during the dictatorship in the country (AZEVEDO, 2018), with effects we will see in chapter 4.

This distinction between different forms of victimization is also inseparable from the temporal imagination we have previously discussed. In fact, the traditional script of a transitional justice mechanism has often required a distinction between political forms of victimization, associated with an exceptional period in the past, and the "ordinary" forms of state violence and criminal violence which cross history along

a continuum and thereby challenge the temporality of political transition. Therefore, the "universe of victims" to which a truth commission will be dedicated goes beyond a listing of the "serious human rights violations" that count — it is also inseparable from the temporal delimitation of an exceptional time which such commission will have a mandate to investigate. The recent rise in truth commissions devoted to violations which extend until the present moment, in turn, has led to a different approach on the delimitation of a universe of victims, as we will discuss in chapter 5.

Once included into the relevant "universe", however, victims' testimonies are not simply reproduced in the pages of truth reports. Members of truth commissions are in charge of organizing the narrative, and they do so by identifying *patterns of victimization* and historical causal relations as well as by selecting and retelling certain individual stories in the form of *emblematic cases*. The focus on patterns is often presented by truth commissioners as necessary given the immense numbers of individual victims: since not all "cases" can be "solved", they only aim to offer the truth about patterns — often delimited around the list of serious violations we have seen, such as summary executions, torture and forced disappearance — in order to identify their historical causes and paths for their change. At least a few "emblematic cases", however, are usually selected and narrated as part of the final report; and their narrative usually follows a particular script, as described by Desirée de Lemos Azevedo (2018). It includes a name, a photograph, some biographical data, and a narrative divided into two main elements: the reasons why this individual was included into this universe of victims (for instance, their trajectory within an oppositionist movement), and the reconstitution of state violence. Individual stories are distilled into these particular elements, which translate them as part of the identified patterns.

According to Félix Reatégui, who coordinated the final report of the Peruvian Truth and Reconciliation Commission, there is thus a division of labor between those who offer the "raw material" of truth and those who organize it into units of meaning, incorporating academic theoretical frameworks and methods, and an expectation of legal efficacy — sometimes, at the expense of a concern with the representation of victims' perspectives in the resulting narrative (REÁTEGUI, 2009). Relations between truth commission members (often transitional justice experts, lawyers or scholars) and victims are constantly renegotiated and can lead to tensions in certain cases, as we will discuss in relation to the Brazilian National Truth Commission; in other cases, however, victims will be at the center of the very establishment of such commissions, as in the

case of Ruta Pacífica's Colombian Women's Truth and Memory Commission (examples we will explore in chapters 4 and 5 respectively). When such tensions do arise, they can be read as an instance of the kind of frictions which often arise between "sticky" global paradigms and diverse local contexts during the implementation of transitional justice mechanisms (SHAW, 2007): more than a top-down imposition of global templates, we have constant negotiations and adaptations which can themselves lead to changes in preexisting templates.

Within and beyond the field of transitional justice, truth commissions also coexist with many other collective memory practices. As a result, final reports can become part of "memory battles," as are often described the processes through which different narratives of the past compete to conquer social efficacy as a shared representation of the past (REÁTEGUI, 2009). Besides, other contexts of memorialization also witness disputes over what counts as "real" suffering that is worth remembering (see WILKE, 2013). However, truth commissions aim to occupy a particular position in these battles: beyond the moral commitment to making past injustice relevant to the present through the act of remembering, which it shares with many other instances of "memory work", many truth commissions also intend to discover "objective" historical facts, which should be officially acknowledged by state authorities. As we will see throughout the following chapters, however, there have been many efforts to bridge the gap between truth commissions and other memory practices, already accounting for the difficult position occupied by such ostensibly objective institutions — both in relation to those who hold opposing narratives of past and present violence, and to groups of victims who demand participation in the telling of their own stories.

B.5. Lines as threads and textile metaphors

As discussed at the introduction to this thesis, the metaphors through which we structure our discussion of "lines" are an important part of this work. In part A, we have discussed the drawing of lines between criminal and political violence mainly through cartographic metaphors, centered on the effort to pin down and accurately represent such lines over space. Now, in part B, as we move to the analysis of these lines in the practices of truth initiatives, we will engage a second set of metaphors: those that structure the drawing of lines by reference to *textile practices*.

Connections between textile practices and truth and memory efforts are in no way hard to find, not only in contexts of democratization and peacebuilding (ANDRÄ

et al., 2020) — as illustrated by textiles from all over the world that can be found at the "Conflict textiles" digital archive[11] —, but also in response to violence that is deemed "ordinary", in contexts that are understood as "peaceful" and "democratic".[12] As noted by Christine Andrä (2020, p. 1), "[d]ue to textiles' soft and flexible materiality and to the association of needlework with women's work, textiles are customarily thought of as inherently peaceful, yet politically inconsequential". However, their entanglements with war and violence are multiple, from military uniforms and flags to the making of multiple textile pieces – from embroideries to quilts, from weavings to wall hangings – as means of activism for peace and justice (ANDRÄ, 2020).

Aside from textile pieces themselves, also not hard to find are textile metaphors that refer to truth and memory efforts, even when these initiatives take a textual form — for instance, when a truth report is expected to help "mend the social fabric". In the following chapters, a set of textile metaphors will be further engaged, as we take into account the material grounding of many metaphors that structure our thinking — as highlighted by George Lakoff and Mark Johnson (2003) and discussed at the introduction. As we have seen, many of the seemingly "less concrete" things that affect us, such as emotions or social processes, are often structured in our thinking and doing in terms of other material things and actions that surround us, such as objects, orientations and actions. In this sense, thinking with textile metaphors allows us to visualize a set of social practices involved in truth and memory initiatives; and engaging in actual textile practices, such as weaving and embroidery, helps us take these metaphors further and see other dimensions of truth-telling that can be structured by reference to these practices.

Beyond a tool for the visualization of political practices, textile metaphors bring certain practices into focus – especially when engaged in materially, as will be done in parts of this thesis. In this vein, Julia Bryan-Wilson (2017) notes in her work on *textile politics* that the term "textile" shares its Latin root *texere*, "to weave", not only with the term "text", but also with the word "texture"; and following this lead, she claims that *textiling politics* is to "*give texture* to politics, to refuse easy binaries, to

11 "Conflict Textiles is home to a large collection of international textiles, exhibitions and associated events, all of which focus on elements of conflict and human rights abuses. Conflict Textiles is an 'Associated Site' of CAIN (Conflict Archive on the INternet) at Ulster University, Northern Ireland. The collection is mainly comprised of arpilleras, quilts and wall hangings. Making visible the struggle for the disappeared remains at the very core of the collection." Available at: https://cain.ulster.ac.uk/conflicttextiles/

12 An example, the textile work of women of Mampuján in Colombia, will be discussed in Chapter 4.

acknowledge complications: textured as in uneven, but also […] as in tangibly worked and retaining some of the grain of that labor, whether smooth or snagged" (BRYAN-WILSON, 2017, p. 7, emphasis in the original).

This attention to texture when we think of politics in textile terms is connected to how these metaphors allow us to foreground the extent to which social processes — and in particular, for our purpose, the work of truth initiatives — are also practices of *making*. As discussed by Ingold (2013, p. 21–22), we often think of making in connection with the idea of a "project", that is, as an attempt to impose upon matter — some sort of "raw material" — a form we have in our minds; a conception that is often referred to as *hylomorphism* from the Greek *hyle* (matter) and *morphe* (form). He proposes, instead, that we can think of making as a process of *growth*, that is, as a *morphogenetic* (or form-generating) process in which the maker is, from the outset, a participant amongst a world of active materials. The maker's purpose is, then, humbler than the one implied by the hylomorphic model: rather than imposing form upon matter, the maker joins forces with materials, "in anticipation of what might emerge" and, at most, "interven[ing] in worldly processes that are already going on" (INGOLD, 2013, p. 21). In other words, "[a]rtisans or practitioners who follow the flow [of matter] are, in effect, itinerants, wayfarers, whose task is to enter the grain of the world's becoming and bend it to an evolving purpose" (INGOLD, 2013, p. 21). Elsewhere, Ingold (2010) opposed what he called the *textility of making* to a hylomorphic, technical, conception of making: "[e]mbodied within the very concept of technology was an ontological claim, namely, that things are constituted in the rational and rule-governed transposition of preconceived form onto inert substance, rather than in a weaving of, and through, active materials". Relatedly, discussing textile-making as a research technique, Arias López, Andrä and Bliesemann de Guevara (2021) argue that "the 'making' aspect of needlework creates time for becoming aware, feeling, remembering, and reflecting; revolving around notions of mending, unravelling, and recomposing materially and emotionally".

Relating to this notion, Jonathan Luke Austin and Anna Leander (2021, p. 137) note that "[m]aking requires a kind of 'futurist' sensibility", in which the production of something involves following the matter one encounters "however much we might wish our pre-defined plans would provide some certainty". That has important effects not only for the very process of making, which is always enmeshed in an important degree of improvisation and frictions, but also for the possibility of analyzing

processes through which things are made — rather than assuming that the analyzed "object" has resulted from the imposition of form over matter by a certain subject, one can attempt to account for the frictions, tensions and improvisations that go into processes of making.

In this sense, the following three chapters will discuss the work of truth commissions and similar initiatives as processes through which a myriad of actors — individuals and institutions, "experts" and "victims" — engage in the making of pasts, presents and futures. Textile metaphors — will help us bring to light this active and productive dimension, as well as the extent to which these activities are always enmeshed in the flows and movements that surround them. Lines between criminal and political violence will not, in these chapters, be visualized as boundaries represented over maps, but as threads that can be woven, stitched and (un)tied. The *textured* dimension of this making will be visible in many examples throughout the chapters, but will be more particularly engaged in chapter 6, when actors' attempts to make different futures amid changing political circumstances will be explored. Throughout these chapters, therefore, textile metaphors – specifically, weaving, embroidery, and the tying of knots – will be mobilized textually and materially as a way of highlighting processual, relational, and textured dimensions of truth initiatives in Latin America; and specificities of each textile practice will be explored to the extent that they help us make sense of the stories discussed here.

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This introduction threads the needle for the stories I'll tell over the next three chapters. In those stories, members of truth commissions and related initiatives in Mexico, Brazil and Colombia, as well as those who advocate for their creation, continuously draw lines between criminal violence and political violence. We'll follow these line-drawing practices by looking at truth commission proposals, presentations and reports; at their contexts and intended effects; at their interactions with social movements and victims' groups; at their controversies and legacies. We will look at how these lines are drawn when truth-seeking mechanisms, from the perspective of the present moment, *weave the past*; when they look at the *present* itself, seeking to make sense of the *intertwined legacies* that compose it; and when they gaze at the *future*, seeking to transform it by *untying the knots* the bind it to past and present violence.

The stories of the following chapters will thus revolve around three main questions.

Firstly, when weaving victims' storylines of the past into the surface of truth reports, how have truth commissions drawn lines between criminal violence and political violence? In chapter 4, I'll approach that question through the experiences of the National Truth Commission (NTC) in Brazil; of the Special Prosecutor's Office for state crimes committed against social and political movements of the past (FEMOSPP in its Spanish acronym) in Mexico; and of mechanisms created by the Justice and Peace Law in Colombia.

Secondly, when proposed or established to investigate present patterns of human rights violations, how do truth commissions address the intertwined threads of political violence and criminal violence over time? In chapter 5, answers to that question will be explored through the stories of the Subcomission of Truth in Democracy "Mothers of Acari" in Brazil; of the truth commission proposals debated in Mexico in 2018 and 2019; and of the Colombian Women's Truth and Memory and Comission — all of which intended to address limitations of the mechanisms discussed in chapter 4.

Thirdly, how do truth commissions draw lines between criminal violence and political violence into the future they aim to transform, undoing its ties with past and present? In chapter 6, I'll approach that question by looking at how proposed and established truth commissions in those three countries — particularly, the NTC in Brazil, recent proposals in Mexico, and the Colombia's Truth, Coexistence and Non-Repetition Commission — have conceived a possible transformation of violent patterns, by shedding light on its structural causes, by outlining policy recommendations or by emphasizing the process of a truth commission over its final outcome. I'll also emphasize the ways truth commissions' members and proposers have sought to rearticulate CVPV lines through such practices.

Throughout these stories, the image of CVPV lines as threads will help us reflect on the practices of truth commissions' members and activists in embroidering them over the surface of time; in giving rise to them, as edges of patterns woven out of victims' storylines; as knots that can be undone into loose threads that always retain a memory of their past form. While various textile practices have long been practiced by victims' movements in the collective production of truth and memory, here they will provide us with a visualization of how these lines are drawn by truth commissions in Latin America; and they will also help highlighting the textures of processes through which truths are continuously made.

Chapter 4. Weaving pasts

On 10 March 2000, members of the Colombian paramilitary group Héroes de los Montes de María, which was part of Autodefensas Unidas de Colombia (AUC), arrived in the village of Mampuján, ordering people to leave their homes and walk to a square nearby. When 245 families, or around 1,300 people, arrived at the square, paramilitary fighters asked them: "Do you know what happened in El Salado? What happened in El Salado, we did that, and we have come to repeat it here". In the village of El Salado, not far from Mampuján, the worst massacre perpetrated by paramilitary forces had taken place just days before.

But then, one of the paramilitary combatants got a radio call. Upon hearing a message from his superiors, he announced that the families gathered at the square would not be killed that day. There had been a mistake, this community was "innocent" — that is, they had not been collaborating with the FARC, a guerrilla against whom paramilitary forces fought. However, the people of Mampuján would have to leave the village — except for seven men who were taken as hostages to guide them towards las Brisas, another village nearby, where paramilitary fighters did execute eleven men and had the rest of the village leave it as well. The people of Mampuján and of las Brisas then fled their homes, leaving behind all of their possessions — and being woven into the patterns of massive forced displacement that have marked the Colombian armed conflict.

A few years later, established in a new small village they called "Mampujancito", women who had left Mampuján still struggled with the memory of displacement and of all the forms of violence which had crossed their lives. From a preacher who had come from the United States, they learned the technique of quilting, which consists in sewing together layers of fabric in order to form a padded surface. Through quilting, they began to tell their own stories together. Their first tapestry, called "*Mampuján, día de llanto*", told the story of the day they had been displaced, and is now on display at the Colombian National Museum (see figure 4.1). Over the following years, the group "Women Weaving Dreams and Flavors of Peace" ("*Mujeres tejiendo sueños y sabores de paz*") has made tapestries reproducing many more stories with which their own lives were enmeshed – from the displacement of their African ancestors to Colombia in colonial times to their hopes of a future return to their home (ALLUCCI, 2019; NIÑO, [s.d.]; SHEPARD, 2019).

Figure 4.1. – "Mampuján 11 de marzo de 2000. Día de llanto", quilted tapestry by Mujeres Tejiendo Sueños y Sabores de Paz, 2006. Image available at the Colombian National Museum's website (MUSEO NACIONAL DE COLOMBIA, 2020).

The group's work would gain further visibility after the displacement of Mampuján became the pilot for the implementation of the Justice and Peace Law, a system we will see later in this chapter (BELLO TOCANCIPÁ; ARANGUREN ROMERO, 2020, p. 183). For Wilson Sejuane Cantillo, a community leader from Las Brisas, "through these practices one can recover the social fabric, from this rupture of social fabric which happened at the time. It is being recovered little by little, through

these memory works, the tapestries done by Mampuján" (COLOMBIA. MINISTRY OF CULTURE, 2014).

In fact, the image of truth and memory projects as a means for "repairing the social fabric" is often repeated by scholars, activists and journalists — especially when these projects involve actual textile practices, as in the case of the weavers of Mampuján. On the other hand, even when stories are registered and communicated in other forms, such as the written final reports of truth commissions, the textile metaphor of weaving is particularly helpful in grasping certain aspects of how pasts are produced in the present through such initiatives (see PÉREZ-BUSTOS; SÁNCHEZ-ALDANA; CHOCONTÁ-PIRAQUIVE, 2019). It draws attention to the practices through which various threads — the storylines of "victims" — are interlaced in the composition of a surface, the woven fabric of historical truth; and to how, as threads become an integral part of the resulting surface, other lines become visible: the edges of patterns that emerge from the decision of weaving threads of different color. More importantly, it leads us to think of the various practices through which threads are selected and woven into surfaces, as well as to the decisions regarding the inclusion of different threads and the composition of different patterns.

At figure 4.2, we see a small piece of cloth in which three threads — green, pink, and brown — which I have woven together with a hand loom. While the threads form, together, a new surface, they can still be distinguished in their singularity. That does not mean, however, that the cloth could be as easily disassembled into its original threads — as noted by Ingold, in textiles, the form of an object often emerges from the mutual shaping of parts that are bound in sympathy rather than "merely" joined up. That means that, even if we unweave these threads and untie its knots, their material will retain a memory of their former association (INGOLD, 2015, p. 23–25). The cloth above is, however, unfinished, meaning that its loose ends have neither been tied up nor woven back within the back of the cloth. In this case, both green and pink threads begin and end outside of the cloth itself, although a large part of them has been woven into a single surface. They can still be individually distinguished; but they are also visible as part of a simple pattern – as a new line emerges from the encounter between green and pink threads.

Thinking of the final report produced by a truth commission as a woven cloth allows us to reflect on the practices through which certain storylines of victimization are woven into a new surface, while others are not; and the stories are woven so as to

Figure 4.2. – Lines woven with a hand loom by the author.

remain visible both as a singular case and as part of an emerging pattern. A truth surface emerges from the encounter between those who write — weave — the report and those whose storylines can be included — those who are considered part of the "universe of victims" of serious human rights violations perpetrated in a particular context. The very emergence of the "victim" as a social category around which social mobilization takes place is inseparable from this need to include certain storylines. Also central, as discussed at the introduction to this part of the thesis, is the predominant temporal imagination of transitional justice, which often requires a distinction between "political" forms of victimization, associated with an exceptional period in the past, and "ordinary" forms of state violence which cross history along a continuum and thereby challenge the temporality of political transition. After all, there is in the production of a truth report an effort to enclose serious violations into a finished past, which can be clearly distinguished from the present — thereby operating a rupture that allows for a promising future. Storylines of victims, however, challenge these clear-cut ruptures, since as illustrated in figure 4.2 above, they may start and end outside the (temporal) boundaries of the woven cloth.

At the introduction to this part of the thesis, we have seen that Latin America has had a prominent role in the historical development of transitional justice mechanisms, including truth commissions and similar institutions oriented towards the right to truth. While the history of the field can be traced to the late 1980s and early 1990s, partly in connection with the end of dictatorships in South America, the 2000s have seen a new wave of transitional justice across the region. Many factors have fueled this wave, as discussed by Roberta Villalón (2017), two of which are particular relevant

for our purposes: one of them is the increasingly high levels of violence — more often perpetrated by criminal organizations or by state agents allegedly engaged in "crime-fighting — in many countries in the region, prompting a search for causes in the past; and another one is the dissatisfaction among victims' movements with the insufficient transitional justice policies implemented up until then. Moreover, the 2000s saw a consolidation of transitional justice mechanisms as part of the "conflict resolution" package, which would impact peace processes throughout the world by adding a set of practices that were seen as required for sustainable peace.

In Mexico, in Brazil and in Colombia, it was indeed in the 2000s that the concept of transitional justice gained strength in political discourse — and along with it, the temporal imagination that prevails in the field of transitional justice, as well as its emphasis on the rights of political victims to truth, justice, reparation. and non-repetition. In this chapter, we will follow truth-seeking mechanisms established in those three countries, guided by the following question: *when weaving victims' storylines of the past into the surface of truth reports, how have truth commissions drawn lines between criminal violence and political violence*? We will look at how such lines are drawn between storylines of violence which belong *in* a report or *out* of it; how that act often hinges on a distinction between the exceptional *political violence* of the past and the ordinary *criminal violence* of the present; how these lines are drawn between different sets of *victims* whose storylines get to be woven or not, depending on whether violence was related to their *political affiliation* or not; and how that drawing takes place in the characterization of perpetrators as *political* or *criminal* actors.

In particular, these acts of line-drawing will be explored through the experiences of three mechanisms. Firstly, we will look at the story of the Special Prosecutor's Office for state crimes committed against social and political movements of the past (FEMOSPP in its Spanish acronym) in Mexico. Created in 2001 by the first president of an opposing party after 70 years of one-party rule, FEMOSPP was meant to mark a clear rupture between an undemocratic past of political violence and impunity and a democratic peaceful present; the fact that it became known as a story of "failure" will tell us of obstacles to the intent of containing storylines of violence within the surface of the past. Then, we will read the story of the National Truth Commission (NTC) in Brazil. Created in 2012 to clarify the structures, patterns and cases of violence perpetrated by the country's military dictatorship (1964-1985), it raised the question of who should be counted as part of its "universe of victims",

whose storylines could be woven into the structure of its report — a question that was, in the end, inseparable from how lines were drawn between the "political dead and disappeared" and thousands of others who have been victimized in the same period among "common criminals" and marginalized communities. Finally, we will look at the experience of truth-seeking mechanisms created after the adoption of the 2005 Justice and Peace Law in Colombia. These instruments, just as FEMOSPP and NTC, were the first significant official truth-seeking mechanisms in its own country to be embedded in the transitional justice discourse and expertise; however, the victims whose rights they were meant to advance had been the target of paramilitary groups who were then undergoing a demobilization process — groups whose status as political or criminal subjects was fundamentally at stake at that point. In conclusion, we will reflect on what these stories tell us about the effects of drawing lines between criminal violence and political violence when weaving the *past* into truth surfaces, especially when that act of weaving is enmeshed in the temporal imagination and practical priorities that prevail in the field of transitional justice.

4.1. Weaving past political violence as a separate surface

At the introduction to this part of the thesis, we saw that truth-seeking has a crucial place in the "toolbox" of transitional justice. Transitional justice mechanisms are premised on the effort to leave the past behind and lay the conditions for a society to move forward; the present thus emerges as a liminal moment between a violent past and a promising future (CUÉLLAR, 2017; MUELLER-HIRTH; RIOS OYOLA, 2018, p. 3). Truth-seeking, one of the main pillars of transitional justice, aims "to address the past in order to change policies, practices, and even relationships in the future, and to do so in a manner that respects and honors those who were affected by abuses" (HAYNER, 2011, p. 11). Over the last few decades, this aim has been increasingly pursued through the establishment of "truth commissions", most often understood as official non-judicial mechanisms with a clearly defined mandate, created as part of processes of political transition from authoritarian governments to democratic ones, or from armed conflicts to peace.

In 2000, Mexico's political landscape did not resemble those of previous "democratic transitions" in the region. Vicente Fox, from the National Action Party (*Partido de Acción Nacional*, or PAN) was elected president, after 70 years of one-party rule by the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, or PRI) in the country. Although PRI's governments were often considered *democratic*, at least

at a formal level, political dissidents had been violently persecuted at various points in history — including between the 1960s and 1980s, in what became known as the country's "dirty war" (*guerra sucia*). As a result, in 2000 there was hope that the ruling party shift would be followed by the creation of mechanisms that would allow the Mexican society to somehow deal with those past violations. Soon after taking office, Vicente Fox announced the creation of an institution for that purpose, the Special Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP). FEMOSPP had a double mandate: on the one hand, its judicial branch would investigate and prosecute past state crimes perpetrated against persons linked to political or social movements; on the other hand, it would include a commission of historical clarification, whose members would produce some kind of official truth report on the past.

However, around five years later, FEMOSPP's historical investigation director José Sotelo Marbán could be seen visiting non-governmental organizations with a draft report under his arm. Then aware that only a watered-down version of that report would be published by the government, Marbán sought to make sure that those information about past state violence against political opponents would be brought to the public, even if unofficially. The document was welcomed by the National Security Archive, a civil society organization based in the United States; and the draft report, titled "Let It Never Happen Again!" ("*¡Qué no vuelva a suceder!*") has been available on its website since 26 February 2006 (NATIONAL SECURITY ARCHIVE, 2006a; VÉLEZ, 2017, p. 438). Later that year, a censored "Historical report to the Mexican Society" was made public by FEMOSPP, marking the end of the institution; and by the end of 2006, Vicente Fox was succeeded by Felipe Calderón, whose declaration of a "War on Drugs" symbolizes the beginning of a new cycle of violence (DAYÁN, 2019b, personal interview).

The story of FEMOSPP's "failure" tells us about the political work that goes into demarcating a rupture between past and present — and in this case, between the stories of political violence that were expected to be "left behind", contained as part of the past, while the country dealt with ordinary, criminal, violence which apparently did not threaten the existing "democracy". Understanding Fox's decision to start what would become known as Mexico's first *attempt* at transitional justice is as important as understanding the conditions that led to its demise. In this section, we look at that story with an attention to how various characters — from victims' movements to

FEMOSPP's members — drew different lines between criminal violence and political violence over time.

4.1.1. Victims' movements drawing lines: Amnesty and justice in Mexico's "dirty war"

On 25 August 1974, in the Mexican state of Guerrero, a 60-year old peasant named Rosendo Radilla Pacheco was traveling by bus with one of his children. Mr. Radilla Pacheco had been advocating locally for justice and development for a few decades, and in 1955 he had been elected city mayor at the small city of Atoyac de Álvarez, where he lived with his family. In his free time he also composed "corridos," narrative songs from a popular Mexican style, some of which denounced injustice and poverty and praised political movements such as Partido de los Pobres de Guerrero. And according to the military soldiers who stopped their bus at a checkpoint in 1974, it was due to these corridos that Mr. Radilla Pacheco had to be detained. He was last seen blindfolded at the closest military headquarters, and as of the writing of this thesis, his whereabouts remain unknown (GUTIÉRREZ, 2010, p. 15).

The story of Rosendo Radilla Pacheco would later become an *emblematic case* of a larger *pattern* of serious human rights violations: the systematic repression against those who were politically organized against the government in the state of Guerrero, especially between the late 1960s and the late 1970s. This context of violent repression by state agents against politically opponent groups, as well as against civilian communities framed as their supporters, is often referred in Mexico as "dirty war" ("*guerra sucia*"), similarly to other Latin American contexts. According to estimates by the Association of Family Members of Disappeared Detained and Victims of Human Rights Violations in Mexico (AFADEM by its acronym in Spanish), around 1,200 people were forcibly disappeared during that period, half of which lived in Guerrero. Of these, over 400 lived in Atoyac. While many of them were associated with armed movements, there were also many "civilians" among the executed and disappeared by the state (GUTIÉRREZ, 2010, p. 14).

In the following decades, alongside the families of other victims, relatives of Rosendo Radilla Pacheco engaged in several actions to try to locate the disappeared, starting with protests and press activities demanding the Mexican Army to release several detained people. These activities fueled the emergence of a national movement around the issue, with the creation of organizations such as the AFADEM (which has had Tita Radilla, Rosendo's daughter, as vice-president), and Comité Eureka (created

in 1977 by Rosario Ibarra de Piedra, whose son has been kidnapped by state agents and disappeared). In the late 1970s, these organizations of family members of the "political disappeared" engaged in public mobilization, including large collective hunger strikes, for the release of those who were imprisoned due to *political crimes*; a goal achieved with the adoption of an Amnesty Law which enabled the release of 1500 political prisoners, the return of 57 exiles and the release of 148 political disappeared who had been secretly held by the government (MUSEO CASA DE LA MEMORIA INDÓMITA, [s.d.]). Since then, these organizations of victims and family members have engaged in thorough search activities in places like the Mexican state of Guerrero, often involving excavations and the contribution of national and international forensic experts. Moreover, over the following decades they have also increasingly mobilized for justice, understood as the punishment of state agents who had been the most responsible for the crimes against humanity perpetrated against their family members.

Regarding this mobilization for justice, the emergence of Rosendo Radilla Pacheco's story as a paradigmatic case of the dirty war is inseparable from the way it has been legally mobilized in strategic litigation efforts. In the 1990s and 2000s, Rosendo Radilla's daughters brought his case of forced disappearance to various national judicial instances, including FEMOSPP; and they also sought the Inter-American Human Rights System, alongside AFADEM and the non-governmental organization Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH by its acronym in Spanish). In 2009, the Inter-American Court considered the Mexican state responsible for violations against the rights of Rosendo Radilla Pacheco and his family members, identifying the Army as responsible for his forced disappearance and asking the state to open investigations on the case in order to identify his whereabouts or his remains and to punish perpetrators. While Radilla Pacheco and other victims of the dirty war remain disappeared, the Inter-American Court's decision contributed to the adoption of measures such as a reduction in the scope of military justice in Mexico and the definition of forced disappearance as a crime in domestic law (CMDPDH, [s.d.]; CORDERO, 2014).

Aside from individual stories of "ideal victims" that are mobilized in strategic litigation as paradigmatic of a larger pattern of human rights violations, certain *events* also emerge as emblematic due to the impression they make upon collective memory. That is the case with the "Tlatelolco massacre" in Mexico City, in 1968. For months, students held peaceful marches and meetings to protest against authoritarianism, with

demands that included the end of government repression, reparations for families of the dead and amnesty for political prisoners. At one of those rallies, on October 2, 1968, students gathered on the Tlatelolco square were brutally repressed by police and military forces, with casualties and disappearances estimated between 30 (the official count at the time) and over 300, while hundreds of others were arrested. Over the years, representation of the massacre in political discourse progressively went from what Eugenia Allier-Montaño termed a "conspiracy memory" in which students were depicted by the government as "social criminals" engaged in a communist conspiracy, which had been contained; towards a "memory of denunciation of repression" in which the massacre had itself been a crime whose perpetrators, state agents, had to be punished and whose victims deserved reparation. Actors such as the 68 Committee for the Defense of Democratic Liberties, an association of "directly affected victims", played an important role in the construction and rearticulation of memory on that event over the following decades (ALLIER-MONTAÑO, 2015). In 1993, clarifying the circumstances of that event would be the aim of an unofficial "truth commission" established by the National Committee "25 Years After 1968", which gathered former student leaders. However, the Commission was given no access to government archives relative to the massacre, and the opening of these archives was at the center of their demands over the following years (GARRIDO, 1998).

Through those various forms of mobilization, organizations such as AFADEM, Comité Eureka and Comité 68 were redrawing lines between what would be framed as "political violence" and "criminal violence" in two main ways. On the one hand, they sought to move those who were persecuted by the state due to their political affiliation from the space of "delinquency", of *political crimes*, to one of legitimate political action. They demanded amnesty for those who had been detained or exiled for opposing the state. On the other hand, these movements sought to rearticulate the violence of state agents from the realm of anticommunist counterinsurgency to that of *crimes against humanity*, drawing from a transnational anti-impunity human rights agenda to demand the punishment of those who had perpetrated acts of torture, arbitrary detention, extrajudicial execution and forced disappearance.[13] Both acts of line-drawing are crucial in that they would shape the

13 On this double movement, see the section "B.3. Crime and truth-telling" at the introduction to this part of the thesis.

narrative of truth and memory initiatives on the dirty war for decades to come. Unfortunately, as we will see with the case of FEMOSPP, the strength of that narrative in public discourse was not clearly translated in victims' movements success in obtaining either truth or justice.

4.1.2. "Historical truth" as line-drawing between past and present violence in Mexico

Up until here, the story of Mexico's dirty war was parallel to that of many other Latin American contexts during the Cold War, with the violent repression of leftist opposition groups leading to hundreds of deaths, disappearances and other human rights violations. However, in Mexico, all of it has taken place in a formally *democratic* institutional setting. Although the federal government was effectively controlled by a single party, the PRI, between 1929 and 2000, the party's rule was publicly presented as grounded on popular support — despite the fact that potential dissidents were mostly controlled through a combination of corruption, co-optation, privileges and patronage (OPEN SOCIETY FOUNDATIONS, 2016, p. 23–24). Elections continued to be held throughout the period, there was a tolerated socialist party — although the Mexican Communist Party was fiercely persecuted, if not prohibited —, and leftist intellectuals moved with relative freedom for most of those decades (ALLIER-MONTAÑO, 2015, p. 131). This institutional setting, therefore, made it more difficult to make sense of the patterns and events of brutal repression against political opponents discussed above — especially when this sense-making departed from conceptual frameworks developed in relation to other forms of political experience, such as the Southern Cone dictatorships.

As seen at the introduction to this part of the thesis, the emergence of the field of transitional justice brought together human rights activists and comparative politics scholars, who exchanged experiences on how countries transitioning from authoritarian regimes to democratic ones should deal with past abuse (ARTHUR, 2009). "Transitologists", those who studied political transitions, featured prominently among this group of scholars. In Mexico, a significant literature was also developed around the question of whether it was possible to speak of a "democratic transition" in the country given its particular historical conditions; and if so, when did it start? Among those who see such a transition, the most frequent answer traces it to the 1968 student movement, which would be targeted at the Tlatelolco massacre. According to this perspective, that movement was a catalyst for political reforms which started in

the 1970s, including the Amnesty Law we have seen in the last subsection. The culmination of this democratic transition, however, would only come in 2000, with the election of president Vicente Fox in the first truly competitive elections in many decades (RIBERTI, 2020). This narrative was illustrated by Fox's speech on October 2, 2001, regarding the Tlatelolco massacre: "My government sees in the events of October 2, 1968 one of the most important early manifestations of the struggle for democracy waged by the Mexican people; thanks to that struggle, today we can all enjoy this atmosphere of freedoms, plurality, and greater participation" (ALLIER-MONTAÑO, 2015, p. 138).

Although the election of a president from outside of PRI created expectations of a political transformation (ACOSTA; ESA, 2006), the construction of such past violence as part of a politically exceptional moment was hampered by the absence of a clear institutional rupture between the two administrations — differently from other Latin American countries where power had shifted from military to civilian hands and/or a new constitution had been adopted, for instance (RIBERTI, 2020). In principle, the 2000 election had only been a change in government. Therefore, if President Vicente Fox wanted to present himself as the symbol of a true political transformation, he needed to produce that rupture between a *violent, exceptional, undemocratic* past and a *peaceful, ordinary, democratic* present and future, and the field of memory and historical truth offered important tools for drawing that line.

With this in mind, and also responding to demands by certain civil society organizations and victims' movements as the ones we have seen above, one of Fox's campaign promises had been to *confront the crimes that had been committed by the previous regime*. After his election, however, Fox had to choose among different models for this "confrontation of the past." Leaving out the alternative of a full amnesty, Fox was left with the options of creating some sort of truth commission, as the ones in Guatemala and El Salvador; or a special prosecutor's office which would prosecute individually those responsible for past abuses. His ministers were divided on the matter. One of them, Santiago Creel, noted that a truth commission might be risky because it might promote a witch-hunt against perpetrators of past crimes and pose a risk to Mexico's nascent democracy, while a special prosecutor would work inside existing institutions and attribute responsibility only at individual level. Other ministers, in turn, argued that a truth commission would be preferable as it could not only publicize the *individual identities* of those who had been more responsible for repression, but also expose the

mechanisms of the authoritarian system which had enabled abuses, thereby making it easier to dismantle them to some extent; while a judicial mechanism could be more subject to intimidation and obstructions. Initially opting for a truth commission, which was carefully designed by a team of politicians and scholars, Fox suddenly shifted to the creation of a special prosecutor's office, the Femospp, possibly as a way to obtain support from PRI's politicians for other policies (QUEZADA; RANGEL, 2006).

Created in November 2001, FEMOSPP's full name was in fact "Special Prosecutor's Office for the Attention of Deeds which Probably Constitute Federal Crimes Committed Directly or Indirectly by Public Servants Against Persons Linked to Social or Political Movements of the Past".[14] Its mandate was, therefore, seeking justice for crimes committed *in the past* by state agents against people associated with *social and political movements*. This temporal mark — political and social movements of the *past*, the clarification of *past* deeds — is repeated several times throughout the 2001 Executive Order that gave rise to the Prosecutor's Office; the order does not, however, expressly refer to any particular period in the past. The fact that FEMOSPP would focus its attention on violations committed during the country's dirty war can only be apprehended from a quick mention to a recommendation issued by the National Human Rights Commission (26/2001) to which this Executive Order was a response (MEXICO, 2001). The recommendation, in turn, was part of a report which listed 532 cases of forced disappearance in the 1970s and early 1980s, and included massacres perpetrated against student movements in 1968, thereby referring to the context of Mexico's "dirty war"[15] (MEXICO, NATIONAL HUMAN RIGHTS COMMISSION, 2001).

Aside from its temporal scope, FEMOSPP's material mandate is also vaguely defined: the new Prosecutor would be in charge of concentrating and following investigations related to "deeds that were probably constitutive of federal crimes committed directly or indirectly by public workers against people linked to social or political movements." There was no clear definition of which groups could be

14 In Spanish: Fiscalía Especial para la Atención de Hechos Probablemente Constitutivos de Delitos Federales Cometidos Directa o Indirectamente por Servidores Públicos en Contra de Personas Vinculadas con Movimientos Sociales y Políticos del Pasado.

15 At the public ceremony in which this report and its recommendation were handed to Fox's administration, human rights organizations and movements of relatives of the disappeared, such as Comité Eureka, were skeptical: while the symbolic recognition of these violations by the state seemed important, the acknowledged number of victims was small compared with those that had been registered by families movements alone (ACOSTA; ESA, 2006, p. 101–102).

characterized as social or political movements, nor were there any indications of how links with these groups would be determined (ICTJ, 2008).

Once created, the *Fiscalía* started to implement its own mandate around two "lines of investigation": a judicial one, aiming to ensure that those who had been individually responsible would be prosecuted; and a historical one, seeking to shed light on related facts and provide an interpretation of what happened (FEMOSPP, 2006, p. 2). Regarding the judicial axis, after years of work, the special prosecutor's office failed to bring any of those responsible for past crimes to justice. In 2005, FEMOSPP charged a former president, Luis Echeverría, and his interior minister with genocide, accusing them of ordering a paramilitary squad to attack 25 students in 1971. However, federal judges decided against the indictment, ruling that neither of them could be tried for either this episode or for other massacres (QUEZADA; RANGEL, 2006).

Regarding its second axis, FEMOSPP had a Work Commission for the Clarification of Historical Truth, which was meant to produce a public report by 2005. For this purpose, a group of 27 researchers, historians and activists coordinated by José Sotelo Marbán were hired by the Special Prosecutor Ignacio Carrillo Prieto in 2004; they then started gathering and analyzing the testimony of victims and witnesses and data of government archives, as well as previously produced historical information on the period.

Despite the short period they had to produce it, that team did deliver a version of this general report to Prieto by December 2005. The document claimed to offer the "historical truth" on massacres perpetrated against students in 1968 and 1971 and on the disappearances and other violations committed as part of counterinsurgency practices during the Dirty War — a "truth" that went beyond a coherent retelling of facts to provide an interpretative framework for explaining the past (FEMOSPP, 2006, p. 2). Following a composition that reappears in final reports of several truth commissions around the world, FEMOSPP's draft report brings together an analysis of the structures and methods of repression, that is, the broader patterns of human rights violations and the associated historical facts; and the documentation of "individual or specific truth" on the "concrete cases" it aimed to clarify, including a list of recognized victims of these acts (FEMOSPP, 2006, p. 3).

According to the historical narrative presented by FEMOSPP's researchers, "the Mexican state, to the highest levels of command, hampered, criminalized and combated various sectors of the population who organized to demand more

democratic participation in decisions that affected them, and those who sought to put an end to authoritarianism, patrimonialism, mediating structures and oppression" (FEMOSPP, 2006, p. 1). These groups, "organized in student movements and popular insurgency", had been the target of criminal action such as massacres, forced disappearances, systematic torture, war crimes and genocide, "in an attempt to destroy this sector of society which [the state] ideologically considered its enemy (FEMOSPP, 2006, p. 1).

It soon became clear to those researchers, however, that the report they had been working on might never see the light of day — at least not in this version, which attributed clear responsibility to the Mexican state and to its Armed Forces for serious human rights violations. This is when we find Marbán visiting NGOs with his draft report, until it landed on National Security Archive's website on February 2006 (VÉLEZ, 2017, p. 438). When asked about the legitimacy of the leaked document at a press conference, the Special Prosecutor preferred to go on about the nature of truth itself: after explaining that the version was only a draft, Prieto added that "[i]n fact there is never a definitive document, because truth is a construction — the historical truth —, is a construction that is definitive for periods of time, that surely requires revisions, new approximations, new tools, new instruments for historical analysis" (GARCIA, 2007).

In November 2006, an "official version" — which avoided direct attribution to former presidents and security agents, or to the state itself, in favor of abstract references to the responsibility of the former "political regime" — was presented to the public on the web pages of state institutions, but only for a few days; since then, even the "official" report can only be found on civil society sources (ICTJ, 2008; MUNGUÍA, 2011; NATIONAL SECURITY ARCHIVE, 2006b). This marked the end of FEMOSPP's activities — the office had allegedly "fulfilled its goals", an explanation which was promptly challenged by former members and by civil society organizations[16] (ICTJ, 2008; MONTEMAYOR, 2010, p. 31). Finally, in 2012, yet

16 After FEMOSPP, another truth commission was established at the local level, in the state of Guerrero. In Guerrero, Comverdad was created in 2012 in order to shed light on dirty war violations committed in that state. Created by a subnational government, the commission had difficulties in accessing the archives of federal institutions effectively involved in the violations, such as the Armed Forces and intelligence agencies (GUEVARA, 2019, p. personal interview). Besides, Comverdad's work lacked state funding and support, and some of its members were threatened during the course of investigations. Still, the commission did manage to release a final report in 2014 with some new information on past human rights violations perpetrated by state agents in Guerrero (DAYÁN, 2019b, p. personal interview). Aside from offering a historical account of patterns and individual stories, the

another version of FEMOSPP's report would be presented to the Mexican society: former members of the commission and human rights activists revised the previous versions and published an unofficial report titled "The Denied Truth" (*La Verdad Negada*) through the Mexican civil society organization *Centro de Investigaciones Históricas de los Movimientos Sociales, A.C* (2012).

After these many twists and turns, the experience of FEMOSPP has entered Mexican history as a story of *failure* — or as described by Rosario Ibarra, from Comité Eureka, it had been "the Prosecutor's Office with a large name and null achievements"[17] (GODOY, 2007). It did not prosecute those responsible for past state violence; and it failed to produce an official report which was recognized as the historical truth on past violence. Despite the fact that the various versions of the truth report largely reproduced the narrative advanced by victims' movements in the previous decades — the persecution against those who *struggled for democracy* had been promoted by state agents through *crimes against humanity* —, the lack of state support and the problematic outputs of the historical clarification commission had tainted the legitimacy of that mechanism. If, by creating it, President Vicente Fox meant to produce a clear rupture between a violent, undemocratic past and a peaceful, democratic present, FEMOSPP's failure illustrated the absence of any significant temporal rupture — and of the fundamental continuity of impunity pacts.

Therefore, beyond an effort to transform judicial institutions in Mexico, the creation of FEMOSPP was an attempt to weave a finished past. While finishing a weave is usually done by tying up or weaving in all loose threads, the unfinished, unpublished, report of the special prosecutor's office was evidence of its *failure* to weave the past as a separate surface of political violence, exceptional in comparison with the "ordinary" criminal violence that crosses through past and present. Eighteen years later another Mexican president would be elected with the promise of a transition, and a new debate on the prospects of transitional justice mechanisms ensued, as we will discuss in the next chapter. However, even when truth commissions do produce a finished, enclosed, official historical truth of past violence, disputes often remain as to which threads should have been woven into that surface of past truth — disputes which often hinge on the characterization of violence as political or not.

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commission also colaborated with families of disappeared victims in excavations, which are told in detail in its final report published in 2014 (COMVERDAD, 2014).

17 In Spanish, "la fiscalía de nombre largo y alcances nulos".

4.2. Weaving in "political" victims, leaving out criminalized threads

In the field of transitional justice, the "victim" is a central political subject. For each particular context, the definition of who is a victim will usually be found at the encounter between local political contingencies and trends which circulate transnationally, as well as between various forms of social mobilization and the legal-political determination of state agencies. The question of who *counts* as a victim is a starting point not only for national reparations programs — where it is usually put in explicit terms, in order to identify beneficiaries of some form of compensation — but also for truth-seeking mechanisms. Official answers usually hinge on certain *legal* categories, with the universe of victims being bound by reference to specific *types of human rights violation*, such as death and forced disappearance; and in certain cases, this criterion is joined by the identification of particular *types of perpetrators*, as will later be discussed in the Colombian case. Beyond the fact of a human right violation, however, victimhood also requires official acknowledgment, thereby acquiring a certain "legitimacy" that may or may not reflect popular sentiment towards a particular group (GARCÍA-GODOS, 2018, p. 39–42).

Moreover, the definition of who *counts* as part of a particular universe of victims is always, naturally, a definition about who does not. In certain Latin American countries, such as Argentina, the universe of victims of death and disappearance perpetrated in the past is usually presented as an estimate. In Brazil, in turn, the group of political victims of death and disappearance during the past dictatorship (1964—1985) are always presented as a precise number (HOLLANDA, 2019, p. 124), making the question of how individual stories are included or excluded all the more evident.

That question was publicly raised on 11 December 2014, one day after the Brazilian National Truth Commission (NTC) had published its final report. Between May 2012 and December 2014, the NTC had a mandate to investigate serious human rights violations perpetrated by state agents between 1946 and 1988, with a focus on the dictatorship period in the country[18]. On that day in 2014, a public hearing was held by a subcommission of the Brazilian Senate in order to discuss the report and its recommendations. One of the speakers at this event was Gilney Viana, a former political prisoner and, at the time, coordinator of the "Right to Memory and Truth"

18 The temporal mandate covered the period between two constitutions, but the commission's focus was on human rights violations committed during a period of civil-military dictatorship in the country between 1964 and 1985.

project at the Human Rights Secretariat of the Brazilian Presidency. While recognizing the importance of NTC's final report, he indicated what he perceived as its main shortcomings:

> I have participated in the commissions of indigenous peoples and peasants (composed by entities and social movements). The crimes against them were not recognized in the report. It creates, therefore, *two categories of persecuted people* by not including them in the list of 434 victims. That is the weakest point in this report. That is its weakness. It maintains the invisibility of the ones who suffered the most. They were not in political parties nor did they belong to leftist organizations (ÉBOLI, 2014 emphasis added).

According to Gilney Viana, before exiting that event he got a phone call letting him know that he would have to leave his government position (HOLLANDA, 2019). However, he was not the only one to criticize the politics of victims' inclusion and exclusion in historical accounts of the Brazilian dictatorship, including in the NTC's work. By noting the existence of two categories of victims, Viana referred to the way NTC's report had been structured:

- The first volume presents the commission and its main findings regarding the *structures and patterns* of human rights violations, as well as its recommendations for non-repetition.
- The second volume is composed of "*thematic texts*" signed individually by their authors, rather than by the commission as a whole. The themes covered here include human rights violations perpetrated against peasants, workers, indigenous peoples and LGBT groups, as well as the role of civilians in sustaining the regime, amongst other topics.
- The third volume lists the *434 victims* of political deaths and disappearances perpetrated by the military regime, presenting the circumstances and perpetrators of each case (BRAZIL, 2014).

The final report's structure thereby differentiated between a category of victims whose persecution was officially acknowledged through the report — whose stories were woven into the *patterns* of the first volume and individually told as *cases* at the third volume — and another category whose stories could only be woven into the unofficial surface of thematic texts. The acknowledged 434 victims were characterized by a certain conception of *political* persecution, often sharing similar stories and "profiles": most of them were white, middle-class individuals living in large cities and which were either university students or affiliated to political parties and movements, confronting the dictatorship in a particular way (PEDRETTI, 2017). Others who have

had their rights systematically violated by state agents during dictatorship, such as indigenous peoples and peasants, had their stories told in texts that could not be attributed to a state institution. That is despite the fact that, as argued by Gilney Viana, the NTC's mandate — which only refers to "serious human rights violations" — did not require the recognition of a "political" nature to these violations for their inclusion (HOLLANDA, 2019).

Therefore, many other storylines of state violence committed during the dictatorship were left out of either of these truth surfaces. They were left unwoven because they were not seen as stories of *political* violence. On the one hand, that is the case of "common prisoners" who were racially profiled, arbitrarily detained and tortured in ways that could hardly be distinguished from the victimization of political dissidents; on the other hand, that is also the case of marginalized populations who have been, since then, targeted by death squads mostly composed of state agents. In order to understand these processes, we should look further than the individual decisions of NTC's commissioners or government agents. Here, we will briefly go back to the 1970s, to look at those who already struggled to redraw those lines between victims of political violence and the criminalized storylines that were constantly left out.

4.2.1. "Apolitical" deaths and disappearances in Brazilian dictatorship

"800 bodies assassinated by unknown authors under never investigated circumstances, resulting in inquiries that were closed before being open" (REINA; PEDRETTI, 2020). That is how a 1971 report by the US State Department, authored by US Ambassador in Brazil William Rountree, described a wave of summary executions in the previous three years in cities such as Rio de Janeiro and São Paulo. The number, almost twice as many as the victims of all 21 years of dictatorship later listed in NTC's report, might seem surprising; except that it does not refer to the execution of political dissidents by state agents, but to the marginalized victims of paramilitary death squads which roamed the streets eliminating alleged "criminals".

Death squads were mostly composed of state agents, such as police officers and military officials. In their history, the line between repression against "bandits" (in practice, against black, poor populations living in urban peripheries, who were racially profiled as dangerous) and against "terrorists" (members of leftist opposition groups) was often blurred. For instance, Sérgio Paranhos Fleury, who then led the infamous *Esquadrão da Morte* (literally, Death Squad) in São Paulo, was also in charge of that

state's Police Department for Political and Social Order (DOPS/SP), a crucial branch of political repression. Far from a coincidence, this connection is mentioned in NTC's final report as evidence of a temporal line between the repression of supposed criminals and of political dissidents: according to the Commission, since the emergence of police officers such as Fleury around 1968,

> DOPS/SP began to work, in the fight against militants, in a very similar way to that normally deployed against common criminals, and differently from the way of the Armed Forces, which used repression models adopted at the United States and in France. At the time, Fleury told a weekly magazine that any bank robbery, whether practiced with political aims or by thieves, should be investigated as a common crime, using the same methods. […] Before 1964, the police had freedom to torture only habitual criminals, the poor in general — considered, by ruling authorities, as second-rate citizens. These could rely on no kind of protection. Cases of torture against members of the middle-class have always been rare in Brazil. After 1968, that social protection no longer existed, with support of the Armed Forces and acquiescence of a significant share of society (BRAZIL, 2014, vol. 1, p. 163–164).

Police brutality, long practiced against black people by uniformed agents in jails and police stations as well as by death squad members in urban peripheries, had thus been expanded from its usual targets to the middle-class members of political movements and student associations. Torture and extrajudicial executions, before reserved to alleged "common criminals", were now among the main tools of political repression, including against those who would later be recognized as victims of the Brazilian dictatorship.

In the late 1970s, members of the Black Unified Movement (*Movimento Negro Unificado* or MNU) advanced a related argument. In 1978, the recently created movement published its first manifesto inviting people for a public act against racism. According to the letter, weeks earlier, Robson Silveira da Luz, "worker, husband and father", had been "one more black man killed due to police torture" at a police station in São Paulo (GONZALEZ; HASENBALG, 1982, p. 43–44). Robson worked at a street market until he was accused of stealing fruit, which led to his arrest, torture, and execution. Materially, his fate had not been so different from that of many other "victims of dictatorship". For a black man, however, suspicion of a small theft had been enough to trigger that fate (PASTORAL CARCERÁRIA NACIONAL – CNBB, 2018). By telling Robson's story, the Black Unified Movement attempted to draw public attention to the fact that "the common black man is also tortured", although "the Brazilian public opinion only learned of the existence of torture from the moment repression instruments started practicing it against middle-class young men who opposed the regime" (GONZALEZ; HASENBALG, 1982, p. 60).

Beyond raising general awareness about institutional racism, the MNU mobilization also had a particular target in sight: the social movement for the adoption of an Amnesty Law in Brazil. A central actor in this mobilization was the Brazilian Committee for Amnesty, an organization of human rights activists, friends and family members of political prisoners, trade union members and other allies. They demanded a broad, general, and unrestricted amnesty for those who were persecuted by the state, including the release of all political prisoners; the return of political exiles; the reintegration of public servants and other workers who had been fired or persecuted for political motivations; the reestablishment of politicians' revoked rights; and the clarification of deaths and disappearances of regime's oppositionists (MEMORIAL DA ANISTIA, [s.d.]). This mobilization was also a struggle by members of social movements, political parties, and groups of family members to consolidate the recognition of political victims as a social category, which included those who had been persecuted for directly opposing the regime (AZEVEDO, 2018).

At congresses organized by the Brazilian Committee for Amnesty, the Black Unified Movement began to argue that a truly broad, general, and unrestricted amnesty could not neglect those who, as Robson, had been detained, tortured, and executed as "common prisoners". Their detention had been equally political. Brazilian black people, who were considered suspects, arrested, and tortured for the mere fact of being black, were immersed in an economic system that led to criminal incidence, and in a racialized social system that politically selected which bodies would fall into the web of incarceration (GONZALEZ; HASENBALG, 1982, p. 60). The expectation was that, at a moment when political opening was envisioned, there could be a synergy between those who advocated for the rights of "common prisoners", especially black movements, and those who demanded rights for "political prisoners". This synergy, however, never materialized (PASTORAL CARCERÁRIA NACIONAL – CNBB, 2018, p. 145–147), and the Amnesty Law finally adopted in 1979 — the cornerstone of Brazilian political transition to democracy — was part of the process through which black people in urban peripheries would be left out of the "universe of victims" of dictatorship.

Ironically, if human rights violations perpetrated by state agents against black poor individuals framed as "criminals" would mostly remain unpunished due to the structural racism of judicial institutions — as had already been noted at the 1971 US State Department report —, in the case of violations against political dissidents the

1979 Amnesty Law itself would become an instrument for impunity. Although, in the late 1970s, the Brazilian Committee for Amnesty had defended that torture was not a political crime but a crime against humanity, which therefore could not be amnestied (MEMORIAL DA ANISTIA, [s.d.]), the terms of the law adopted in 1979 have effectively shielded state agents for violations committed during the Brazilian dictatorship. That understanding of the Amnesty Law still prevails in Brazilian justice, despite an opposing decision in 2010 by the Inter-American Court of Human Rights on the case Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil (ABRÃO; TORELLY, 2011).

On the one hand, the history of mobilization for an Amnesty Law in Brazil, as part of the country's political transition to democracy, is thus a history of struggle of those who had been violently persecuted due to their political opposition to the military regime. They collectively mobilized as a group of victims of political persecution who demanded truth, justice and reparation for human rights violations perpetrated by the state. On the other hand, it is also the story of those who demanded an expansion of the circle of "political victims" who would be granted an amnesty as part of the reconstitution of a democratic political community: for activists of the Black Unified Movement, a transition to democracy would not be complete until there was an end to state violence against marginalized populations who were constantly criminalized. Simultaneously, in the urban peripheries, people were invisibly tortured and executed by death squads who claimed to be cleaning the streets of undesirable bandits — their victims, just as Robson Silveira da Luz, would not be officially acknowledged as victims of dictatorship by state bodies charged with implementing the Amnesty Law in the following decades, and their individual stories would not be told as profiles at the third volume of the Brazilian National Truth Commission's final report. Although many of them had been effectively tortured and executed by the same hands, their storylines were different, and could not be woven together into the same surface of truth.

4.2.2. Brazilian truth commissions and criminalized storylines

Once again we return to the question: how do some stories come to count as part of a universe of victims for a truth commission, while others do not? In the case of the Brazilian National Truth Commission, looking at its explicit mandate — to "examine and clarify the serious human rights violations" practiced between 1946 and 1988; specific goals including "promoting the clarification of circumstances of cases

of torture, death, forced disappearance, body concealment and their authorship" and "identifying and publicizing the structures, places, institutions and circumstances" related to those violations (BRAZIL, 2011) — is apparently not enough to answer that question. Serious human rights violations were widely perpetrated by state agents throughout the period; only 434 individual victims of death and disappearance were officially acknowledged.

A first hint into how this universe was narrowed is found in the sociohistorical process through which a group of people came to identify as victims of dictatorship, engaging in collective mobilization for memory, truth, and justice. We have seen part of that process above, in the mobilization for the adoption of the 1979 Amnesty Law. That struggle has continued since the 1970s, through the composition of local committees of victims and family members who asked for the acknowledgment and clarification of their individual cases throughout the years. Even within the strict realm of people who were persecuted for opposing the regime by joining leftist political movements, many stories have not been recognized as cases of "political deaths and disappearances" by state bureaucracy (AZEVEDO, 2018). These demands for truth and justice, however, needed to emphasize the special character of those who were persecuted due to their "fight for democracy", a form of exceptionality in relation to other forms of state violence. Perhaps nowhere is that crystallized account of dictatorship, as well as its limits, more visible than at "Vala de Perus", a mass grave found in São Paulo in the 1990s containing thousands of unidentified human remains: although the bodies of the "political disappeared" were a small minority, the place is still more often referred to as a mass grave of political victims which *also* contains the bodies of victims of police brutality and of death squads (PEDRETTI LIMA, 2018, p. 108)

A second hint is found in the legal-political processes through which "political crimes" were defined and redefined by Brazilian authorities in the 20th century, especially with the development of an anticommunist National Security Doctrine which informed the practice of repression bodies. However, while these processes are usually analyzed in terms of their effects on those who opposed the regime by joining organized political groups, they have also reshaped the persecution of other social sectors who could be framed as "dangerous", including black peripheral populations (PEDRETTI LIMA, 2018, p. 105–108). For instance, there is significant archival evidence that those repression mechanisms also surveilled and censored "subversive"

movements who had been "bringing up the problem of racial discrimination", in ways that could allegedly "generate conflicts and antagonisms, endangering national security", as argued in intelligence reports (PIRES, 2018). In other words, while state violence against black people in Brazil is more often imagined as continuous throughout history, and therefore "ordinary", its "patterns" were still reshaped as part of dictatorship (see RIOS, 2019).

These processes help us understand how it came to be that, when a National Truth Commission was created to clarify crimes against humanity perpetrated by a past dictatorship, it focused on acts of violence that fit a particular narrative of what dictatorship was: a period of *political violence* against those who directly opposed the regime. However, when the commission was created, in 2011, by the federal government, it became itself another space where perspectives on the issue coexisted. For instance, there was in NTC's archives a 13-page document entitled "Result of data survey on the theme 'repression of black people during dictatorship' by researchers of the National Truth Commission".[19] The document goes over evidence of persecution against antiracist black movements in the 1970s, including the data mentioned in the previous paragraph. However, the document's authors are not named, and the subject only got one mention in the entire report: at a thematic text on the resistance of civil society, where a paragraph mentions the creation of the Unified Black Movement in 1978 (PEDRETTI LIMA, 2018, p. 25–26). Besides, according to Pedro Dallari, who had coordinated the NTC when its report was being assembled, the thematic texts of volume 2 — on topics such as indigenous and LGBT victims — were also initially supposed to be part of the commission's official account; however, these texts had not yet reached the same level of "methodological rigor" as volumes 1 and 3, which was why they decided to share it in that unofficial form (HOLLANDA, 2016). Of course that brings us back to the initial decision to divide the main staff of the commission in working groups which reflected the traditional narrative of dictatorship as well as its traditional "universe of victims", while investigation on these other topics was often left to external consultants. The two fragments above tell us that, rather than an issue that was closed up from the start, the question of who the victims of dictatorship were

19 In Portuguese, "Resultado de levantamento de dados sobre a temática 'a repressão aos negros durante a ditadura' elaborado por pesquisadoras da Comissão Nacional da Verdade".

was continuously discussed within the NTC, and between its members and other civil society actors.

In other words, the NTC's final report drew the line between political violence — the violence that "mattered" — and criminal violence in a way that was largely compatible with a particular historical account of dictatorship, which had been constructed in dialogue with movements of "victims" and family members for memory, truth, and justice. Besides, it was also compatible with the prevailing transnational transitional justice discourse and its emphasis on exceptional, politically motivated violence. That is despite the fact that the vocabulary of transitional justice had only become prominent in Brazil in the 2000s, after the creation of a Commission of Amnesty responsible for promoting reparation and memory policies — and particularly under the coordination of Paulo Abrão, who led several seminars and publications under the heading of "transitional justice" (PEDRETTI, 2017); and with the adoption of a National Human Rights Plan (PNDH-3) by the federal government around the same time, also incorporating the term (HOLLANDA, 2019).

However, the experience of the Brazilian National Truth Commission also catalyzed the creation of over a hundred subnational commissions throughout the country. Some of them were linked to state and city governments and legislatures, while others were outside the state realm, created by trade unions, universities, and professional associations. This proliferation, referred by Cristina Buarque de Hollanda (2018) as "commissionism", was especially vigorous between 2012 and 2016. While many of them have offered important contributions to NTC's work, it was often the case that these other commissions sought to differentiate themselves of perceived limitations of the NTC — including limitations in the ways it delimited its universe of victims.

One of them was the truth commission of the state of Rio de Janeiro (*Comissão da Verdade do Rio*, or CEV-Rio). Between May 2013 and December 2015, CEV-Rio worked to clarify facts, circumstances and structures of human rights violations committed by state agents, or by private agents with the support of the state, in Rio de Janeiro during the same temporal scope as the National Truth Commission. On the one hand, it investigated politically motivated gross human rights violations, such as arbitrary detention, torture, executions and forced disappearance, as its national counterpart had been doing. On the other hand, in order to overcome the limitations that had been perceived in the work of the national commission, CEV-Rio sought to

also clarify violations that were outside that traditional scope, including the persecution of black movements, the forced removal of favela dwellers, the expropriation of rural land, the discrimination against women and LGBT populations, and the restriction of means of subsistence of urban workers. As noted by CEV-Rio's final report, those are violations that,

> while not being traditionally conceptualized as gross by the liberal framework of the International Law of Human Rights, deserve our attention, as they have not only affected thousands of lives, but are also associated to the systematic practice of illegal detention, torture, forced disappearance and executions (COMISSÃO DA VERDADE DO RIO, 2015, p. 39).

As a result, this extended set of violations was included as an integral part of CEV-Rio's final report, meaning that a larger number of individual storylines could be woven into its patterns. In a chapter named "The dictatorship in Rio's favelas", it is noted:

> Beyond the specific mobilization of dictatorship's repressive apparatus in removal processes, the everyday in favelas was marked by the constant presence of military forces of the state. As previously noted, the incursion of police forces in favelas was not a creation of dictatorship. However, after the 1964 coup, this presence gained particular shapes (COMISSÃO DA VERDADE DO RIO, 2015, p. 122).

The chapter highlights that state presence in these areas was publicly justified in two main ways: firstly, through the constant assertion of a propensity of favela dwellers to criminality; and secondly, through the fear, especially after World War II, that these populations could fuel a communist revolution. This double justification meant that the armed repression in favelas, which was not new, was then met with the establishment of a surveillance apparatus that investigated individuals and political groups in favelas (COMISSÃO DA VERDADE DO RIO, 2015, p. 122–123). Another chapter of CEV-Rio's report, titled "Coloring memories: military dictatorship and racism," explained how state mechanisms intensively monitored and persecuted black movements during that period, adopting the discourse of "racial democracy" as an ideological control mechanism (COMISSÃO DA VERDADE DO RIO, 2015, p. 125). Thula Pires, who authored this last chapter, has argued elsewhere that while the NTC had failed to handle these topics in any way, certain subnational initiatives (such as CEV-Rio) have at least made room for a discussion on the relation between racism and the dictatorship, although this discussion has been limited to a separate treatment rather than as a transversal structure of state violence (PIRES, 2018, p. 1056). In other words, at these reports, state violence against criminalized black people was included

as a separate *pattern*, redrawing the line between criminal violence and political violence not at the edge of the truth report itself, but at the edge of its chapters.

In this section, we have seen how different actors, in answering the question of *who counts* as a victim of the Brazilian dictatorship, were also differently drawing lines between criminal violence and political violence — both during the period and afterwards, in the space of truth commissions. Firstly, we saw a movement of people who identified as political victims of dictatorship and their family members, asking for recognition of their status and for an amnesty to the "political crimes" with which they had been charged. Secondly, we saw organized movements against racism who argued for that state violence perpetrated against so-called "common prisoners" was just as political, and extending amnesty towards this wider circle of "victims" was essential for a true transition to democracy. Thirdly, we saw how repression against organized political opposition and against black marginalized communities was deeply intertwined, both within the space of "law enforcement" and in the "extrajudicial" realm of death squads. At last, we saw how these line-drawing efforts and their limits were expressed in the work of truth commissions: firstly, with the NTC largely reproducing the recognition of a few hundred "victims of dictatorship" who fit a strict conception of political violence; later, CEV-Rio's efforts to account for perceived limitations in this approach by expanding that "universe" to include the violence of state agents in favelas as well as against antiracist movements — not only because these were also "crimes against humanity", but also because the "patterns" assumed by this violence during dictatorship were closely intertwined with those of repression against so-called "political victims", making these storylines an essential part of the woven surface of Brazilian dictatorship.

4.3. Multiplying truth surfaces of political/criminal violence

> "This commission, differently from the Guatemalan one, this commission does not start from scratch. That is… there has already been clarification, here, much has been done by human rights organizations, academia, there is an organization here called the National Center of Historical Memory which produced a series of books, that is, there are already many accumulations. So we are not making a history that starts from scratch, but one that starts from a lot." (VALENCIA VILLA, 2019, personal interview).

At that interview, Alejandro Valencia Villa was telling me about his experience as a commissioner at the Colombian Commission for the Clarification of Truth, Coexistence and Non-repetition, created in 2017 as a result of a peace agreement between the government and the FARC. Before taking up this role, he had worked at

many truth and justice mechanisms in Latin American countries, and we will see his name again in the next chapter in connection with some of these roles. At the quote above, he highlighted a perception that was shared with several other interviewees at the time: that while in other Latin American countries coming out of wars or dictatorships there was a lot to elucidate about the past, in Colombia there was already "a lot of clarified truth" (CASIJ PEÑA, 2019, personal interview).

In this, they referred to the multiple commissions, committees and groups created, since the 1950s, to investigate various manifestations of violence in Colombia — ranging from the context of *La Violencia*, an armed struggle between liberals and conservatives between 1946 and 1965; to contexts of urban violence related to struggles between criminal organizations and state security forces, especially in the 1980s; to the internal armed conflict waged, since the 1960s, between guerrillas, state security forces and paramilitary groups. In a detailed analysis of three commissions established for the study of violence, each of them devoted to one of the contexts mentioned above, Jefferson Jaramillo Marín (2014) has argued that these institutions have played two important roles as "vehicles of memory". On the one hand, they offered official means to process and manage the scars of violence, through political strategies ranging from the notion of "pacification" and "culture of peace" to, more recently, that of "transitional justice". On the other hand, they have strengthened particular narratives on past and present violence, attributing to governments, experts, media and other actors important roles in the management of political and social sense-making of the Colombian history.

It was also Jefferson Jaramillo Marín (2019, personal interview) who brought to my attention a point that had always seemed like a bit of a paradox to him. While Colombia had had multiple memory and historical clarification projects, the first time these projects were clearly embedded in a transitional justice paradigm was after the adoption, in 2005, of the Justice and Peace Law, or Law 975 of 2005. The emergence of this paradigm in political discourse and institutional frames at the time was connected, on the one hand, to the pressure of international standards to which the Colombian government could not remain indifferent; and on the other hand, to the strengthening of victims' movements in the early 2000s.

In spite of these local and international pressures, the fact that the Justice and Peace Law and the resulting mechanisms were enmeshed in the discourse of transitional justice was still puzzling, since these policies were promoted under the

presidency of Álvaro Uribe (2002 — 2010), who systematically denied the existence of an armed conflict in the country. This denial was linked to the framing, by Uribe's administration, of guerrillas such as the FARC (in Spanish, *Fuerzas Armadas Revolucionarias de Colombia*) as narcoterrorist threats to democracy, which could be combatted through exceptional means, rather than as political opponents with whom it would be legitimate to negotiate. Besides, recognizing the status of guerrillas as parties to an internal armed conflicts would have impacts in terms of the application of International Humanitarian Law, as discussed in chapter 3 of this thesis.

While he denied the existence of an armed conflict opposing state forces and guerrillas, President Álvaro Uribe was, from the start, willing to negotiate the demobilization of the paramilitary groups which composed a sort of federation called Autodefensas Unidas de Colombia (AUC). The 2005 Justice and Peace Law was the legal framework which created the conditions for members of those groups to lay down their weapons, confess the crimes they had committed, and receive legal benefits and reincorporation support. The close connections between these paramilitary actors and military forces — often joined by their "anti-subversive" aims — as well as between those and politicians were already well-known, and would only become clearer after a succession of associated scandals; and that only reinforced victims' perception that this was, in fact, a framework for ensuring impunity (MONTEALEGRE; BAUTISTA, 2011).

More importantly for our purposes, the framework established by the law was questioned not only because it adopted a transitional justice with no transition in sight from war to peace in sight — after all, the government did not even recognize the existence of an armed conflict (UPRIMNY; SAFFON, 2008); but also due to arguments on whether paramilitary groups should be awarded the "privileges" of transitional justice at all. These mechanisms had been developed with contexts of politically motivated violence in sight; in the case of paramilitary groups, as we will see in this section, their characterization as "political" and/or "criminal" subjects has been continuously debated over the last decades.

The fact that the Justice and Peace Law was adopted within a transitional justice framework would have important consequences, not only for the governmental institutions that were created to implement it, but also for the civil society organizations that appropriated that discourse in order to criticize limitations in government's approach to victims' rights (VERA LUGO, 2015). In particular, it

catalyzed the emergence of the "victim" as a political subject, with unavoidable discussions as to who belonged in that universe; and it fueled discussions on how to make sense of the country's history of armed conflict — especially when this sense-making came to be mediated by truth and memory mechanisms. Here, we will look at some of these implications, especially concerning their impacts on how lines were drawn not only between victims and perpetrators, but also across these groups.

4.3.1. From judicial truth to historical memory: line-drawing after the Justice and Peace Law in Colombia

As discussed in the last section, the delimitation of a "universe of victims" is central for the implementation of transitional justice mechanisms, including truth-seeking ones. Often, that definition is grounded on the identification of particular *types of human rights violations,* such as extrajudicial executions, torture and forced disappearance; and there is often a focus on the "crimes" of state forces, in connection with the argument that only states take up international obligations by ratifying international human rights and humanitarian law treaties. In Colombia, however, the first "transitional justice" mechanisms officially characterized as such bounded the universe of victims mainly in function of which *perpetrator* had caused the harm.

The declared aim of the 2005 Justice and Peace Law was "facilitating peace processes and the individual or collective reincorporation to civilian life of members of armed groups outside the law [*al margen de la ley*], guaranteeing victims' rights to truth, justice and reparation" (COLOMBIA, 2005, p. Art. 1). By "organized armed group outside the law", it referred to any guerrilla or paramilitary group or to any significant part of these organizations — although the law was meant to facilitate the negotiated demobilization of *paramilitary* combatants, some members of other groups have adhered to the process individually. The victims to which the law attributed rights, in turn, were those who had been harmed by members of these non-state armed groups (COLOMBIA, 2005, p. Art. 5). It therefore left out of the universe of victims those who had been harmed by state agents, who did not fit that category (GARCÍA-GODOS, 2018, p. 42–43); instead, the Colombian state was attributed the role of humanitarian support to the victims of illegal armed groups (JARAMILLO MARÍN, 2014).

This categorization was aligned with Álvaro Uribe's representation of Colombian history; according to the narrative advanced by his government, between 1964 and 2005 the Colombian state had been struggling against numerous terrorist

groups who threatened democracy. There was not an armed conflict in the country; there were non-state armed actors who were, primarily, illegal. The question, here, was how the interests of justice and peace could be reconciled, in order to get actors to demobilize while still accounting for their crimes.

More specifically, the fact that this law was primarily aimed at paramilitary actors, and in getting them to lay down their arms, reshaped the understanding of "transitional justice" that would frame that law. That is because, as analyzed by Grajales (2017), Colombian paramilitary actors have been historically analyzed as rather ambiguous subjects, in connection with the multiplicity of different actors associated with the label and their transformations over the conflict's history. According to the first main analyses on the subject, developed in the late 1980s and 1990s, paramilitary actors were best understood as being, primarily, *auxiliary forces of the state*, who supported military actors in counterinsurgency; they were thus the result of a state strategy of violence privatization, which approximated Colombian paramilitarism from expressions of privatized state terrorism found in the Southern Cone. Between the 1990s and 2000s, studies on paramilitarism began to emphasize other dimensions of Colombian paramilitarism, such as the centrality of drug trafficking as a major revenue source, which offered those groups a financial autonomy that distanced them from other counter-insurgent militias around the world. The incorporation of this factor has led to questions on how these groups should be primarily understood: as warriors or as drug dealers? (GRAJALES, 2017, p. xv–xvii)

Beyond an academic reflection, the question of whether paramilitary groups were "political bandits" or "ordinary bandits" was posed in political and legal debates, with practical impacts. In Colombia, the legal category of "political crime" ("*delito político*") had long been associated with a sort of altruistic character. As argued by the Colombian Constitutional Court in 1995,

> The political crime is that which, inspired by an ideal of justice, leads its authors and co-participants to attitudes that are proscribed by the constitutional and legal order, as a means to carry out a pursued end. If it is right that the end does not justify the means, one cannot treat in the same way those who act motivated by the common good, although choosing wrong or disproportionate mechanisms, and those who promote disorder with intrinsically perverse and selfish ends. There must be a legal distinction grounded on the act of justice, which attributes to each what is deserved according to their act and intention (COLOMBIA, CORTE CONSTITUCIONAL, 1995 apud GRAJALES, 2017)

In Colombian history, this legal category has been mobilized in relation to several political actors, including guerrillas with whom the Colombian state engaged in

peace negotiations. From 1997, when a number of paramilitary groups formed the AUC, they attempted to mobilize this category in order to participate in peace negotiations with the government, with a status that was comparable to that of guerrillas. The AUC sought to present itself as being primarily a kind of "right-wing guerrilla", a group which had engaged in criminalized action in view of counter-insurgent political ends. However, while negotiations with Uribe's government did culminate in AUC's demobilization, the group was not successful in its "transformation" from an "ordinary bandit" to a "political bandit", failing to dissociate themselves of the image of "violence companies" related to drug trafficking (GRAJALES, 2017, p. xxvi). This would lead to the extradition of numerous former paramilitary leaders to the United States around 2008, on drug-related charges — some of whom had previously submitted to the Justice and Peace Law system.

In 2005, however, one of the factors behind the adoption of a transitional justice discourse for the demobilization of paramilitary actors was the perspective that it would allow for a certain level of "impunity", at least as long as perpetrators confessed their past crimes. It sought to connect to a particular global tradition of transitional justice grounded on reconciliation and forgiveness, linked to a certain reading of the South African experience. However, when the law was being negotiated, there were pressures for a wider incorporation of transitional justice principles; at public hearings held by the Colombian Senate with civil society organizations regarding the nature of paramilitarism and the perspectives of victims, NGOs such as Human Rights Watch defended the incorporation of international standards of justice, truth, and reparation, as did local organizations. As a result, an alternative proposal was approved by the Senate which included these considerations to some extent, by substituting full amnesties for a system where at least short prison sentences would be attributed (GRAJALES, 2017, p. 188–189).

Even the adopted version of the law, however, would be criticized by victims' movements as a tool for the administration of impunity. Moreover, much criticism was devoted to one of the two expressions of victims' "right to truth" in the Justice and Peace Law: that of *judicial truth*. This truth was produced through a system based in the recollection of the "versions" of perpetrators who exchanged their confessions for judicial benefits for their past crimes; the "versions" of victims, when heard at all in these judicial instances, were mostly mobilized for the verification of the truth of perpetrators. Judicial truth was binary by definition: the alleged perpetrator would have

to be found guilty or innocent by the end of the process. Moreover, this judicial truth would necessarily reflect only the experience of perpetrators — which was definitely valuable, since it helped clarify violent deeds and particular cases, but it frustrated victims' expectations for inclusion and participation (CASIJ PEÑA, 2019, personal interview). A concern with the place of victims in this process was also voiced in the initial years of this process by the Organization of American States' Mission to Support the Peace Process in Colombia (MAPP-OAS. This mission had been present in the country since the beginning of paramilitary demobilization in 2004, invited by the Colombian government to support the implementation of peace policies; and their mandate had been expanded in 2005 to include support to the implementation of the Justice and Peace Law (ESPAÑA, 2021).

Aside from the judicial dimension, there was another side of the "right to truth" that was established by Law 975 of 2005: that of *historical truth* (VERA LUGO, 2015). In this regard, the Law 975/2005 determined the creation of the National Commission of Reparation and Reconciliation (CNRR by its Spanish acronym), with various tasks. Among them was the production of a public report on the motivations and the evolution of illegal armed groups. At first, it was not clear who would be in charge of actually writing that report; but from 2007, this task was put in charge of the newly created Historical Memory Group (GMH by its Spanish acronym). GMH was composed scholars and activists, including historians, lawyers, psychologists, and anthropologists, who would seek to reconstruct the evolution of the various armed groups since 1964 (VERA LUGO, 2015). From then on, judicial and historical truth would be, to some extent, intertwined. For instance, researchers could not publish findings that were not part of finished judicial processes, to avoid interferences in the ones that were being investigated simultaneously; at the same time, judges sometimes used information of GMH's reports to ground decisions.

Between 2007 and 2011, GMH published numerous reports, some of them focused on *emblematic cases* — such as massacres perpetrated by different actors engaged in violence at the Colombian armed conflict — and others on specific *themes*, such as gender-related violence. In general, these reports aimed to combine the voices of victims and of investigators of the judicial branch, and the academic analysis of socio-political and economic causes of the violence that was narrated in the documents (VERA LUGO, 2015). In fact, even among GMH's members, there were negotiations between those who believed the reports should focus on a historical and academic

account of the past and those who defended a perspective of "pluralization of memory", centered on memories of victims. In the end, each report found a different balance between the two; in general, however, there was a concern with weaving in the stories of victims of massacres in the country, more than with producing an enclosed account of the past.

From 2011, after the end of Uribe's government, GMH became part of the new National Center of Historical Memory (CNMH by its Spanish acronym). CNMH's aim was not to "elaborate an official or single discourse on the armed conflict in Colombia", but to "take up the collection, preservation and dissemination of a memory archive which enables the generation of plural experiences of memory reconstruction, as a contribution to the realization of the right to truth" (CENTRO NACIONAL DE MEMORIA HISTÓRICA, 2015, p. 12). That goal would be pursued by strengthening victims' memory initiatives which already existed, encouraging the creation of others, ensuring that victims' testimonies would be preserved, and collecting testimonies of perpetrators when these could contribute towards the clarification of past violations.[20]

At last, in 2013, now under CNMH, the Historical Memory Group published its general report, entitled "*¡Basta ya! Colombia: Memorias de guerra y dignidad*" (GRUPO DE MEMORIA HISTÓRICA, 2013). This report was, however, unlike that of many truth commissions around the world. It presents itself as "an account that stands apart, by conviction and by legal mandate, from the idea of an official memory of the armed conflict. Far from aiming to build a corpus of closed truths, it aims to be an element of reflection for an open social and political debate" (GRUPO DE MEMORIA HISTÓRICA, 2013, p. 16). It also aimed to escape reductive narratives of the past which split societies between the good and the villains, emphasizing that "the society has been a victim but also a participant in confrontation: the acquiescence, the silence, the endorsement and the indifference should motivate collective reflection" (GRUPO DE MEMORIA HISTÓRICA, 2013, p. 16).

Crucially, by advancing "historical memory" as a way of weaving the past, it can be argued that GMH

20 Through the production of truth on past violence of paramilitary actors, CNMH also envisioned a set of future-oriented functions: "Clarifying violent deeds, the interests by which they were motivated and the actors involved; The function of repairing the dignity of people who were the object of several forms of victimization; and a function of complementing judicial memory" (CENTRO NACIONAL DE MEMORIA HISTÓRICA, 2015, p. 14).

> recognized that the reconstruction of memory transcends the space of expertise and requires an exercise of collective construction. This implied going from the authorized voice to the dialogical voice, one that involved subaltern, local, regional, victimized, victimizer, institutional and communitarian subjects (JARAMILLO MARÍN, 2014).

This move has led to efforts to ensure the participation of victims throughout the process of memory construction, from the identification of emblematic cases to the analysis of broader patterns.

Besides, the past that was woven into GMH's reports was at odds with the narrative advanced by Uribe's administration, which had grounded the Justice and Peace Law in the first place. While the government's account of the past was a story of terrorist groups threatening the state since 1964, when the FARC was created, GMH's account saw the past as a story of radical violence perpetrated by multiple actors against masses of civilian populations, the "victims". This divergence, reflecting an autonomy of GMH's work, was essential for the legitimacy of reports within the Colombian civil society (JARAMILLO MARÍN, 2014). It also reflects, on the other hand, the simultaneous emergence of a political subject whose storyline is the matter with which the past should be woven: the *victim*.

4.3.2. Making room for the truths of victims in Colombia

When looking at the Brazilian and Mexican contexts, we went back to the past in order to see the emergence of victims' movements, so we could make sense of how lines would later be drawn by transitional justice mechanisms between victims of past *politically motivated* violence and of "mere" *criminal* violence, or between the *exceptional* political violence of an undemocratic past and the *ordinary* violence of the democratic present. Here, on the other hand, we started with the creation of a "transitional justice" mechanism — the 2005 Justice and Peace Law — to arrive at a moment of proliferation of victims' movements as such.

We have seen that one of the main criticisms against the system created by the 2005 Justice and Peace Law in Colombia was that, while it was presented as a "transitional justice mechanism" which would offer justice and truth, the so-called "judicial truth" was mostly limited to the version of perpetrators; and that these "perpetrators" were mostly members of paramilitary groups, since the law had been adopted to enable their demobilization. At the time, this absence of victims' perspectives fueled the mobilization of victims of the Colombian armed conflict — not only victims of paramilitary violence, but also of guerrillas and state forces. They demanded to have their voices and needs heard and truly included. And that would

have to start with their recognition as *victims* of the armed conflict; which naturally required the recognition that there was an armed conflict in the first place.

It should be noted that, before 2005, numerous NGOs had been mobilizing around the agendas of truth, memory, and justice in Colombia. In 1995, for instance, some of them gathered around the project "*Colombia Nunca Más*", an effort to document human rights violations perpetrated in the country since 1965 (VERA LUGO, 2015). Moreover, since the early 2000s, these NGOs had been gathering in seminars "on Impunity" and meetings of victims of "crimes against humanity, serious human rights violations and genocide", events which included "international support" from delegates of other countries (MOVICE, [s.d.]). It was only right after the adoption of the Justice and Peace Law in 2005, however, that hundreds of these organizations from all over the country formed the Movement of Victims of State Crime (*Movimiento Nacional de Víctimas de Crímenes de Estado* or MOVICE), focusing their mobilization on the rights of victims of violence perpetrated "by the state via military and paramilitary agents". Both the focus on state-sponsored violence and its framing as state crimes, as well as their advocacy for victims' rights to truth, justice, reparation, and non-repetition, are evidence of the insertion of this mobilization in transnationally constituted advocacy frames, similarly to victims' movements we have seen in the previous sections; but these agendas were catalyzed by the adoption of a "transitional justice" framework. On the other hand, many of their demands arose from the specific Colombian context, such as "the recognition that the only way to end the internal conflict is through dialogue" (MOVICE, [s.d.]) — a demand that had been at the center of social movements for peace in the country since the 1990s, prompting the creation of organizations and movements such as Ruta Pacífica de las Mujeres, about which we will learn more in the next chapter. Besides, while the focus of MOVICE's advocacy was on state crimes, many organizations — some of which were part of MOVICE — included victims of various armed conflict parties.

At the center of the demands mentioned above was a double recognition, of the armed conflict as amenable to a political solution, and of its victims as political subjects who were entitled to participate in the construction of peace (VILLA ROMERO, 2019, personal interview). It was only after the end of Uribe's administration, under the Presidency of Juan Manuel Santos (2010—2018), that this recognition would finally come. On the one hand, Santos was willing to engage in public peace negotiations with the country's guerrillas, which entailed their recognition

as political parties to a conflict. On the other hand, his government responded to the increasing mobilization of victims over the previous years, and the transitional justice agenda was increasingly appropriated by these actors — in ways that were critical of the limited conception of the term guiding the 2005 Justice and Peace Law.

Formally, one of the registers of that double recognition is found at the Victims' Law (Law 1448) adopted in 2011. For the purpose of that law, its Article 3 defined "victims" as

> those persons who, individually or collectively, have suffered damage due to events that occurred on or after 1 January 1985, as a consequence of international humanitarian law violations or serious and manifest violations of international human rights standards, occurred on the occasion of the internal armed conflict (COLOMBIA, 2011, p. Art. 3).

Differently from Law 975/2005, this one included people who had been harmed by state agents, which was considered a victory by victims' movements. The central consideration for determining who was *in* that "universe of victims" now was, on the one hand, the type of violation suffered, and on the other hand, that this violation took place "on the occasion" of an internal armed conflict which was, at last, officially recognized. On the other hand, Article 3 was careful to clarify that the recognition of a particular victims could not be interpreted as the automatic recognition of the political nature of any terrorist and/or illegal armed groups (Art. 3, para. 5); this allowed the application of the law to be separate from considerations on the possibility of negotiating peace with a given group. Finally, the law did exclude from the realm of victims those who had been harmed as a consequence of "common crime" (Art. 3, para. 3). Up until the present, there are still organizations who call for a broader "universe of victims", as well as those who criticize the exclusion of victims of drug trafficking organizations from that universe and from the associated rights (VILLA ROMERO, 2019, personal interview). To those who were, in fact, included, the Law 1448 attributed rights to truth, justice, reparations, and non-repetition.

In the end, both the 2005 Justice and Peace Law and the victims' movements which were formed to criticize it were embedded in the paradigm of transitional justice — but with different understandings of what that meant. As told by Rodrigo Uprimny and María Paula Saffón (2008), negotiations leading to the adoption and implementations of the Justice and Peace Law went from the intention of a full amnesty to demobilized paramilitary combatants to a proposal which incorporated the principles of truth, justice, and reparations, advancing the idea of "judicial truth" as a condition for legal benefits and including provisions for the production of a "historical

truth" on the past. On the other hand, victims appropriated the transitional justice agenda as a means of critique of that system, criticizing not only the perceived lenience towards demobilized paramilitary leaders, but also the lack of a true recognition of the political nature of the armed conflict in the country and of their own status as political subjects.

In other words, the deployment of a transitional justice framework by Uribe's government was at odds with his characterization of non-state conflict parties as illegal armed groups, while crimes of the state itself were left out of the picture; and victims responded with a transitional justice narrative that was more aligned with that of victims' movements in other Latin American countries, who emphasized the political nature of violence — while at the same time advancing an anti-impunity agenda which highlighted the need for some degree of retributive justice for war crimes and crimes against humanity.

At the same time, the development of mechanisms of "historical memory" provided a space in which the different stories of "victims" and "perpetrators" could be woven together — not as part of a totalizing truth surface where binary distinctions were emphasized, but as open-ended surfaces where experts and victims could weave in storylines of ambiguity and of shared responsibility. Coupled with the strengthening of victims' movements, a "memory boom" in the country would be unexpectedly catalyzed by (and against) the Justice and Peace Law, multiplying the surfaces of truth on the Colombian armed conflicts — as we will see in the next chapter.

4.4. Conclusion: Line-drawing at the edges of woven surfaces

In the 2000s, the concept of "transitional justice" gained strength in the discourse of human rights activists and state agents in Mexico, in Brazil and in Colombia. All three countries saw the development of official mechanisms which had, among its goals, the production of truth regarding past violence. The *past* analyzed by these mechanisms was quite different: in Mexico, FEMOSPP was meant to clarify human rights violations committed by state agents against political opponents in a context which was at a formal level, democratic, and in the absence of any clear institutional rupture; in Brazil, the NTC was created a few decades after the kind of "transition to democracy" that to a large extent gave rise to the field of transitional justice in the first place; and in Colombia, the Justice and Peace Law led to the establishment of truth and justice mechanisms as a condition for the demobilization of paramilitary groups, in the context of an armed conflict. The differences among

these contexts were reflected in the institutional paths and shapes found in the three countries.

At the same time, all of these mechanisms were significantly enmeshed in the transnational field of transitional justice. In order to make sense of the effects of these connections, we can return to some of the predominant conceptions in that field, which we have further discussed at the introduction to part B. Firstly, it is understood that the rights of victims to truth and justice should be at the center of the process. Secondly, the promotion of these rights is seen not only as an end in itself; dealing with past violence is a condition for a society to move forward. Transitional justice mechanisms are thus meant to produce a rupture between past and future, with the present emerging as a liminal moment. Thirdly, this aim is connected to the historical emergence of the field, with human rights activists and scholars who studied democratization processes aiming to develop ways to balance the demands of victims and the promotion of political stability. As transitional justice mechanisms made their way into the world of peacebuilding, similar concerns remained: the need to "balance" peace and justice in conflict resolution efforts.

In both types of contexts, there has traditionally been an emphasis on past politically motivated violence, whether perpetrated by non-state actors or by state security forces. Distinction between political violence and "common crime" informed the adoption of amnesty laws, and alternative forms of justice have traditionally been deemed acceptable in the name of peace and stability; in that vein, truth commissions have often been seen either as steps towards retributive justice, as a simultaneous complement to it or as a less desirable alternative. The more recent strengthening of a transnational anti-impunity human rights agenda — often embedded in what Ivan Orozco Abad would call "humanitarian punitivism" — appears to have tipped that balance between peace/stability and the rights of victims in favor of the last, through an emphasis on the need for truth and justice in relation to crimes against humanity and war crimes, especially when perpetrated by state forces; as a result, the realm of "crimes" that can be amnestied has been increasingly restrained (ABAD, 2012). While this shift might seem to blur the distinction between political violence and criminal violence in transitional processes — what matters for an act to be framed as a crime against humanity, after all, is primarily found in its impact on civilian victims rather than in its political or apolitical motivation —, that distinction has often been reinstated through decisions on which victims and perpetrators count as part of the relevant

"universe" investigated by a truth-seeking mechanism, as illustrated by the three experiences analyzed in this chapter.

However, it is also clear that these general conceptions and priorities associated with a global transitional justice paradigm are neither imposed nor perfectly reflected on the concrete institutions created to establish truth on past violence. Rather, as argued by Rosalind Shaw, while these "sticky" concepts travel globally, their concrete implementation at the local level is reshaped by numerous "frictions" as they encounter particular historical, social and cultural contexts; leading to transformations that can also "dissolve, unmake and remake what 'transitional justice' actually is and how it works" (SHAW, 2007, p. 187).

In Mexico, we saw that the creation of FEMOSPP in 2001 was partly a response to a decades-old demand of movements of political victims for truth and justice; but it was also the result of a campaign promise of a presidential candidate who sought to place himself in Mexican history as the culmination of a transition to democracy. FEMOSPP would mark a rupture between a past of political violence and impunity, and a future of a peaceful democracy (undisturbed by the rising rates of criminal violence). While it was a Special Prosecutor's Office rather than a traditional truth commission — which, due to justified mistrust in the Prosecutor, was seen by activists as a loss —, it was also supposed to produce a final truth report to the Mexican society, where the threads of past political violence would be woven into a finished surface. A report was produced, where historical patterns were identified, responsibility was attributed, events were detailed and victims were listed, but the fact that only a watered-down version was acknowledged as official was perceived as the end of any appearance of a significant "transition". Continuities prevailed over the intended temporal rupture, and the notion of "impunity" was seen by Mexican activists as the main continuity, as we will explore in the next chapters.

In Brazil, the National Truth Commission appeared to fit more neatly the transnational paradigm — except, perhaps, for its late creation. Here, however, frictions are found at the encounter between traditional priorities of transitional justice and the historical patterns of state violence in the country. The creation of the NTC followed decades of demands by movements of victims of dictatorship for truth and justice; most visibly, movements composed of family members of the "political dead and disappeared" had been asking the state to clarify the circumstances of these violations and to punish the state agents who had perpetrated them. In the 2000s, that

call was met with the strengthening of a "transitional justice" discourse among state agents, which was reflected in the particular shape of the commission. As we saw in this chapter, however, many have questioned the "sticky" focus of struggles for truth and justice on those who fit a strict definition of "political victims": firstly, in the late 1970s when the "universe" of those who would benefit from an Amnesty Law was being delineated; later, in 2012, when the "universe" of those whose stories could be woven into NTC's report was being defined and contested. After all, if thousands of Brazilian citizens, mostly black and indigenous people, had been arbitrarily incarcerated, tortured, executed, and disappeared by state agents during that period, why would only 434 storylines be woven into that surface of official truth on the past? These other storylines, however, would eventually be woven into other truth reports: those of subnational truth commissions such as CEV-Rio. And it was exactly the historical continuity of violence perpetrated by Brazilian state agents against marginalized black people that would motivate the development of other truth commissions, now dedicated to investigating the *present*, as will be seen in the next chapter.

In Colombia, we saw how the 2005 Justice and Peace Law has marked the adoption of a transitional justice framework not only by the government — which ironically, at the time, did not even recognize the existence of an armed conflict at the country, framing non-state actors as illegal armed groups — but also by the victims' movements who criticized the limits of the law. In terms of the production of truth, while this tension would become particularly clear in relation to so-called "judicial truth", which was grounded on the "versions" offered by perpetrators in exchange for legal benefits, the Law also led to the emergence of "historical truth" by providing for the production of a report on the evolution of those illegal armed groups. This last branch of truth was soon reshaped in the form of "historical memory", which made way for the production of numerous reports in which scholars of the Historical Memory Group sought — with limitations, but with increasing success over the years — to weave storylines of victims along with themselves, telling the stories of past massacres together and allowing history to be complex and ambiguous.

In all three cases, therefore, we see different aspects of how the enmeshment of official truth-seeking mechanisms in a transitional justice paradigm has had effects on how their members sought to weave (certain) storylines of past violence into contained truth surfaces. In these acts of past-weaving, actors drew multiple lines between criminal violence and political violence. These lines appeared at the edge of

the surface of truth reports, when threads of *politically-motivated* violence were woven in by members of truth commissions; while threads of violence that did not fit into that script — often due to the identification of its victims or of its perpetrators as "common criminals" — were left out of this surface. Moreover, there was in all three of contexts a desire to contain, within that surface, political violence perpetrated in an *exceptional period of the past*, marking a clear rupture between such surface and a peaceful, ordinary, democratic present — despite the persistence of a criminal violence. Finally, even when threads of "criminal" violence got to be included in these surfaces of the past, they were often so as parts of separate patterns, as seen in a Brazilian subnational truth commission; here, therefore, lines between criminal and political violence were drawn not at the edge of surfaces, but at the edge of the identified patterns. More often, however, the storylines of violence that is deemed unexceptional or apolitical – including both the violence perpetrated by "criminal" actors for private gains and the police violence perpetrated in the "fight on crime" – have been left out.

More fundamentally, we have also seen that, in the field of transitional justice, the right to truth is seen as composed of two dimensions: an individual dimension, in which victims and their family members have to right to know about the particular circumstances of their own cases; and a societal dimension, since societies have a collective right to know the truth about the patterns and cases of past violence, as a condition for it to move forward. While we have gone over important differences between the three stories told here, it is significant that the establishment of these mechanisms in the 2000s responded not only to the existence of past violations, but also to concerns that were identified in the present, such as the persistence of impunity, militarization, and social conflicts. While all three countries were formally identified as democracies at this point in history, the persistence of violence motivated efforts to make sense of the past and imagine ways out of its *legacies*. As we will see in the next chapter, limitations perceived in all of these mechanisms would be mobilized, over the following years, in calls for the establishment of new truth commissions. This time, however, they were no longer created to make sense of the past; instead, they would focus on cases and patterns that characterize *present* violence.

Chapter 5. Intertwining presents

At the center of the neighborhood of Tlatelolco, in Mexico City, lies *Plaza de las Tres Culturas* (the "Square of Three Cultures"). Its name refers to the three stages of Mexican history that are visible at the square: at the center, the archaeological site of Tlatelolco, including ruins of a large temple built by a Mexica community who inhabited the place from the 14th century; on one side, a catholic church, built over the stones of the Mexica city of Tlatelolco after it was conquered by the Spanish in the 16th century; and on another side, representing contemporary Mexico, the Tower of Tlatelolco, which hosts the country's Secretariat of Foreign Affairs and the Cultural Center of the National Autonomous University of Mexico. Two monuments memorialize those who died in massacres carried out on that square: one of them remembers the day of the battle, in 1521, which sealed Spanish domination over that space; another one remembers the victims of the Tlatelolco Massacre of 1968, where students who protested peacefully were executed, incarcerated, and disappeared by state forces.

It was at the cultural center located in this square, in September 2018, that the Second Dialogue for Peace, Truth and Justice was held by the National Human Rights Commission alongside other agencies, universities and civil society organizations. The aim of the event was to continue a conversation on transitional justice in Mexico with then president-elect Andrés Manuel López Obrador (AMLO). Opening the event, the poet Javier Sicilia — who had created the Movement for Peace with Justice and Dignity (MPJD) in 2011 after the murder of his young son — highlighted the connection between the present context of violence in Mexico, and the massacres of the past "dirty war":

> That massacre, the 1968 one, also plagued with disappearances, and which marked the 20th century, was poorly recognized by the government of the wrongly called democratic transition, the truncated and sloppy truth process of the Special Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP), created by Vicente Fox. It has led to the impunity and forgetting that, in the 21st century, condemned us to repeat violence in a much more terrible and atrocious manner. (COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS (CNDH), 2018)[21]

From the recently elected federal government, in transition at the time, the event counted on the participation of AMLO; of Olga Sánchez Cordero, who would

21 For more information on violations committed in 1968 and the experience of FEMOSPP, see the fourth chapter of this work.

soon become his Secretary of the Interior; and of Alejandro Encinas, who would be in charge of AMLO's human rights policies. Representatives of many national and international institutions were also present at the square, such as the United Nations Office of the High Commissioner for the Human Rights in Mexico.

Moreover, some representatives of victims' movements and collectives — which gather family members of those who have been victimized by human rights violations such as enforced disappearance and extrajudicial execution, committed by state and non-state agents — had been invited to the event. They were asked to prepare presentations on the need for a transitional justice strategy encompassing its four traditional pillars: truth, justice, reparations, and non-repetition. During his presidential campaign, AMLO had agreed to establish transitional justice mechanisms in the country which would seek to contribute towards pacification, such as a truth commission and an internationalized mechanism against impunity. This event would thus be a chance for victims to express their demands to the president elect and his staff in this regard.

However, to the surprise of organizers, over a thousand victims showed up at the Tlatelolco cultural center that day (ZAVALA, 2018). While many of them were part of victims' collectives, others were there independently. As they were given the floor to express their views and demands, the seminar turned into a three-hour long session: going beyond the planned "script" of discussing four-pillar strategies to transitional justice, many victims started to retell their own experience and to ask the president to find their own loved ones, their children, their husbands, their parents. A father, while desperately asking the president-elect to find his daughter, passed out and had to be taken away by paramedics.

Olga Sánchez Cordero was then supposed to present the proposals of the elected government for the field of human rights and transitional justice; however, the victims in the audience would not let her start her speech, and instead continued to express their demands and their grief. As organizers attempted to calm the audience in order for Cordero to respond to their demands, a little girl from one of the collectives climbed up on the stage and sat by AMLO's side, holding a sign with a picture of her disappeared father.

The organizers then decided that it was necessary to give the floor to López Obrador himself. Taking the microphone, he hesitantly started to articulate a response to those hundreds of victims. He said that he listened to their suffering, and that during

his mandate they would be able to keep discussing their needs; but he needed to tell them that they were, in fact, victims of neoliberalism. In his words:

> All these things that have unfortunately taken place have an explanation. I will not go into the background theme, but I will just say that violence in Mexico has taken place because, since 1983, the country has chosen an economic model called neoliberal but which is, in fact, neoporfirismo. […] This is what has originated all of this pain and all of this violence (ANDRÉS MANUEL LÓPEZ OBRADOR (SITIO OFICIAL), 2018)

AMLO went on arguing that violence in Mexico was an effect of decades of neoliberalism in the country; but he explained that they were not to worry, because his government would fix it. He would provide education and jobs, and he would create a scholarship program for their children — to which a voice in the crowd screamed "our children are disappeared!". Eventually, he said that, while he believed in the importance of forgiveness, he understood that what those victims were asking for was justice; and that his Secretary of Interior would thus guarantee that justice would be provided to them (ACOSTA, 2019, personal interview; COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS (CNDH), 2018).

The story above illustrates the multiplicity of answers to the question of how we can make sense of present patterns of violence. In a context marked by high levels of organized violence, attempts to answer this question are often an integral part of the political disputes on how to positively transform it. And quite often, these efforts to "make sense" of violence entail a look at the past. This can mean a search for previous causes, an attempt to explain present reality by tracing it back to past actors, practices, laws, institutions, and structures. In other words, one of the ways a "cause" for present violence is attributed to past events and structures consists in the identification of persisting *legacies* of the past in our present times. One might expect that, if we successfully identify the most important causes for present violence, we have a chance of transforming and overcoming them, in order to build a peaceful future.

In the September 2018 event described above, for instance, much of the incoherence arising from the interaction among the actors involved can be read in relation to the different ways they make sense of present violence, and the different ways they do (or do not) connect it to past events and structures. On the one hand, we have the decision, by people who come from the field of human rights and transitional justice, to hold such an event at a square that was symbolically associated with a past of state violence perpetrated in the name of counterinsurgency, the Tlatelolco square.

As will be discussed in the next section, this sort of connection – in attempts to understand present patterns of violence in relation to persisting legacies of authoritarianism and impunity — are a common feature in the transitional justice field. This view is expressed by Sicilia, as he claims that the failure of the Mexican state to come to terms with massive human rights violations committed in the past, such as the 1968 Tlatelolco Massacre, has in some sense condemned that state to repeat those errors in an even more atrocious way.

On the other hand, this framing of present violence — as being, primarily, evidence of a failure to come to terms with legacies of past violence — is not the only narrative on the table. For instance, in the September 2018 event, certain victims' movements did not necessarily identify with a transitional justice agenda grounded on the notions of truth, justice, reparations and non-repetition — especially in the case of collectives of family members of disappeared persons, for whom the priority are search efforts. They were thus less inclined to situate the causes of their suffering in the country's past. On the other hand, we saw AMLO's effort to trace the suffering he had heard from victims to a legacy of neoliberalism, which would foreground solutions from the field of social and economic policy — and which, while probably perceived as appropriate in other settings, seemed out of sync with the expectations of either human rights activists or victims' collectives.

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In chapter 4, we have seen the first official truth initiatives in Brazil, Mexico and Colombia to be firmly embedded in the discourse of transitional justice. They were generally grounded in a particular temporal imagination, according to which we must "deal with the past" in order to overcome it, or to prevent its "repetition". As has traditionally been the case in that field, these mechanisms looked at the *past*, aiming to handle serious human rights violations — perpetrated by authoritarian governments or by non-state armed actors undergoing demobilization — in ways that advanced victims' right to truth. For that purpose, their members wove together selected storylines of past violence, producing surfaces of truth and memory in the form of reports. In these reports, multiple lines were drawn between criminal violence in political violence — as the edges of identified patterns of human rights violations; as the edges of truth surfaces, as "common criminals" or victims of state violence which fell outside the realm of "political motivation" were left out of reports; and also as lines that divided the realm of "political crimes" that could be amnestied and the "war

crimes" and "crimes against humanity" which have been targeted by a transnational anti-impunity agenda despite their motivations. Besides, looking at those lines has brought our attention to some of the frictions that emerge from the local implementation of a transnational transitional justice paradigm, as seen in the experiences of the National Truth Commission in Brazil, the FEMOSPP in Mexico, and the Justice and Peace Law in Colombia.

In this chapter, in turn, we will look at truth-seeking mechanisms proposed and established in those three countries to handle *present* patterns of violence — and in the process, overcome perceived limitations in the processes discussed in chapter 4. In Mexico, we will look at discussions about the establishment of a Truth Commission to clarify patterns of violations from the country's so-called "war on drugs" in the present, and how these discussions have been funneled into the creation of a Commission devoted to a single case: the disappearance of 43 students from Ayotzinapa. In Brazil, we will look at the experience of the Subcommission of Truth in Democracy Mothers of Acari, created in 2015 to clarify violations committed by state agents in Rio de Janeiro since 1988, in the present democratic context. In Colombia, we will focus on the experience of the Colombian Women's Truth and Memory Commission, established in 2010 by the civil society organization Ruta Pacífica de las Mujeres to account for the multiple forms of victimization suffered by women in an armed conflict which had no end in sight.

In these three contexts, the elaboration and implementation of these mechanisms was deeply enmeshed in the field of transitional justice — not only due to the mobilization of (positive and negative) lessons learned from previous contexts in these countries, but also due to the circulation of transitional justice experts within and across them. At the same time, the incorporation of this framework was not simple or uncritical: in many ways, the particularity of these contexts called for an active and conscious rearticulation of premises which had grounded that paradigm in the first place. That is especially the case given that, in all three contexts, there was an underlying sense that these truth-seeking mechanisms were necessary due to the *failure* of past transitional justice efforts.

A first challenge was found in the fact that these mechanisms were not gazing at a supposedly finished past with which societies had to deal; instead, they were meant to shed light on patterns of violence that were observed in the present. In spite of that, proposals and reports produced in these contexts were still in dialogue with the

temporal imagination that underlies the field of transitional justice. Making sense of the present often went through understanding its relations to the past — and here, both the notion of *legacy* and that of a *continuum*, which we will explore throughout the stories of this chapter, were mobilized in attempts to make sense of relations between past and the present violence.

Moreover, we have seen that transitional justice mechanisms have historically been developed to deal with past *political* violence, aiming to handle societies' needs for stability as well as the rights of victims. In the last chapter, we have seen some of the ways in which this focus operated distinctions in the delimitation of universes of victims. In the stories we will see in this chapter, on the other hand, non-state criminal violence or violence perpetrated by state agents in an alleged fight on crime is often at the center of attention. As a result, those involved in the commissions discussed here have drawn very different lines between criminal violence and political violence — not only in the process of defining which victims mattered, but also, and most importantly, in making sense of relations between the violence that is observed in the past and the intertwined legacies and continuums that compose it.

In the next three sections, these lines between political violence and criminal violence, and between past and present, will be visualized as embroidered threads which emerge from the practices of truth commissions in Mexico, Brazil, and

Figure 5.1. 'Mexican Pañuelo / Handkerchief', Fuentes Rojas Collective, FUNDENL Bordamos por la Paz Nuevo León, and Bordados por la Paz Puebla. Photo by Danielle House (CONFLICT TEXTILES, [s.d.]).

Colombia. In embroidered cloths, lines are composed through a series of stitches, as illustrated by the lines in the embroidered handkerchiefs of figure 5.1. These pieces were made from 2011 by members of the collective Fuentes Rojas (Red Fountains) in Mexico. In the project "Embroidering for peace and memory: a victim, a handkerchief" ("*Bordando por la Paz y la Memoria: una víctima, un pañuelo*"), members of the group sought to make the effects of the Mexican war on drugs visible by stitching the names of victims of death and disappearance (CONFLICT TEXTILES, [s.d.]). In the following sections, the image of embroidered threads will be mobilized as a metaphor for making sense of how connections and disconnections have been drawn between criminal and political violence over time, in truth and memory initiatives of the three countries.

5.1. Legacy as a thread, the case as a stitch

An estate that is left by a parent to their children in a will; the lessons written down by an ancient philosopher and inherited by future generations; the memory of human rights violations committed in a past war; or the contemporary structures of inequality which can be traced back to colonial rule. These are a few examples of the sorts of contexts where the idea of "legacy" is usually deployed. It evokes the image of that which is somehow inherited from the past, whether a particular "legacy" is seen as a positive or a negative part of the present. If the past is gone, the "legacy" is that which remains from it.

Therefore, the idea of legacy speaks of the relationship between present and past. Introducing a revisited edition of his classic The Past is a Foreign Country, David Lowenthal (2013, p. 1) claims that "The past is everywhere. All around us lie features with more or less familiar antecedents. Relics, histories, memories suffuse human experience." That is not to deny the possibility of transformation; as noted by Lowenthal, while "the whole of the past is our legacy," it is also true that "our legacy, divine and diabolical alike, is not set in stone but simmers in the incipient flux of time. Far from inertly ending, the ongoing past absorbs our own creative agency, replenishing that of countless precursors" (LOWENTHAL, 2013, p. 610).

In the field of transitional justice, the notion of "legacy" is often deployed with a more specific meaning. For instance, according to a report published by the United Nations Secretary-General in 2004, the notion of "transitional justice" comprises:

> the full range of processes and mechanisms associated with a society's attempts to *come to terms with a legacy of large-scale past abuses*, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial

> mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof (UNITED NATIONS SECURITY COUNCIL, 2004, parag. 8, emphasis added).

This particular definition draws attention to the central place of legacies in transitional justice practices, including truth commissions: their aim — traditionally, by looking at the past — is not to fix the past itself, but the legacies of the past that are found in the present. The implicit consequence is that when a society fails to come to terms with its past, it will be haunted by violent legacies in the present. This perspective is at the core of the global emergence of the legacy of atrocious pasts as a political problem, whether in the form of demands for structural transformation in order to prevent the continuity of violence, or in the form of persisting grievances among those who have been victimized (see BEVERNAGE, 2012, p. 13). On the other hand, when we begin to speak of "truth commissions" that clarify violations which extend into the present, legacies still play an important role. Beyond listing and describing human rights violations, commissions usually aim to provide a broader interpretative framework, identifying and explaining broader patterns; and these explanations often represent, in some way, aspects of present violence that can be seen as evidence of persisting legacies of the past.

In this chapter, I invite you to visualize the *legacy* as a *thread*, which is embroidered over the surface of time in order to connect particular points in the present and in the past. That is, rather than emphasizing the accumulation of what *remains* from the past, I wish to focus on the *act* of identifying present patterns as connected to the past through some sort of transmission, and the idea of *legacy* operates as the thread that enacts this connection. That image allows us to understand how multiple threads can be pulled by different actors, in order to emphasize different causalities in the production of present violence; and it also allows us to imagine how different threads can be intertwined over time.

In figure 5.2., two black marks, representing separate points in time, are "connected" by an embroidered blue line — the thread of *legacy*. As seen in the image, one can embroider a line over a surface by sewing a thread through a succession of singular stitches. In our case, visualizing legacies in that way also highlights the dimension of "repetition" that is at the center of the transitional justice discourse. As we have seen at the introduction to Part B, "non-repetition" is not only one of the pillars of transitional justice, in the form of measures such as security sector reform;

it is often referred as its final aim, as expressed in the "Never Again" that titles many truth and memory reports. Non-repetition, or non-recurrence, is about interrupting the threads of legacy, preventing the emergence of new violent stitches.

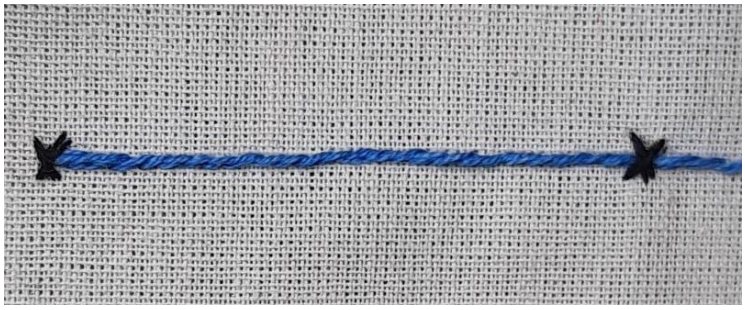

Figure 5.2. An embroidered blue thread, connecting two black marks, by the author.

In the story that opened this chapter, Javier Sicilia's speech — as well as the decision to hold that event on the Tlatelolco square — highlight the centrality of a particular *legacy* in contemporary discussions about the creation of transitional justice mechanisms to deal with present patterns of organized violence. According to an understanding shared among those who organized the event, the serious human rights violations observed in the country's ongoing "war on drugs" should be read against the background of FEMOSPP's failure to help the Mexican society come to terms with past political violence, especially in the context of Mexico's "dirty war". In this narrative, a thread connects 2018 and 1968, composed of a series of successive stitches of violence: the legacy of impunity.

5.1.1. Impunity as a legacy thread: calls for a truth commission on present violence in Mexico

In July 2018, just a few weeks after the results of presidential elections in Mexico, a proposal for the creation of a Truth and Historical Memory Commission for Mexico was presented to the public. The proposal had been elaborated by the Platform Against Impunity and Corruption, a collective composed of national and international human rights organizations, anticorruption organizations, scholars, journalists, and other activists, whose creation was led by the Mexican Institute of Human Rights and Democracy (IMDHD by its Spanish acronym).

In this first version, the Truth Commission proposed by the Platform would focus on clarifying the serious human rights violations committed in the context of the "war against drug trafficking" in the country. This would encompass the period that went from 1 December 2006 to 30 November 2018, covering the presidencies of Felipe Calderón and Enrique Peña Nieto. Days after taking office in 2006, Calderón

ordered the deployment of thousands of Army soldiers in the Mexican state of Michoacán, in what is considered the beginning of the country's "war on drugs" (ESPINO, 2019). The following administration, under President Peña Nieto, had endorsed and expanded the military combat strategy against organized crime.

As noted in the truth commission proposal, while Mexico had faced conflicts over the control of drug routes since the end of the 1980s, that moment in 2006 marked an inflection in terms of the subsequent focus on militarized strategies against organized crime. Since then, Mexico has faced a drastic increase in various forms of violence, including homicides and forced disappearances. This violence emerges both from confrontations between state forces and organized criminal groups, and amongst criminal groups themselves. As a result, between 2007 and April 2018, over 130 thousand people had been murdered, over 33 thousand people were forcibly disappeared, hundreds of bodies have been found in over a thousand clandestine grave sites, thousands of persons have been victimized in collective massacres, and hundreds of journalists, mayors, local politicians, and religious leaders have been executed by members of criminal organizations and by state agents, whether in confrontation or in collusion with each other. (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2018).

The presentation of this proposal in 2018 followed broader discussions, over the previous years, among certain civil society organizations who felt that their traditional strategies to promote human rights — such as advocacy and strategic litigation — were limited in the face of rising levels of violations in the country. In this context, some of them began to develop proposals for the creation of exceptional mechanisms which were largely inspired by the experience of transitional justice processes in Latin America. The forced disappearance of 43 students from Ayotzinapa in 2014, followed by very problematic investigations by the Mexican government and by significant evidence of the strong involvement of state agents in the persistence of impunity on the case, had fed a widespread sense of frustration among civil society organizations, who formed coalitions to press for structural transformations and innovative mechanisms.

One of these coalitions was the Platform Against Impunity and Corruption. Since its creation in 2015, the Platform functioned as a space for the formulation of this sort of extraordinary human rights mechanisms, often relying on knowledge of international experiences. The members of the Platform started developing two main

proposals in this regard: the creation of an Extraordinary International Mechanism Against Impunity, and the establishment of a national Truth Commission. In relation to the International Mechanism, the experience of Guatemala's CICIG was an important inspiration, and members of the Platform have visited the country to learn more about their lessons and challenges. The proposal of a Truth Commission, in turn, was developed after studies on the several Latin American experiences in this regard, including Peru, Argentina, Chile, Colombia, El Salvador and Guatemala. The experiences of truth commissions established in these countries were mobilized as inputs for the formulation of a particular model which would be consistent with Mexico's needs. They also looked into past transitional justice attempts in Mexico, discussed in chapter 4 — namely the "*Fiscalía especializada para movimientos sociales y políticos del pasado*", FEMOSPP, and the local truth commissions established in the states of Guerrero and Oaxaca, all of them related to human rights violations committed by the state in the context of counterinsurgency operations in the 1960s-70s (CORTEZ, 2019, personal interview).

In 2018, presidential elections provided a window of opportunity for discussions on the possibility of transitional justice mechanisms. That was especially so after AMLO said in December 2017, already in presidential campaign, that he intended to provide amnesties as part of a pacification program for the country. "We will not discard forgiveness", said the presidential candidate, and he was analyzing the possibility of amnesties to cartel leaders if it ensured peace. The proposal was controversial, confronted by victims who asked for "neither forgiveness, nor forgetting" (*ni perdón, ni olvido*) (ANIMAL POLÍTICO, 2017). Responding to this resistance, AMLO's campaign team sought to place the proposal of amnesties as "part of a comprehensive peacebuilding strategy under the transitional justice framework in order to close the cycle of war and violence", while still "recognizing and punishing serious human rights violations" (ORTIZ AHLF, 2018).

In this context, human rights experts in the country saw the opportunity to push forward a more comprehensive transitional justice agenda. In May 2018, the National Human Rights Commission (CNDH) and the Movement for Peace with Justice and Dignity (MPJD) held the first Dialogue for Peace and Justice, at the Memory and Tolerance Museum in Mexico City. They invited presidential candidates to present their positions regarding a list of topics, including the creation of a Truth Commission, the establishment of an International Mechanism Against Impunity, the

legalization of marijuana and the retreat of military forces from public security activities. At least in relation to the creation of the first two mechanisms, AMLO presented no objection at the time, even claiming he was "fully open" to the possibility of international organizations intervening in the country to help in the struggle against impunity and corruption (ARISTEGUI NOTICIAS, 2018).

In July 2018, López Obrador won the presidential elections, which prompted civil society organizations to demand the fulfillment of his previous promises regarding the transitional justice agenda. A few weeks later, on 24 July, the first version of that Truth Commission proposal was presented at a seminar entitled "Breaking the silence: Towards a Truth and Memory Process in Mexico." At an auditorium at the Human Rights Commission of the Federal District, Rocío Culebro, member of IMDHD and of the Platform, chaired the seminar. Culebro started by thanking the presence of Tita Radilla in the audience; her father, Rosendo Radilla, was arrested and disappeared in 1974 by Mexican soldiers, during the country's "*guerra sucia*", as seen in chapter 4. The seminar chair then presented the members of the roundtable: María Emma Mora Liberato, María Luisa Castellanos, and Lucy Díaz, who coordinate collectives of victims of contemporary forced disappearance and their family members in different regions of the country; Guillermo Trejo, from Notre Dame University and also a member of the Platform; and Jan Jarab, representative in Mexico of the Office of the United Nations High Commissioner for Human Rights.

Guillermo Trejo, who had coordinated the formulation of the proposal, presented its main points and goals. He highlighted the window of opportunity that was posed by the presidential transition for such a debate, and the importance of moving forward with this proposal before the current window was again closed. According to Trejo, "[i]n 2000 we had a historical opportunity, and a transitional justice was aborted, which partly explains the long night of violence in which we are still entrapped. We shall not waste the historical opportunity we have right now" (INSTITUTO MEXICANO DE DERECHOS HUMANOS Y DEMOCRACIA [IMDHD], 2018). In this, he shared a perception that the failure to confront past violations associated with political violence was connected to the emergence of contemporary patterns of criminal violence. Trejo noted, however, that while there were clear connections between the violations committed in the past and those of the present, this Commission should be a trigger for other mechanisms focused on

contexts such as the country's *guerra sucia*, as handling them all at this moment might compromise the Commission effectiveness.

However, a second version of the Truth Commission proposal, released months later in January 2019, had shifted towards a two-fold temporal mandate. It would seek to break the silence and the resulting impunity regarding serious human rights violations perpetrated in the country in *two periods*: between January 1st 1965 and 30 November 2006, and between December 1st 2006 and the present. By analyzing these two periods, it would seek to, on the one hand, account for violations committed separately in the country's war on drugs and in the context of state repression against political and social opponents; and, on the other hand, "to analyze the potential links between practices and actors of *political violence in the past* and of *criminal violence in more recent times*" (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2019, emphasis added). In other words, the expanded temporal mandate was needed not only in order to acknowledge the equal rights to truth of past and present victims, but also in order to enable further clarification of the *legacies* that connected past political violence and present criminal violence.

Between the two versions, the proposal was discussed during the period of presidential transition in one of six working groups (*mesas de trabajo*) to cover particular aspects of these proposals: the design of the country's transitional justice model, the redesign of the country's national system of search for missing persons, the creation of a truth commission at a national scale, a mechanism against impunity, a comprehensive reparations strategy, and a system of comprehensive protection to victims (ARTETA, 2019). The working groups met in Mexico City, and they brought together activists from human rights organizations, victims' groups from the capital and from other states, scholars, and national and international experts (DAYÁN, 2019a). The expectation of civil society organizations was that this would be a primary space for debate on these proposals, but that at a later moment the government would take up this agenda and promote a broad and plural debate process throughout the society, in order to include the demands of victims of the various human rights violations in the country (CORTEZ, 2019, personal interview).

At the working group on the creation of a Truth Commission, the first proposal formulated by the Platform was subjected to further debates and inputs. These debates included a wider set of victims' groups, as well as the feedback from numerous national and foreign transitional justice experts, such as Jacobo Dayan

(Universidad Iberoamericana), Carlos Beristain (commissioner at the Colombian Truth Commission), Leigh Payne (Oxford University), Barbara Frey (University of Minnesota), Michael Reed-Hurtado (adviser to the Office of the UN High Commissioner for Human Rights in Colombia), and many others (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2019). According to Edgar Cortez, a member of the Platform, during these debates it soon became clear to those activists and scholars that composed the group that it was very difficult to separate the present period from a previous one which had been marked by the political violence of state repression against social movements and students. In other words, "one cannot explain the current criminal violence without somehow explaining or understanding the political violence that precedes it and that got mixed with it over time" (CORTEZ, 2019, personal interview). Similarly, for Luis Daniel Vazquez (FLACSO-México), who also participated in the transitional justice working groups, while it was important to account for the differences in patterns of violations over time and to devote more attention to recent cases, investigating past and present in tandem and facing their connections was unavoidable:

> For us it is clear that present patterns of violence have their explanation in the past, some of them in the country's Dirty War, most of them also in the regional histories of each federative entity. The thing again is that, differently from other countries such as, I believe the main case here would be Argentina, the past has never been a great interest in Mexico. It was not a popular demand, there has not been millions of people mobilizing to know what happened in the past […]. We know we have to draw connections, that we would have to investigate because after all they are still victims, and victims deserve this right to the truth and justice, but we know it is not a popular demand (VÁZQUEZ VALENCIA, 2019, personal interview).

The incorporation of insights of local and international transitional justice experts therefore led to a truth commission proposal which placed connections between past and present, and between political and criminal violence, even more centrally. There was still a concern among certain experts about the risk of expanding the mandate too much, as it could lead the Commission to a failure to fulfill its ambitions, or that it would take so long that its results would not be able to produce a significant impact. In general, however, the argument that one must understand present criminal violence from the perspective of its continuities in relation to the dirty war in the country was widespread among the human rights and transitional justice experts involved in the formulation of these proposals (CORTEZ, 2019, personal interview).

And the main legacy that connected past political violence and present criminal violence, with which FEMOSPP had failed to come to terms, was *impunity*. According to the second version of the truth commission proposal, this mechanism would be part of an "anti-impunity package which gathers extraordinary measures (e.g. a truth commission and an international mechanism for the investigation of serious human rights violations and crimes against humanity)" (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2019, p. 19).

This understanding was shared by Jacobo Dayán, who had coordinated the transitional justice working groups in 2018, and who also highlighted other legacies connecting the political violence of Mexico's dirty war and the criminal violence of present "war on drugs". When asked about the nature of these connections, Dayán emphasized the remaining presence of the Army in regions such as Guerrero; the persistence of some forms of political violence, which went from targeting leftist dissidents to those who now defend their territories from exploitation; and, especially, "the impunity from before, and the impunity from now". Regarding the impacts of a lack of transitional justice regarding violations committed in the country's "dirty war", Dayán argues that

> If Mexico had gone through even a halfway complete transitional process, we would now have institutions for the search of missing persons. […] We would have institutions we do not have nowadays. If recommendations had been made to the General Prosecutors Office for a reform of the judicial apparatus, if protocols on the use of force had been made, if there had been reforms in the country's Armed Forces, if there had been a reparations model… […] So today we would have the institutions and the legal framework that we decided not to have, because we decided not to do anything (DAYÁN, 2019b, personal interview).

"The mother of all battles" had always been the "political administration of justice" (DAYÁN, 2019b, personal interview). In this vein, an anti-impunity agenda has been at the center of recent discussions about the development of transitional justice mechanisms in Mexico. While this agenda is also connected to the transnational circulation of understandings, lessons and solutions, its shape in Mexican political discourse is also inseparable from local debates and experiences. Some of the political implications of this centrality of *impunity* will be discussed in chapter 6, as it helps us make sense of the *future* that is envisioned and defended by transitional justice experts in the country.

Crucially, this decision to attribute an increasing centrality to the *legacies* that connect a past context of political violence and a present context of criminal violence (or of state violence perpetrated in the name of a "war on crime") reflects a broader

trend that can be observed in various Latin American contexts. That is especially so in contexts where past attempts at transitional justice are perceived as limited or failed, as in the case of FEMOSPP: here, explanations for the persistence of high levels of organized violence in a context that is understood as peaceful, democratic, and unexceptional will often reach for a past that might offer some clues as to when, and how, we "arrived" at this point. In the Mexican case, this connection is established through the *legacy of impunity*, which we can visualize (as in figure 5.2 earlier in this chapter) as an embroidered thread beginning at a point of *past political violence* and persisting through another point of *present criminal violence*.

5.1.2. From the legacy thread of impunity to the stitch of Ayotzinapa

As we have seen in figure 5.2, an embroidered line is composed of a succession of stitches that are sewn with the same thread. In the Mexican context, those who advocated for the establishment of a truth commission saw the legacy of impunity as something that connected past and present violence. That line has been continuously produced through a succession of "unresolved" cases of violence, including massacres and contexts of forced disappearance in which massive numbers of individual storylines were abruptly interrupted throughout the last decades.

However, seeking the truth on broad patterns of violence that mark the past and the present and seeking the truth on each individual case are two things that do not always go together. As discussed at the introduction to part B, in the field of transitional justice it is commonly understood that the right to truth has two dimensions: on the one hand, it is an individual right of victims, which historically arose as an obligation for states to effectively search to establish the whereabouts of forcibly disappeared victims; and on the other hand, it is a right of societies as a whole to "know the truth about past events, as well as the motives and circumstances in which aberrant crimes came to be committed, in order to prevent recurrence of such acts in the future" (INTER-AMERICAN COMMISSION ON HUMAN RIGHTS [IACHR], 2014, p. 10–15). While the first dimension is often handled through search mechanisms and specific commissions of inquiry, as well as by ordinary criminal judicial systems, the second dimension has traditionally guided the establishment of truth commissions.

In Mexico, while the possibility of a truth commission was being discussed between 2018 and 2019, not all victims' movements were on board. This is linked to the fact that, in the present, the most organized movements in Mexico are those that gather family members of disappeared persons. According to Edgar Cortés, when the

first version of the Truth Commission proposal was presented to victims, there were questions about the impact this initiative would have on their own individual cases. The experts' response was usually to refer to the experience of transitional justice in other countries, where truth commissions had made way for broader reparation policies and justice practices. Moreover, many victims would ask if an investment in the truth commission would not pull resources away from search mechanisms. After these discussions, Cortez believes that a part of victims' collectives came to sympathize with these transitional justice proposals, while others remained skeptical about them (CORTEZ, 2019, personal interview).

Ultimately, this tension was only deepened by the paths followed by AMLO's administration regarding this agenda, since the events we described in the last subsection. Even before taking office, AMLO and his cabinet members progressively abandoned the working groups that discussed transitional justice proposals. Since then, the proposal for a truth commission related to present patterns of violence (including or not its connections to the past) has become little more than a document that is, in key moments, brought to the president again in the hope of a future implementation (ARISTEGUI NOTICIAS, 2020).

Instead, AMLO decided to focus on the demand of victims of forced disappearance who mobilized for the right to truth at the individual level. In that regard, on the one hand, he strengthened mechanisms dedicated to the search of disappeared persons; and on the other hand, he created a Presidential Commission for Truth and Access to Justice in the Ayotzinapa case, announced in December 2018 (MEXICO, 2019).

This last mechanism is dedicated to clarifying a particular case: the forced disappearance of 43 students of the Ayotzinapa town's Raúl Isidro Burgos Rural College, in September 2014, as they traveled through the city of Iguala. Impunity regarding the Ayotzinapa case began soon after the students disappeared, in 2014, when Peña Nieto's government presented an alleged "historical truth" on the case, according to which the students had been detained by corrupt cops in Iguala and turned over to the cartel Guerreros Unidos. This cartel would then have executed the students and incinerated their bodies. This version was, however, questioned by students' family members. Upon the request of the families and of NGOs such as Centro ProDH, the Inter-American Commission on Human Rights (IACHR) appointed in November 2014 an Interdisciplinary Group of Independent Experts

(GIEI by its Spanish acronym), to "provide international technical assistance for the search, investigation, victim support and the structural analysis of the case" in light of the inability of local authorities and indifference of federal ones. The GIEI gathered international experts and activists from the fields of human rights and transitional justice — including Alejandro Valencia Villa and Carlos Martín Beristain, who are now members of the Colombian Truth Commission. Despite the lack of governmental support at various points of the investigation, GIEI's findings managed to overturn Peña Nieto's "historical truth" and implicate government structures that went beyond the local level, including agents of the Federal Police and military soldiers — and also revealing relationships between state structures and criminal organizations (BERISTAIN, 2019, personal interview; ESPINOSA et al., 2017).

Since its creation in December 2018, the "Truth Commission of Ayotzinapa" as it is often referred has so far identified the remains of at least one of the students, in a finding that was presented as the end of the previous "historical truth" (DÍAZ, 2020). The case of Ayotzinapa is considered emblematic not only in relation to patterns of massive forced disappearance in the country, but also to the persisting impunity on human rights violations in which state and non-state actors acted in collusion. For Luis Tapia Olivares of Centro ProDH, an organization that has advocated for the creation of this commission, solving this emblematic case could help breaking down structures of impunity, with effects that go beyond the individual demands of the students' family members (TAPIA OLIVARES, 2019, personal interview).

For those who had been advocated for broader mechanisms, including an actual truth commission that goes beyond the inquiry on a single case, this focus on search mechanisms and a few emblematic cases is a way of hollowing out the transitional justice agenda that was being discussed during the presidential campaign (DAYÁN, 2019b, personal interview). As argued by Daniela Malpica, a focus on search mechanisms and on solving a single case, even if successful, would not be able to promote structural change; and while it might answer short-term individual demands of victims, it does not account for society's long term needs for truth and justice. Besides, there is a concern with the emergence of divisions among victims' family members, between those whose cases are considered emblematic and thus worthy of attention while all others remain in the background (MALPICA NERI, 2019, personal interview). Finally, a difference that arises from this focus lies in the fact that it would

likely leave out the longer historical legacy threads that were deemed so important for transitional justice experts who proposed a truth commission in the first place.

When discussing proposals for a Mexican Truth Commission with a broader mandate, we spoke of their main intention of "coming to terms" with a legacy thread, that of impunity. We have also seen that, in truth-seeking, the present Mexican context reveals a tension between handling the thread of legacy from the perspective of one of the singular stitches that compose it, and attempting to grasp it as a whole; a tension that is closely connected to the relations between the two dimensions of the right to truth. While the truth commission on present violence that was originally proposed by transitional justice experts in Mexico was not established as of the writing of this chapter — in a story that, for many, is an echo of 2001 —, looking at its proposal has offered a glimpse into broader conceptions of transitional justice that are prompted by transformations in the patterns of violence in Latin America. In order to make sense of present criminal violence, a line is drawn between present criminal violence — that persists even in "peaceful", "democratic" times — and a past of political violence, perpetrated in the country's dirty war.

5.2. Intertwining violent legacies

The aim of "coming to terms" with legacies of the past is, therefore, central to transitional justice efforts. When truth-seeking mechanisms are asked to, unconventionally, focus they view on the *present*, the past does not vanish from the analysis: it is still present in the effort to interpret and explain patterns of human rights violations that are observed in the present. In the Mexican context discussed above, the past ended up being fully incorporated into the second version of a truth commission proposal, which expanded its mandate to cover *both* the political violence of dirty war *and* present criminal violence of the war on drugs, as well as the legacies that connect 1968 and 2006.

There are many ways, however, to read the present in its relation with the past. Present patterns of criminal violence, or of violence that is perpetrated in the name of a "war on crime", can be understood as the product of the *legacy* of a particular moment in the past; or of the *intertwined legacies* that connect it to different points in the past. In figure 5.3 below, this is illustrated by the image of a continuous line embroidered with blue thread, that starts in a more distant point in the past. From a second, more recent point in the past, that first legacy thread is intertwined with

another one, represented in pink; and the two intertwined threads of legacy continue through the present moment, represented by the third black mark.

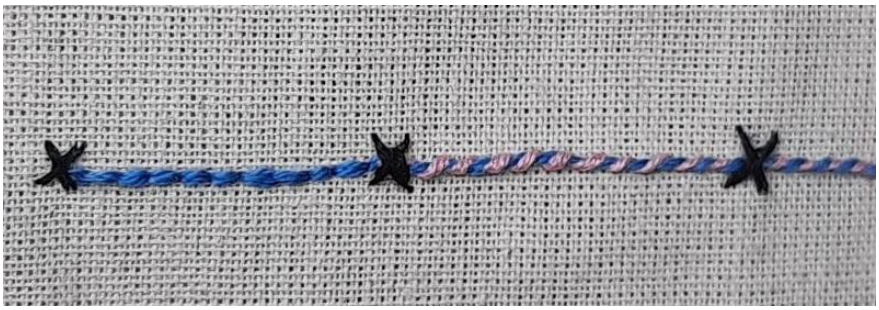

Figure 5.3. An embroidered blue thread forms a continuous line, crossed by three black marks; from the second mark onward, a pink thread is sewn around it in "whipped back stitches", by the author.

In Brazil, the Subcommission of Truth in Democracy 'Mothers of Acari', created in 2015, has sought to do just that: make sense of present violence perpetrated in Rio de Janeiro by state agents "in democracy" — that is, after the end of dictatorship and the adoption of a new Constitution in 1988 — in relation to two intertwined legacies that compose it. One of them, the legacy of structural racism, could be traced back into a more distant past of slavery and colonialism in Brazil; the second one was the legacy of dictatorship, especially expressed in a militarized public security model that reshaped violence against marginalized communities in Rio de Janeiro. The effort to account for these intertwined legacies would create challenges not only for the way truth was told in final reports, but also for the everyday practices of such a Subcommission, as will be illustrated in this section.

5.2.1. Acari and the legacies of political/criminal violence

On 26 July 1990, eleven people, most of whom were teenagers from the Acari favela in Rio de Janeiro, went to the nearby city of Magé for a short vacation in a house owned by relatives of two of them[22]. Around midnight on that same day, a group of armed men who presented themselves as police officers broke into the house, asking if there were any jewelry or money in the property. The entire group was then put into two vehicles and taken into an uncertain location. None of them were ever seen again (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018a).

22 Their names and ages were: Antônio Carlos da Silva, 17; Cristiane Souza Leite, 16; Édio do Nascimento, 41; Edson de Souza, 17; Hudson de Souza, 16; Luiz Carlos Vasconcelos de Deus, 31; Luiz Henrique da Silva Euzébio, 18; Moisés dos Santos Cruz, 27; Rosana de Souza Santos, 18; Viviane Rocha da Silva, 14; and Wallace do Nascimento, 17.

The cars were found days later, burnt down and with traces of blood. The main suspects were death squads from that region, which included military police officers in their ranks, according to the accounts of many witnesses. However, after decades of troubled and inconclusive investigations by Brazilian authorities, no suspects have been held responsible for the massacre, and the victims' whereabouts remain unknown.

The case became known as the "Acari massacre" (*Chacina de Acari*), and the struggle of victims' mothers led to the formation of a movement of victims of state violence and their family members, called "Mothers of Acari" (*Mães de Acari*). While those mothers became a reference for the struggle for truth and justice, most of them have died without ever getting an answer on what happened to their children. One of them, Edméia da Silva Euzébio, was murdered in an afternoon in 1993, at the parking lot of a crowded subway station. Later investigations revealed that she had just obtained important information that might help her find the body of her disappeared son. Her murder, as the forced disappearance of the 11 of Acari, remains unpunished (ANISTIA INTERNACIONAL, 2018).

The phenomenon of forced disappearance is widespread in Latin America, and movements formed by victims' mothers have played a central role in the consolidation of a "right to the truth" in the region. Much of this framework has been developed in relation to the experience of violations committed against *political* opponents, whether perpetrated by authoritarian governments or by armed conflict parties. However, in the case of the Acari massacre, as in so many other contexts of serious human rights violations committed by state agents in marginalized communities – whether in death squads or on duty – there are additional challenges for the struggle of family members for truth and justice. In these cases, the mothers also need to face the stigmatization associated with their social condition and with the criminalization of poverty, as their disappeared children are often framed by the public opinion as "criminals." Some of these challenges were expressed by Marilene da Silva Souza, one of the mothers of Acari, at an interview to a local newspaper:

> A few days ago we heard Col. Larangeira, who at the time of the crime commanded the 9th BPM (Rocha Miranda), tell us that we could not be called 'Mothers of Acari' because we were comparing ourselves to the Mothers of May. According to him, we are the mothers of 11 criminals, while the Mothers of May's children had died fighting for democracy in Argentina. He implied that we were linked to drug trafficking, which is untrue. My life is an open book. When the abduction happened, I worked as a supervisor at a store. I got unemployed in order to follow police investigations. I now work as an inspector at a food factory. After all, we have to eat and pay our bills. […]

> We cannot impose opinions over others but we will not let them demoralize us and hurt our honor. Not even the crime against Edméia will take away our force to keep on fighting and seeking a solution for the case[23] (ARAÚJO, 2007, p. 53–54).

This distinction between the legitimacy that is attributed to victims of "political" violence and their family members, and that which is attributed to victims of violence committed in contexts of "criminality", hints at some of the challenges that arise from the decision to implement truth initiatives regarding violations committed by state agents "in democracy". It also brings us back to how this distinction was made in the past, in discussions about the right to amnesty, and more recently in the work of truth commissions on the Brazilian dictatorship, as we have seen in chapter 4. The delimitation of the universe of victims of dictatorship was connected to the perception that there was something different — and, indeed, exceptional — about state terror carried out against those who opposed the state. Meanwhile, the violence committed by state agents, on duty or in death squads, against Black people in favelas was seen as something outside that realm of exceptionality; and it was turned invisible, both at the time and decades later, through a combination of the naturalization of that violence and stigmatization of their victims.

Therefore, the massacre of Acari has been considered "emblematic" of violence perpetrated "in democracy" by Brazilian state agents. Not because this kind of massacre is a novelty that emerged after 1988, but because it reveals the cracks in the process of "democratization" that led to the end of military dictatorship in the country. It exemplified the sort of violence that had been directed by Brazilian state forces to marginalized communities since its birth, but with particular shapes that changed throughout history — some of which have been developed during dictatorship and inherited from it.

In that sense, if the name of the Subcommission created in 2015 has honored the memory of the Mothers of Acari, this commission was not centered on this particular case (as with the Commission on Ayotzinapa). Instead, while this emblematic case was discussed as part of its final report, the main concern of the Subcommission was the identification and explanation of broader patterns of state violence observed in the present — which required taking a closer look at the intertwined legacies that compose it.

23 In this speech, Marilene responded to a book written by Col. Emir Larangeira, a police officer who had been accused of leading the death squad allegedly involved in the disappearance of the 11 of Acari.

5.2.2. Making sense of state violence "in democracy" in Rio de Janeiro

As discussed in chapter 4, after the creation of the National Truth Commission in Brazil, there was a proliferation of subnational truth commissions throughout the country, especially between 2012 and 2016. These commissions were mostly dedicated to shedding light on human rights violations committed during the civil-military dictatorship in the country (HOLLANDA, 2018). In her research on this topic, Cristina Buarque de Hollanda interviewed members of these subnational truth commissions. She notes that, despite the fact that all of them had mandates devoted to violations committed during the dictatorship, their members continuously alluded to violations committed by state agents in the present — which she attributes to "a conception of the past as an open or unfinished time, which extends its vices towards the present and potentially towards the future" (HOLLANDA, 2018, p. 7). A commissioner in Rio de Janeiro's state commission, for instance, expressed her surprise: how could people not connect "the police who kills inside a UPP and the police who used to kill inside a DOI/CODI"[24] (HOLLANDA, 2018, p. 7)? While the proliferation of commissions devoted to violations committed in dictatorship has since decelerated, the connections established between past and present have also expressed themselves in the form of the emergence of new commissions with a mandate devoted to violations committed after the country's "democratization".

That has been the case of the Subcommission of Truth in Democracy 'Mothers of Acari', created in December 2015 by the Commission for the Defense of Human Rights and Citizenship which is part of Rio de Janeiro state's Legislature. Initially composed of three researchers with a 3-years mandate, the Truth Subcommission aimed to gather, systematize, and analyze information regarding the serious violations of human rights committed by state agents, between 1988 and 2018, in the state of Rio de Janeiro. As the Subcommission would later state in its final report, the initiative was considered innovative due to the decision to analyze the same historical period in which it takes place, rather than focusing on the past (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 11).

24 The UPPs are the Pacifying Police Unit, a public security police implemented in the state of Rio de Janeiro since 2008. The DOI/CODI, or Department of Information Operations - Center for Internal Defense Operations, was a police unit situated in each Brazilian state and submitted to an agency responsible for intelligence and repression during the Brazilian dictatorship.

On the one hand, the creation of the Subcommission is said to have been inspired by the experiences of the Brazilian National Truth Commission and of the Truth Commission of the State of Rio de Janeiro (CEV-Rio). As seen in chapter 4, both of these commissions were responsible for promoting a public debate on crimes committed by state agents between 1946 and 1988, with an emphasis on the dictatorship period (1964-1988). Another crucial inspiration in this regard was the Truth Commission in Democracy Mothers of May,[25] established in the same year in the Legislature of São Paulo with a similar mandate as that of Rio's subcommission, but with that state as its spatial scope (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 11). On the other hand, the Subcommission is also presented as the result of the mobilization and articulation of human rights movements and organizations which resist institutional violence, including movements based in Rio's *favelas*[26], alongside a number of researchers and activists.

During 2016, a number of open meetings were held, where researchers, victims' movements, and human rights activists collectively discussed the methodology of the Subcommission of Truth in Democracy 'Mothers of Acari'. At one of these meetings, on 19 September 2016, a researcher from the field of truth and memory reflected on the problems of the term "transitional justice", agreeing with previous arguments on the continuity of human rights violations over time; instead, he emphasized the importance of memory as a thread which connects the violations of the past with those of the present.[27] At a second open meeting, held on 30 September 2016, there were discussions on how to organize the universe of violations committed by state agents and related actors between 1988 and 2018 in the state of Rio de Janeiro. This included the decision on what the topics of different research groups should be, as it also entails the categorization of violence and its causes. For instance, while an activist representing a victims' movement defended the importance of having a specific

25 The name of the commission refers to a movement composed by mothers of those who were victimized in 2006 by state agents and death squads. At that month, it is estimated that over 500 civilians were brutally murdered in less than 10 days, in what was framed as a "response" to prison rebellions promoted by the criminal organization "Primeiro Comando da Capital" (PCC). 59 state agents are estimated to have been murdered over the same period (see SECRETARIA DE DIREITOS HUMANOS DA PRESIDÊNCIA DA REPÚBLICA, 2013).

26 In particular, the following organizations are mentioned: Rede de Comunidades e Movimentos Contra a Violência, Fórum de Juventudes do Rio de Janeiro, Fórum Social de Manguinhos, Instituto Brasileiro de Análises Sociais e Econômicas (IBASE), Instituto de Estudos da Religião (ISER), Coletivo Olga Benário, CEV-Rio, and Justiça Global.

27 Ata do Encontro para construção do Plano de Trabalho da Subcomissão da Verdade na Democracia - 19.09.2016 - Auditório da CAARJ.

working group focused on racism, a researcher with experience in truth commissions proposed that working groups should correspond to the specific serious violations of human rights.[28]

At a third open meeting, on 3 November 2016, the case of the Acari massacre was discussed, as members of the Subcommission planned to hold a public audience at the state's Legislature on the subject. It was emphasized by many that, while this is a crucial case, it was to be handled as part of a broader structure of impunity; as argued by one participant, "in Acari, this case is constantly reenacted and refueled. We need to think of what in this case reenacts issues that we live all the time. It is not just Acari, it happens everyday".[29]

In these preliminary meetings, therefore, it was already clear that creating a truth commission to engage the sort of violence that "happens everyday" posed a challenge for the temporal imagination that has traditionally permeated transitional justice mechanisms. That was not only due to the absence of another "transition" but, more fundamentally, because those mechanisms have mainly been conceived to help societies "come to terms" with violence that has taken place in an exceptional period, and which was moved by motivations that are deemed political. On the other hand, the decision to draw from the transitional justice toolkit a mechanism to deal with the violence of state agents against criminalized communities can be seen as an attempt to remove this violence from the realm of the "ordinary", similarly to the move, in the late 1970s, of the Black Unified Movement in demanding political amnesty to the "common prisoners" who were continuously targeted as a result of structural racism.[30] At a moment of proliferation of truth commissions dedicated to past patterns of state violence against those who had opposed dictatorship in a particular way, these actors considered that a similar mechanism might help shedding a new light on contemporary democracy.

The issues and discussions highlighted above, which arose in the early moments of the Subcommission's work, were later reflected in its final report,

28 Ata do Encontro para discussão dos grupos de trabalho e ação da Subcomissão da Verdade na Democracia Mães de Acari - 30.09.2016 - 18h - sala 106 IFCS/UFRJ. In the end, while the final report was divided into volumes which corresponded to different patterns of violations, the themes of the research groups were "Targets of state violence", "Agents of state violence", "Spaces of deprivation of liberty" and "Favelas and peripheries".

29 Ata - Terceiro encontro ampliado da Subcomissão da Verdade na Democracia 'Mães de Acari' - 03.11.2016 - 18h - CCARJ, Plenário do 6o andar.

30 On this case, see chapter 4.

published in 2018. The report was divided into three volumes: the first one focused on summary executions; the second one dedicated to spaces of liberty deprivation and torture; and the third one devoted to forced disappearance. The issue of racism and the genocide of black populations were handled transversally across the treatment of specific violations.

The executive summary of the final report of the Subcommission opens with a question: "Why a truth commission in democracy?" After a brief account of transitional justice processes at the end of military dictatorships in Latin America in the mid-1980s, often including self-amnesty laws, the report notes:

> Understanding the kinds of violations practiced by the state in the past provides subsidies for questioning the contemporary public security policy, which continues to kill, torture and disappear persons, mostly black and poor. The guarantee of the right to memory and truth constitutes, thus, an attempt to conclude the process of redemocratization in Brazil, confronting the institutional racism that has never been overcome (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 9).

The report suggests that once we recognize the "authoritarian heritage present in the public security model implemented in the democratic period", a reform of this militarized model becomes unavoidable (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 10).

While the argument above reproduces to a large extent the narrative of an incomplete transition from a past context of political violence as a source of present violence perpetrated as part of a "public security policy", it also hints at how this "authoritarian legacy" is intertwined with historical effects and origins of structural racism in Brazil. In this regard, it notes:

> The systematic violence of the state against, mainly, the black and poor population reveals that, 30 years after the redemocratization of the Brazilian state, *the legacy of dictatorship – and of historical periods which start with the slavery of black women and men* — remains in police and military structurals, as well as in criminal policies. It is clear that, for certain social groups, the state of exception never ceased to exist, which allows us to argue that there are nowadays highly structured processes of repression and criminalization of poverty and of the black people even during the democratic regime (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 10, emphasis added).

The report also clarifies that:

> while the Subcommission is dedicated to the analysis of the years 1988-2018, state violence is marked by structural racism since the colonial period, which makes it necessary, for an effective memory and truth process, to come clean with [passar a limpo] our entire history (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 10).

Moreover, the different temporality of racism and of authoritarianism throughout the country's history was emphasized throughout the three volumes of the

report. For instance, at the second volume, which covered the issues of torture and the spaces of deprivation of liberty, it was stated that:

> If the end of the dictatorship was supposedly a rupture with the widely legitimated possibility of the use of torture against those who opposed and resisted that devastating regime; the return of democracy did not mean the end of those practices, which already existed before and which carried on later, towards groups that have historically been affected by them. Black women and men, poor people, and those who live in peripheries and favelas, in general, do not experience the democratic guarantees which we have – rightly – struggled to maintain and widen (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018c, p. 1077).

When asked about how they handled these intertwined legacies in their research process, Noelle Resende —who coordinated the line of research on torture and spaces of deprivation of liberty— explained that "the issue of the violence of the past is highly present both in a structural analysis of institutional racism, and in an analysis of finer continuities, of specific actors and dynamics" (RESENDE, 2019, personal interview). According to Resende, while the issue of institutional racism as a legacy of slavery was mostly handled as part of a crucial historical background for the analysis, there were specific practices that were traced back to the times of dictatorship, or even before, such as the emergence of death squads.

Moreover, it is worth noting that the decision to grasp those intertwined legacies — the one of racism, that connects the present to the period of slavery or to "colonial times", and the one of authoritarianism that connects the present to the past Brazilian dictatorship — also leads to important practical challenges. For instance, as highlighted in the final report, an issue which led to the disengagement of certain social movements and civil society organizations along the process was the absence of black researchers from *favelas* and peripheries among the few Subcommission's official researchers. This issue is mentioned as a lesson that is to be learned for future truth and memory initiatives (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 12). That hints at the frictions that often arise from interactions between "experts" in the field of human rights and transitional justice and victims' movements, a friction that has also been mentioned in relation to the Mexican case, and which then becomes part of the texture of truth-making.

Therefore, the work of the Subcommission of Truth in Democracy 'Mothers of Acari', up until its final report was published in 2018, can be understood as an effort to make sense of present violence — in particular, of violence that is perpetrated by public security agents, on duty or in death squads and militias, against marginalized communities that have long been targeted by militarized "public security" practices —,

identifying its patterns and structures; and also to, in the process, make sense of the intertwined legacies that have led to this context. If we refer back to figure 5.3, we might say that the Subcommission was aware of the need to account for the legacy of structural racism, that dates back to colonialism and slavery (visualized as the continuous blue line), and also for the "authoritarian legacy" of public security institutions and particular practices which were reshaped for the purpose of persecuting political opponents, and which have not been subjected to a significant reform after dictatorship (visualized as the pink thread that is wrapped around the blue one, starting later in time). At the core, there is a concern with how these two legacies participate in the constitution of public security practices that are understood as heavily militarized — and forms of "demilitarization of public security", in this sense, are found among the recommendations produced both by truth commissions on dictatorship and by this Subcommission of truth in democracy, with political implications that will be explored in chapter 6.

5.3. Intertwining violent continuums

Up until here, we have looked at how proposals and reports of truth commissions, with a mandate to clarify present patterns of human rights violations, have handled relations between *past political violence* and *present criminal violence* (or at least, violence that is now perpetrated in the name of "public security"). While truth commissions, as other transitional justice mechanisms, had been traditionally developed to deal with past political violence, these ones were proposed in view of present patterns of violence perpetrated by non-state criminal organizations or by state security agents. In making sense of these relations between past and present, we have mobilized the image of legacy — and of intertwined legacies — as embroidered threads that connect separate points in time.

On the other hand, certain aspects and dimensions of violence can be analyzed over time not in relation to what is inherited from a point in the past — as suggested by the image of legacy — but in relation to that which is continuous *across* different points in time. This dimension has been frequently emphasized in accounts of violence that focus on the dimension of gender. Looking at the work of feminist analysts on conflict and violence, Cynthia Cockburn tells that she "became conscious of a connectedness between kinds and occasions of violence. One seemed to flow into the next, as if they were a *continuum*" (COCKBURN; GILES; HYNDMAN, 2004, p. 43, emphasis added).

In this, Cockburn (2004, p. 43) referred to the ways in which "gender links violence at different points on a scale reaching from the personal to the international, from the home and the back street to the maneuvers of the tank column and the sortie of the stealth bomber", often leading the women who live in contexts of armed conflict to say "War? Don't speak to me of war. My daily life is battlefield enough." (COCKBURN; GILES; HYNDMAN, 2004, p. 43). As noted by Wibben (2020), the notion of "a continnum of violence between peace and wartime that also transgresses the boundaries of private/public and international/domestic realms" has been a key contribution of feminist peace and conflict studies scholars; and attending to gendered and intersecting power hierarchies allows scholars to note continuities from pre- through post-war environments (see also MOSER, 2001).

Moreover, in Latin American contexts, gender-based violence has also been analyzed from the perspective of an encounter between patriarchy and coloniality. Mara Viveros-Vigoya (2016) argues that, beyond the continuity and reproduction of patriarchy over time, making sense of femicide as a phenomenon in Latin America (in war as in peace) calls for an attention to how coloniality reshapes masculinities — and drawing from Quijano's work, she understands coloniality as "the living *legacy* of colonialism in contemporary societies in the form of social discrimination that has outlived formal colonialism and become integrated into succeeding social orders" (2016, p. 2, emphasis added). In this sense, the historicity of the legacy of colonialism, whose starting point can be marked in history, is joined by the continuum of patriarchy as intertwined strands.

Figure 5.4. A thread composed of intertwined green, pink and blue strands is embroidered in the form of a line, crossed by a single black mark, by the author.

As suggested by Pérez-Bustos, Sánchez-Aldana and Chocontá-Piraquive (2019, p. 4) in a discussion of textile material metaphors, the notion of a continuum can also be visualized "as a single thread of yarn spun out of three different threads, in which each thread has a different color", in order to represent the ways in which different

actions become constitutive of a single materiality. In figure 5.4, I have composed such a thread of yarn by intertwining strands of different colors and then embroidered it into a line, which is crossed by a single black mark that represents the present moment. This allows us to visualize the ways in which strands of multiple continuums — of coloniality, of patriarchy — can be extended through time in a succession of stitches in which violence is continuously reenacted in different forms.

In chapter 4, we saw that one of the criticisms against the system created by the 2005 Justice and Peace Law in Colombia was that, while it was presented as a "transitional justice mechanism" which would offer justice and *truth*, this last element was limited, to a large extent, to the version of perpetrators. This absence of victims would, in later years, fuel the creation and mobilization of victims of the Colombian armed conflict for the creation of memory, truth and justice mechanisms in which they could truly participate. That was especially the case for women victims, whose experience of gender-based violence challenged distinctions between the *exceptional* of the Colombian armed conflict and the *ordinary* of domestic violence; especially because, in war or in peace, impunity and invisibility prevailed.

On the other hand, we have also seen that this reaction to the limits of the Justice and Peace Law has catalyzed the strengthening of victims' movements. In the case of movements of women, they brought together demands for the recognition of the *political* character of the armed conflict, as part of a longer history of a movement for peace and for a negotiated way out of conflict, and the recognition of violence against women as *crimes* — and, in the case of conflict-related violence, as crimes against humanity, on which there could be no amnesty (see GLOBAL SOUTH UNIT FOR MEDIATION, 2018). Moreover, in response to the limits of the "judicial truth" that was being produced by the Justice and Peace system, a group of women decided to establish their own truth-seeking mechanism, in which their stories would be told in their own terms: the Colombian Women's Truth and Memory Commission.

5.3.1. The Colombian Women's Truth and Memory Commission

On 24 and 25 June 2009, the International Forum "Truth, Justice and Comprehensive Reparation: a pending debt with women victims of violence" was held in Bogotá by four Colombian civil society organizations – Corporación Casa de la Mujer, Corporación Vamos Mujer, Funsarep and Ruta Pacífica de las Mujeres. Their aim was to discuss the challenges and obstacles faced by women victims since the adoption of the Justice and Peace Law in 2005 by the Colombian government. As

discussed in chapter 4, this law had been adopted as a framework for negotiations with paramilitary groups, and it was widely criticized by civil society representatives as insufficient due to its soft approach to paramilitary perpetrators (GRAJALES, 2017, p. 192) and its limited provision of victims' rights to truth, justice, reparation and non-repetition (UPRIMNY; SAFFON, 2008). The women victims who had been attending the Justice and Peace Law hearings — where "judicial truth" was produced — had been leaving "frustrated, disgusted, disappointed, because what remained in that environment was the voice of the perpetrator, not their own" (LUNA DELGADO, 2019, personal interview).

One of the goals of the 2009 forum was to formulate proposals and actions on how to promote truth and justice from a perspective of women's organizations, in order to overcome the silence on women's rights violations that had marked truth initiatives in the country. Two international experts were invited to the event: Susana Villarán, who had been special rapporteur for women's rights of the Inter-American Commission of Human Rights; and Carlos Beristain, who had coordinated the Recovery of Historical Memory report in Guatemala and participated in a number of other truth commissions in the region ("Foro Internacional…, 2009). During the dialogues, Beristain shared his previous experience in truth commissions in other countries, such as Guatemala and Peru.

Having heard the experiences presented by Carlos Beristain, the coordinators of Ruta Pacífica de las Mujeres considered the possibility of creating a truth commission focused on the experience of women and on the ways in which their lives and bodies had been historically victimized by the Colombian armed conflict (LUNA DELGADO, 2019, personal interview). After a series of internal consultations and debates, Ruta Pacífica decided to establish a "Colombian Women's Truth and Memory Commission", which started working in 2010 and published a final report in 2013 (RUTA PACÍFICA DE LAS MUJERES; ALFONSO; MARTÍN BERISTAIN, 2013). The Commission was a historical memory mechanism in which women victims of violence were listened to, recognized, and supported. Over a thousand cases of individual and collective violations against women – including murders, massacres, disappearance of relatives, forced displacements and sexual violence – were documented by the Commission, through the collection of testimonies across the country. Aside from Carlos Beristain, another truth commissions expert, Alejandro

Valencia Villa, has played an important role in support of the design and implementation of Ruta Pacífica's commission.

As noted in a report on the Commission's methodology, Ruta Pacífica's decision to establish a truth commission was far from obvious. After all, truth commissions had traditionally been conceived as official mechanisms, carried out after the end of an armed conflict. In their case, they would establish it as an independent project by a women's organization based in civil society, and in the midst of an open armed conflict with no end in sight. Moreover, their work would be carried out with no institutional support from the Colombian government, although they did receive support from agencies and institutions worldwide (RUTA PACÍFICA DE LAS MUJERES; ALFONSO; MARTÍN BERISTAIN, 2013, p. 11–12). In spite of these differences, an analysis of international experiences of truth commissions allowed them to learn from methodologies deployed in those projects while considering ways to overcome usual limitations – for instance, the neglect of women's experiences and perspectives that has marked several institutional truth initiatives (RUTA PACÍFICA DE LAS MUJERES; ALFONSO; MARTÍN BERISTAIN, 2013, p. 15). Therefore, despite important lessons learned from the methodologies of other, more traditional, truth commissions, there were also crucial innovations arising from the very particular decision to place women's experience at the center, while adopting a feminist approach to the research they performed.

These transformations were reflected not only in the process of truth-seeking that led to the making of a final report, but also in the practices through which the assembled knowledge was brought "back" to Colombian women. The multiple processes of "return" ("*devolución*") were later discussed at a report entitled "Memory's way back" ("*El camino de vuelta de la memoria*"); and it included a workshop where women were invited to produce a memory quilt ("*colcha de memorias*"). It would be made by stitching together pieces of cloth embroidered by women who had been affected by the conflict. Some of those embroidered cloths, reproduced in a photograph at the report, are found below at figure 5.5. As described by one participant of the workshop: "At the quilt, memory, art, creativity and recognition as women meet. It is part of our history: intimate and social" (RUTA PACÍFICA DE LAS MUJERES DE COLOMBIA et al., 2015).

The decision to create a truth commission from the perspective of civil society, as well as its feminist approach and its emphasis on how women had been affected by

Figure 5.5. Pieces of cloth embroidered by Colombian women at workshop held by the Ruta Pacífica's Truth and Memory Commission, for a memory quilt (RUTA PACÍFICA DE LAS MUJERES DE COLOMBIA et al., 2015, p. 138).

the armed conflict, should be read in the context of the history of that organization. Ruta Pacífica de las Mujeres is a feminist movement of national reach in Colombia, grounded on the notions of pacifism, antimilitarism and non-violence. Since its creation in 1996, at a moment when the country was marked by particularly high levels of violence, the movement has advocated for a negotiated solution to the armed conflict, while working to make visible the impacts of war on the lives and bodies of women. Their strategies have included the mobilization of over a hundred thousand women across the country, both in rural and urban spaces, as well as the incidence in political negotiations and the provision of psychosocial and legal support, amongst others. The movement brings together a wide diversity of experiences and realities, being composed by women who represent around 300 organizations across the country.[31]

The creation of the Commission, alongside other strategies historically deployed by Ruta Pacífica, have participated in bringing this movement to the center

31 "Las Mujeres Ruta, son campesinas, indígenas, afrodescendientes, raizales, jóvenes, mayoras, estudiantes, profesionales, víctimas, rurales, urbanas de barrios populares, productoras, sindicalistas, pertenecientes a organizaciones feministas, ONG feministas, redes de mujeres por los derechos sexuales y reproductivos, organizaciones ecológicas de mujeres, organizaciones de mujeres diversas y organizaciones de artistas; son ellas el bastión de las propuestas y acciones que se impulsan en el día a día en representación de la diversidad étnica y cultural del país" (RUTA PACIFICA DE LAS MUJERES, [s.d.])

of the peacemaking field in Colombia in general, and of the transitional justice field in particular. That is illustrated by the important role played by the movement's representatives throughout the peace negotiations between the Colombian government and the FARC. For instance, in 2013, Ruta Pacífica was among the organizers of the National Summit of Women and Peace in Bogotá, where over 500 women from Colombian civil society organizations demanded that negotiations in Havana became more inclusive of women's needs and demands. As a response to these pressures from women's movements, an innovative Gender Subcommission was established as part of the peace negotiations, and the government included women as plenipotentiary negotiators (LUNA DELGADO, 2019, personal interview).

Moreover, the movement has been thoroughly engaged in the implementation of the peace agreement between the Colombian government and the FARC, including in relation to its transitional justice component. As the mechanisms which compose the Comprehensive System of Truth, Justice, Reparation and Non-Repetition were being established, the small number of women in the staff of these mechanisms was again noticeable. As a response, Ruta Pacífica provided support to women who were interested in running for those positions, including technical assistance for their applications. With their support, women were selected to integrate the staffs of the Truth, Coexistence and Non-Repetition Commission, the Special Jurisdiction for Peace and the Unit for the Search for Persons Presumed Disappeared, the three main mechanisms that compose the system. Moreover, due to their experience in testimony collection acquired in the context of their own truth commission, Ruta Pacífica became responsible for interviewing over 2000 women victims for the Truth, Coexistence and Non-Repetition Commission; and the final report published by Ruta Pacífica in 2013 is used as an input for the research of the current national Commission (LUNA DELGADO, 2019, personal interview). It is also worth noting that both transitional justice experts who have contributed to the design of the methodology of Ruta Pacífica's commission, Carlos Beristain and Alejandro Valencia Villa, are now commissioners at the Truth, Coexistence and Non-Repetition Commission.

Therefore, the experience of Ruta Pacífica illustrates the possibilities entailed by the circulation of transitional justice methodologies into other realms. Firstly because, as noted by Carlos Beristain, the women from Ruta Pacífica created their truth commission

> in a context in which such things could not be done. One could not speak about an armed conflict, we were still amidst a war, and there were no political conditions for it […] But the women were certain that it was necessary to give voice to women in this process. […] That is, at a time in which it could not be done, we started to do it (BERISTAIN, 2019, personal interview).

In this sense, the creation of a truth mechanism while the armed conflict had no end in sight was perceived as an important step, and it helped ensuring that the voices of women victims would be heard in a subsequent peace process. Secondly, the fact that this truth commission was designed from within civil society was already innovative in relation to other traditional mechanisms, and it enabled the insertion of Ruta Pacífica's women into the circuit of the transitional justice expertise in the country, as their experience would go on to impact the work of institutional mechanisms.

5.3.2. Intertwined continuums of criminal and political violence

One of the particularities of the Colombian Women's Truth and Memory Commission, as presented in its final report published in 2013, was its feminist framework, expressed by concepts such as that of a *continuum of violence*. This concept appears in the report as a response to the following question: Why isn't the boundary between war and peace so meaningful to women? After all, violence against women does not end with the end of wars, and the violence perpetrated against them during armed conflicts can be understood as a continuity of the control and violence against them in times of peace. Citing the work of scholars such as Caroline Moser (2001), Ruta Pacífica argues that the idea of a continuum of violence highlights the ways in which the specific violence of war is intertwined with forms of violence associated with relations of domination between men and women that also operate in times of peace (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a).

One of the expressions of this continuum in the Colombian context, which is discussed throughout the Commission's report, is found in sexual violence against women. In many testimonies, the acts of sexual violence committed as part of the armed conflict were often indistinguishable from those perpetrated as an act of war. For instance, among the women who gave their testimony to the Commission, there were more victims of sexual violence perpetrated by a close person — a partner, family member or work colleague, for instance — than in direct connection to the armed conflict (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 395). This indistinguishable character was deepened when members of

armed groups naturalized sexual violence against local women by representing it as a normal relationship. As women were given the "choice" to become wives of their rapists — a "choice" that was embedded in the expression "the easy way or the hard way" ("*por las buenas o por las malas*") —, violence against women was transposed from the public realm of the armed conflict to the private realm of the home, as their body and their land became part of a man's properties — whether this man was part of a guerrilla, a paramilitary group or a state force. The only way out was to leave behind their lands and their community, being forcibly displaced (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 366–376).

Therefore, taking the experience of women as its starting point, the Commission's report tells us that "the experience of sexual violence is chained in women's biographies along a continuum that goes from interpersonal relations within the intimacy of the family to the relation between victim and victimizer at the war setting" (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 398). Therefore, differently from reports of other truth commissions, which focus on human rights violations committed in the context of an internal armed conflict or political repression, Ruta Pacífica chose to also collect women's testimonies on violence perpetrated in the "private" realm as well as acts of resistance in these spaces, in order to grasp the structural dimension of patriarchy that is expressed across these distinctions (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 399). Moreover, this continuum of violence is said to be reinforced when women are not recognized as central political actors for the construction of peace, and when their historical claims — including the end of impunity for crimes committed by armed actors against them — are neglected by governmental institutions (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013b, p. 472).

The decision to center the experience of women victims was expressed not only in the content of the final report, but also in the methodology of the Commission and its final goals. Beyond an identification of patterns and responsibilities, the Commission was itself conceived as a process that went beyond the production of a report. The interviews and focus groups themselves were a space of care and support, and the devolution of the results of their work went far beyond the production of an accessible final report, also including a range of activities planned and executed with local communities, as illustrated by the previously mentioned memory quilt workshop

(RUTA PACÍFICA DE LAS MUJERES DE COLOMBIA et al., 2015, p. 134). As will be discussed in chapter 6, this dimension of the truth commission as a *process* was later taken up as central to the Colombian Truth Commission and to its conception of non-repetition.

The image of a continuum articulates the relation between violence and temporality in a different way than the idea of legacy we have seen in the previous sections. In a sense, both notions can be visualized as a thread that is embroidered over different points in time. However, the notion of legacy tends to emphasize a distinction between an initial point in the past — whether this point can be associated with a particular period, such as the dirty war in Mexico or dictatorship in Brazil, or with a broader context such as colonialism and slavery — and the present; and those two points stand in a relation of causality, where the failure to put an end factors that are inherited from that past leads to patterns of violence observed in the present. The image of a continuum, on the other hand, foregrounds structures that persist *despite* the passage of time, such as patriarchy, although there may be differences in particular expressions of violence. In other words, this image highlights the forms of violence that trouble the boundary between war and peace, as mentioned above; but it also displaces the teleological visualization of violence, and of its possible transformation, that commonly underlies the transitional justice narrative.

Moreover, the dimension of intersectionality is also emphasized by Ruta Pacífica at the Commission's report, as they refer to the ways in which multiple other structural inequalities are intertwined with gender in the identity of those who are victimized in the armed conflict. They describe how women who live in certain territories experience multiple forms of discrimination, as the armed conflict intersects structures of inequality related to social class, race/ethnicity and age. In many stories, the fact of being women *and* black, indigenous, or young was pointed out by victims as *explaining* the violence and domination they had long experienced (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 48–49). This dimension can also be visualized in the image of a continuum — and, in our case, of a continuum that is embroidered over the surface of time through repeated stitches — by taking into account that the thread that is commonly used in embroidery is stranded, and can thus be composed of multiple different threads, as illustrated by figure 5.4 earlier in this section.

Finally, the notion of a continuum of violence also sheds a different light over the (in)distinction between criminal and political violence, as the first is commonly associated with the ordinary time of peace and the second with the exceptional time of war. Sexual violence, for instance, is also commonly subjected to the same distinction: in "ordinary" contexts, it is a "mere" crime — in the unusual event that it ever reaches the realm of justice —, while during war, it is imagined as a "weapon". By highlighting what is continuous in these experiences, this notion seeks to politicize violence against women, whether perpetrated in war or peace, thereby ensuring that it is not neglected as a private matter; and it also retains the need to overcome impunity regarding these cases, whether it means strengthening "ordinary" justice institutions or refusing amnesties regarding these matters.[32]

5.4. Conclusion: Intertwining legacies and continuums between criminal and political violence

In this chapter, we have seen how present patterns of organized violence in Latin America have prompted calls by civil society organizations for the creations of truth commissions. This sort of mechanisms, originally developed for "dealing with the past" in the context of political transitions and at the end of conflicts, have inspired the adoption of similar solutions in the absence of such transitions. They exemplify the ways in which practices aimed at the promotion of victims' rights to truth, justice, reparation, and non-repetition have been variously appropriated and reshaped by those who demand a transformation of present violence.

Therefore, these stories illustrate the circulation of a particular model developed within the field of transitional justice, in processes that are closely connected to those we have explored in chapter 4. In fact, national and international transitional justice experts have had a central role in proposing the creation of a truth commission in Mexico, in contributing to the work of the Subcommission of Truth in Democracy in Brazil, and in helping Ruta Pacífica establish the Colombian Women's Truth and Memory Commission. At the same time, in each context, what we saw was not a direct implementation of a global model, but the adaptation of transnationally developed concepts and agendas to local contexts and priorities. Moreover, in all three contexts we have observed the way these concrete implementations are shaped by negotiations between victims and experts which have not always been easy —

32 On the subject of amnesties regarding sexual violence in Colombia, see interview with Adriana Benjumea (GLOBAL SOUTH UNIT FOR MEDIATION, 2018).

especially in cases when the two dimensions of the "right to truth", the societal one and the individual one, were perceived as being at odds with each other, or when the participation of victims in the production of this truth account was deemed limited. On the other hand, we have seen how, in the Colombian context, the creation of an unofficial truth commission from the perspective of civil society has allowed victims to take the lead, counting on the support of experts to adapt a global model to local stories — and how, as a result of this experience, the women of Ruta Pacífica have managed to become part of official processes of truth-seeking as well, coming to be recognized as situated experts in the production of truth.

In the first two sections of this chapter, we have seen proposals and reports of truth commissions that are focused on present patterns of violence perpetrated either by criminal organizations or by state agents against criminalized communities, often in the name of public security. In the Mexican and Brazilian contexts, we have seen a concern with accounting for connections between a present context of criminal violence (which had not traditionally been the object of transitional justice mechanisms) and a past context of political violence (which had been the object of attempts at transitional justice, but in which these attempts were understood as limited or failed). The connection between these two contexts was represented as a *legacy* of the past political violence — mainly a legacy of *impunity* in the Mexican proposal, and of *militarization* in the Brazilian Subcommission — with which societies had not properly come to terms. In the case of the Subcommission created in Rio de Janeiro, there was also an incorporation of the way this authoritarian legacy was intertwined with structural racism, a longer legacy that connects the present and colonial times.

Through the textile metaphor of legacies as embroidered threads, we have visualized these connections as lines that are drawn by transitional justice and human rights experts who identify a connection between, on one side, *present patterns of (counter)criminal organized violence* and systematic human rights violations and, on the other side, *past patterns of political violence* and associated violations (see figure 5.2). A legacy thread that connects the political violence of dirty wars and present criminal or police violence – as is the case of the threads of impunity and militarization mentioned above – might coexist, however, with other legacy threads that connect present violence to other parts and moments of the past. These can be drawn by actors who emphasize connections between present violence and colonial times, or slavery practices (as seen with the intertwined legacies of racism and militarization in Rio's

Subcommission), or even economic policies implemented decades ago (as seen in AMLO's speech discussed in the opening of this chapter, when he highlighted the legacies of neoliberalism over other legacy threads); and multiple legacy-threads can be intertwined and embroidered together over the surface of time (see figure 5.3).

In the third section, in turn, we have looked at a context in which, in the middle of an armed conflict that was not even recognized as such, a group of women decided to produce a truth and memory account of their experience of the conflict. Here, the image of a *continuum* of violence works not in the sense of connecting (while distinguishing) past and present modalities of violence; but in the sense of emphasizing continuities between gender-based violence that is seen as part of political (public) violence and that which is seen as being outside of it, belonging in the private (and apolitical) realm. This continuum is composed from the intertwined strands of patriarchy, of race and of class that shape violence over time, disregarding the public/private divide (see figure 5.4). In the experience of Ruta Pacífica, calls for the end of impunity for *crimes* committed by armed actors against women were coupled with an effort to emphasize the *political* dimension of that violence — also because, through their social mobilization, women could see "through the mirror of each other, their own suffering, [and] to attribute to pain a collective, political meaning, which contributes to their recovery and to the reconstruction of their own lives" (RUTA PACÍFICA DE MUJERES DE COLOMBIA; GALLEGO ZAPATA, 2013a, p. 419). Moreover, by asserting the political nature of their experience of conflict, women of Ruta Pacífica also claimed for themselves a place in the construction of truth, which would be achieved with their participation in the Colombian Truth Commission.

Visualizing legacies and continuums as *embroidered threads* allows us to think anew of the temporal imagination that underlies a traditional transitional justice narrative. As seen at the introduction to part B, this narrative has often been criticized for a teleological conception of a single and linear time – a conception that is aligned with the association of "lines" with the "alleged narrow-mindedness and sterility, as well as the single-track logic, of modern analytic thought" (INGOLD, 2007). However, an embroidered line invites us to think of linear time as 1) *emergent* from multiple and successive practices over time, which can be framed as "repetition" by those who wish to emphasize continuities and establish causalities, or can be analyzed stitch by stitch; 2) *textured*, three-dimensional, with each stitch taking up forms that could never be fully foreseen – much less imposed – by their makers; 3) *composed* of multiple strands, as an

apparently single yarn can bring together multiple legacies and continuums – such as those of racism, impunity, militarization, and patriarchy – that are intertwined and stitched together. In other words, this textile metaphor allows us to engage the practices of truth commissions and their temporal imagination without falling into a critique of linearity – instead, it allows us to think with the textures of truth-making that go into the drawing of lines.

The image of embroidered legacies and continuums also allows us to grasp particular ways in which *connections* can be established between political violence and criminal violence in the making of truth – connections that are essential for understanding the experience of commissions that attempt to deal with complex and multiple forms of violence observed in the present. In this sense, while in chapter 4 we engaged the metaphor of *weaving* to account for the making of *surfaces* of the past by bringing together storylines in particular ways, in chapter 5 our focus has not been on the making of surfaces but rather on the production of connecting lines, between past and present and between the criminal and the political. In other words, our focus has not been on CVPV lines as lines of separation – that can also be found at the edges of truth reports and of their patterns – but primarily as lines of connection.

I should also highlight that the three proposed and established truth commissions discussed here emerged as a response to three past efforts of transitional justice that had been perceived as limited: the FEMOSPP in Mexico, the National Truth Commission in Brazil, and the Justice and Peace Law system in Colombia. As we have seen in chapter 4, many of these limitations had been connected with the arbitrariness involved in bounding a realm of *exceptional* victims to whom the rights to truth, justice, reparations and non-repetition could be attributed. At the same time, those three processes were part of the diffusion of a transitional justice paradigm which, even afterwards, would be mobilized and adapted in creative ways, in the face of modalities of violence that had historically been neglected by traditional mechanisms in that field. In a sense, these new mechanisms were prompted by the perception that the high levels of organized violence observed in present times might challenge the transitional narrative, but that the framework of victims' rights can still be mobilized in positive ways.

Finally, the relations established between past and present by the mechanisms discussed here, through the identification of legacies and continuums, are more than mere explanatory devices. They encapsulate particular narratives on how present

violence can be *transformed*. In the field of transitional justice, this transformation of violence is associated with its fourth "pillar", that of non-repetition; a pillar which is also transversal in the sense that it is imagined as the final aim of all mechanisms. After all, as seen at the introduction to part B, while transitional justice mechanisms have been developed to deal with the past, it also has an eye on the promise of a peaceful and democratic future. In chapter 6, we will see how mechanisms discussed in chapters 4 and 5 have envisioned the *future*, focusing on the particular knots they have aimed to untie: *impunity*, *militarization* and *denial*. In this process, we will see how the untying of these knots rearticulates relations between criminal and political violence in Latin America.

Chapter 6. Untying futures

In 2014, the Brazilian National Truth Commission presented their report on serious human rights violations perpetrated between 1946 and 1988 by Brazilian state agents, with a focus on the persecution of political opponents during the country's military dictatorship (1964-1985).[33] From the moment it was created, the NTC was presented as an extrajudicial mechanism aimed at the clarification of past patterns of violations, which would not seek the judicial prosecution of perpetrators individually identified at the report. After all, under an interpretation that still prevails at the Brazilian judicial system, the 1979 Amnesty Law prevents the prosecution of these violations. As a result, while the NTC's final report did recommend a revision of this interpretation — arguing that an amnesty to crimes against humanity was contrary to the Brazilian law and to the international legal order —, the publication of the report itself did not lead to any judicial prosecutions.

A few years later, in 2018, when Brazilian President Michel Temer announced a federal intervention in the field of public security in Rio de Janeiro, which would be led by military officials, the commander of the Brazilian Army Gen. Villas Bôas answered that it was necessary to provide soldiers with a "guarantee to act without the risk of the creation of a new Truth Commission" in the future (LÔBO, 2018). Villas Bôas later explained that Brazilian soldiers had studied "in detail" the development of transitional justice processes in Argentina and Chile, and that in both countries public apologies and truth commissions had been eventually followed by judicial prosecutions; but aside from that, officials were also deeply bothered by the narrative of dictatorship propagated by the NTC (CASTRO, 2021).

This *fear* for the possibility of a new truth commission — but now in the context of potential violations committed in a public security engagement — echoes the one discussed in chapter 3 of this thesis: the fear, by state agents, of coming to be judicially prosecuted, in national or international courts, for the use of violence against national citizens, while allegedly performing their "missions". The fact that it arises here in relation to a *truth commission*, on the other hand, allows us to reflect on the limits of the appearance of irrelevance that reports of truth commission might have in terms of political transformation. In other words, while it is clear why state agents would fear

33 The content of that report, as well as what remained outside of it, was discussed in chapter 4.

being sent to prison, why would state agents fear having their names published at yet another official report?

We might start to tackle this question if we think of three particular *knots* that were, in different ways, addressed by the work of the Brazilian NTC: the knots of *militarization*, *impunity* and *denial*. In relation to militarization, many of the *recommendations* offered by the NTC were connected to various forms of security sector reform, often as a way to transform what were perceived as legacies of dictatorship in present security forces. In relation to impunity, as mentioned above, the report did recommend a revision in the interpretation of the Brazilian Amnesty Law that would allow for the prosecution of crimes against humanity, although this was a divisive point among commissioners themselves. Finally, in relation to the denial of the past, the report itself was envisioned as a tool for the official recognition of past violations — or as the container of an official truth about the past.

In fact, one might say that, to different extents and in very different manners, those three knots have been addressed by all the truth commissions and related initiatives we have seen so far in this part of the thesis. These three knots, not by chance, also echo the content of state agents' demands we have seen in the third chapter, where we focused on how they have been mobilized in ways that favored the emergence of numerous and overlapping legalities. Here, on the other hand, we are interested in how truth commissions have sought to address these knots and contribute to their *untying*.

Over the following sections, we will return to some of the truth initiatives discussed in previous chapters to look at how these knots have been addressed. Firstly, we will look more closely at how the knot of *militarization* has been handled at the recommendations offered by Brazilian truth commissions. Secondly, at how the knot of *impunity* has been at the center of transitional justice proposals recently presented by Mexican civil society organizations, especially since the elections that led to AMLO's presidency. And thirdly, at how the knot of *denial* is currently at the center of the work of the Colombian Truth Commission. All these three knots are also essential parts of how connections and distinctions between criminal and political violence are imagined and transformed, as should become clear in the stories that follow.

Before going into those stories, I should probably explain what's with all this talk of knots. Let me illustrate what I have in mind with two simple images (combined into figure 6.1.). In image A, we see two threads that have been tied up together with a knot; in image B, we see the same threads after the knot has been manually untied. It should be noted that after the untying, as is visible in B, the threads do not merely return to their previous state; since these are flexible and textured pieces of yarn rather than rigid fine strings, the threads retain a *memory* of the knot within its texture.[34] They are changed by the experience of the knot.

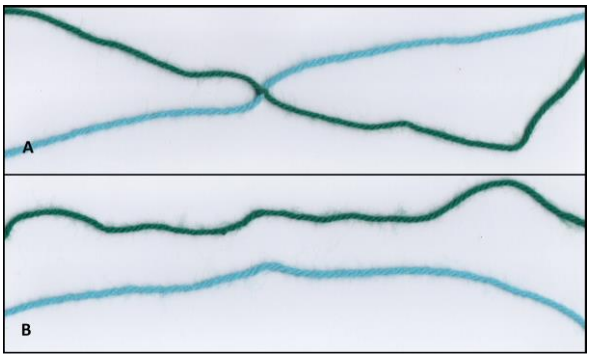

Figure 6.1. Two pieces of yarn are tied together with a knot in A, and have been untied in B.

Certain knots are essential for the making of textile artifacts. The woven fabric in figure 4.2 of chapter 4 or the various embroidered cloths in figures of chapter 5 would not hold together without knots – which I have left visible in the woven fabric, but which are hidden behind the fabric in embroidered cloths. Therefore, in weaving as in sewing, "knotting affects the appearance, stability and durability of the finished work" (KIM, 2021, p. 9). Knots hold surfaces together.

On the other hand, when they are *not* where you want them to be – for instance, in an accidentally tangled and twisted thread –, undoing knots becomes a precondition for using a piece of yarn in textile-making. Unknotting a thread is often a challenge, which is why the knot is an image so often mobilized to illustrate trouble itself. An example of that is in the story of the Gordian Knot – in which, according to a legend, Alexander the Great has undone an impossibly intricate knot (a condition for ruling the city of Gordion) by *cutting* it with a sword (KIM, 2021). While cutting a knotted thread is often the only way of undoing a difficult knot, it is different from actually

34 On this point, see Ingold (2015, p. 23–25).

untying the loops, which preserves the thread and may allow it to be used in the making of new textile surfaces – whether by weaving it with other threads, by sewing it into embroidered lines and patterns, and even by tying it up again into new and intended knots.

In the context of truth commissions, as of other so-called transitional justice (TJ) mechanisms, one might conceive of their work as attempts to *untie* particular knots in the thread of collectively experienced time – trouble-knots, which tie past, present, and future in ways that promote reenactments of violence, affording "stability and durability" to violent patterns rather than to peace and democracy. In this process of untying, these knots do not simply disappear; instead, their memory is retained in various forms — including the pages of truth reports themselves, but also through much more plural and decentralized forms of memorialization.

In the field of transitional justice, as seen at the introduction to this part of the thesis, mechanisms have generally been marked by an underlying temporal imagination according to which one must leave the past behind and move forward (MUELLER-HIRTH; RIOS OYOLA, 2018, p. 2). In this sense, the notion of "non-repetition" — which is described both as one of the *pillars* of TJ, encompassing concrete measures such as institutional reforms, and as the *end state* that all TJ mechanisms intend to promote through different avenues — is commonly imagined as a sort of *rupture* between past and present; and when any such clear rupture fails to materialize, as expressed in the identification of *legacies* and *continuums* of violence discussed in chapter 5, then whatever persists of the past is often seen as evidence of the *failure* or *incompleteness* of a TJ process.

But rather than as a rupture between past and future — that is, as the *cutting* of the thread of time at the present moment, as one might cut a Gordian knot — I suggest that we, for now, think of the work of truth commissions as *efforts to contribute towards the untying of particular knots over the thread of time*. A few dimensions are brought forward by that image: 1. the active *effort* it takes to untie a knot, rather than to abruptly cut it with a blade; 2. the *flexibility* of the thread, instead of the rigid straight string that is imagined when one refers to a "teleological" and "linear" conception of time; 3. the *texture* of the thread, and its associated ability to retain memories, rather than allowing parts to be simply disassembled into separate component parts; and finally, 4. the fact that without such knots, yarn can become the material for the making of *new surfaces*.

Let's take up this last point. In chapter 4, we have mobilized the image of woven surfaces to speak of how truth commissions make, through the weaving of storylines, particular surfaces of the past. This production of the past by truth commissions is, however, *oriented towards the future* — an orientation that is, once again, encapsulated in the final aim of "non-repetition". Hence the notion that transitional justice practices are 'Janus-faced', as they bring together backward-looking accountability measures and forward-looking mechanisms seeking to ensure stable futures (MUELLER-HIRTH; RIOS OYOLA, 2018, p. 3). In other words, truth commissions weave storylines of the past into truth reports, with the final aim to *help making an alternative future, that is different from the past*.

The three knots that will be our focus in this chapter (militarization, impunity and denial) tie together the treatment of criminal and political violence, or at least our imaginaries of how these forms of violence should be distinguished and handled in peaceful, democratic times; hence their centrality to the work of truth commissions. In the following sections, therefore, we will look more closely at particular ways in which members and proposers of truth commissions have been attempting to untie these particular knots in order to enable the making of alternative futures. As we will see in these stories, there are many ways in which the potential contribution of truth commissions in this regard can be envisioned; and there are equally as many ways in which their attempts to help make different futures get enmeshed in tensions, frictions and improvisations. Our focus will be on how, in these processes, future-oriented practices of truth commissions allow us to reflect on how the persistence of violence in democracy is conceived, as is its transformation, among transitional justice practitioners; and also on what their aims, recommendations and visions of the future tell us about the relationship between (criminal and political) violence that is deemed acceptable in peaceful, democratic contexts.

6.1. Untying militarization: truth as a source of lessons

How do truth commissions set out to contribute towards the "non-repetition" of serious human rights violations? In general, one can say that their attempted contribution towards non-repetition is most often imagined around two main causal mechanisms. On the one hand, these commissions commonly share a "*political pedagogy of truth*", that is, an assumption that the revelation of past crimes itself creates the conditions for their non-repetition, or that there a lack of knowledge of past human rights violations enables their perpetration in the present (HOLLANDA; ISRAEL,

2019, p. 9). On the other hand, part of the final reports of these commissions is often devoted to *recommendations* that are drawn from an analysis of the identified patterns of human rights violations. In both cases, the persistence of gross violations in present days is often connected by members of these commissions, as well as by certain transitional justice and human rights experts, to the incomplete character of past transitional justice – whether the emphasized cause is people's lack of full knowledge of the past, which leads them to repeat it, or the lack of significant institutional reforms in the post-conflict/post-authoritarian period. In other words, we are now speaking of the *mechanisms* through which the *legacies* discussed in the previous chapter are enabled and, potentially, overturned, at least from the point of view of the predominant narrative underlying the work of truth commissions.

Regarding the second one of these mechanisms, Priscilla Hayner (2011) tells that, while some of the earlier reports produced by truth commissions only provided brief and broad recommendations, over time commissions have come to include much more extensive and detailed lists, including provisions for institutional reforms in various areas. In a Peruvian truth report, "the recommendations section reached almost two hundred pages, including a proposed draft law for a follow-up committee" (HAYNER, 2011, p. 192). Recommendations may include reforms in such areas as the judiciary and security forces; the prosecution of perpetrators or their dismissal from government positions; measures for the dissemination of human rights; and public apologies from officials, among many others. In most cases, these recommendations have not been binding; instead, they are conceived "as a road map for domestic actors, advocacy groups, foreign governments, or funding agencies to push for change" (HAYNER, 2011, p. 193). Moreover, numerous commissions have recommended the creation of a follow-up body to oversee the implementation of recommendations included in their final report. Often, however, these lists of recommendations receive little practical attention by governmental authorities after the end of commissions' mandates, and their implementation is generally weak (HAYNER, 2011, p. 193).

Although the implementation (or not) of recommendations is important if we reflect on the "impacts" of truth commissions, the content of recommendations is also important in itself. After all, the drawing of recommendations is the moment when members of a truth commission set out to outline the future they would like to help make. The processes through which these recommendations are formulated varies across commissions: in some cases, they result mainly from the work of commissioners

themselves, while in others there is a broader participation of civil society and of victims in the production of these lists. In any case, there is a reason why the list of recommendations always comes *at the end* of the report, or at least of its main volume. The idea is that these recommendations are *lessons* that can be drawn from a clearer understanding of the patterns of human rights violations described in the chapters that precede them. In other words, truth-telling becomes a method for the identification of lessons that will help making a future that differs from the past. It thereby encapsulates, in the form of practical prescriptions, one of the ways through which learning about the past is expected to prevent its repetition.

In a sense, therefore, the list of recommendations is the place where the truth report most clearly attempts to position itself as an object of expertise — that is, something that "mak[es] the link, who/that communicates, represents, packages and conveys relevant knowledge (that is, produces 'expertise') to others who don't have the same conditions for knowing" (LEANDER; WÆVER, 2019, p. 2). Different bases for authoritative knowledge claims are mobilized by different actors (or objects) as privileged, such as "holistic local understanding, practical problem-solving skills, abstract academic portable knowledge, divine epiphany or some other form" (LEANDER; WÆVER, 2019, p. 3). In the case of truth commissions, the main ground that is mobilized as privileged is historical clarification, aimed at the identification of patterns of human rights violations, and a set of methods — such as the collection of testimonies and archival research — are particularly central to the way this knowledge is assembled. Besides, in some commissions, as mentioned above, this historical knowledge is coupled with participatory processes that attempt to gather inclusive perspectives to inform recommendations.

While taking up this position of an expert who conveys lessons drawn from history, truth commissions are not, themselves, in charge of *applying* this knowledge, and gaps between recommendation lists and subsequent policymaking are usually attributed to challenges of "implementation" and to broader political dynamics. Therefore, while the truth commission has an orientation towards the making of an alternative future, it does so by becoming enmeshed in political forces that are in constant flux. That is particularly clear in the three examples discussed in this chapter, in which vast changes in political forces and interests have led to effects of truth reports and proposals that were significantly different from those initially expected. Below, we look at a particular recommendation found in the work of Brazilian truth

commissions, as well as at some of the tensions arising from this encounter between commissions and other political actors.

6.1.1. Recommendations and the knot of "militarization of public security" in Brazil

In Brazil, recommendations can be found in the final reports of all the commissions we have discussed: the National Truth Commission (NTC), Rio de Janeiro state's commission (CEV-Rio) and the Subcommission of Truth in Democracy Mothers of Acari. One of them recurs through all these documents: the need for a *demilitarization* of public security.

Calls for "demilitarization" are very broadly found in contemporary political debate in Brazil as a necessary step in overcoming the persistence of forms of state violence in present times, a persistence that would indicate a failure to properly come to terms with the legacies of dictatorship. The contents for this "demilitarization", however, are widely varied and, often, remain underdefined in public debate. When the "demilitarization of public security" is demanded, it usually refers to transformations in the form and practices of so-called Military Police forces connected to the 27 federative units that compose the Brazilian state — in criticisms that target the military hierarchy to which police officers are submitted, the military ideology that marks their training and, more broadly, a militarized logic that permeates their practices, "frequently resembl[ing] occupying forces conquering enemy territories" (LEEDS, 2014). Moreover, military police forces constitutionally defined as auxiliary forces of the Brazilian Army, as seen in chapter 1, which is understood as a form of subordination of Military Police corporations to the Armed Forces. More rarely, the critique of "militarization" of public security in Brazil is aimed at the increasing, though subsidiary, role that has been attributed to the Armed Forces in that field over the last few decades, as illustrated by the GLO operations in the state of Rio de Janeiro discussed in chapters 1, 2, and 3.

The predominant understanding of "demilitarization of public security" and the reasons it is necessary are expressed, for instance, by Rio de Janeiro's former secretary of public security Luiz Eduardo Soares, who justifies the need for "police demilitarization" in Brazil in these words: "it is high time for the democratic transition to be extended towards public security. The Military Police is more than a heritage of dictatorship, it is dictatorship's claws grasping the heart of democracy" (AQUINO; ALECRIM, 2013). Over the past few years, Soares has become an important voice in

defense of police demilitarization; at a recent book entitled "*Desmilitarizar*", he claims that the object of his book is in fact "the Brazilian democracy and its limits, it is the incomplete transition towards the democratic rule of law [*Estado democrático de direito*], which remains an unfinished project" (SOARES, 2019).

This understanding of demilitarization is also reflected in the recommendations of many truth commissions in Brazil. In the case of the National Truth Commission, it is found in the 20th recommendation of its final report, under the heading of "demilitarization of state military police forces", which asserts:

> The attribution of a military character to state military police forces, as well as their linkage to the Armed Forces, emanated from legislation of the military dictatorship, which has remained unchanged in the structuring of public security activity fixed in the Brazilian Constitution of 1988. This anomaly has persisted, so that not only is there no unification of state security forces, but part of them still function based on these military attributes, which are incompatible with the exercise of public security in a democratic state under the rule of law, whose focus should be on serving the citizens. It is necessary, therefore, to promote constitutional and legal changes that ensure the unbinding of the state military police forces from the Armed Forces and that lead to the full demilitarization of these police forces, with the perspective of their unity (BRAZIL, 2014, p. 971–972).

This recommendation thus highlights features of Military Police that are associated with dictatorship laws that have remained unaltered by democratization. As a result, the civil and the military police corporations of the Brazilian states remain separated, and the military police forces still work according to a military logic that is incompatible with the exercise of citizen-centric public security within democratic rule of law (BRAZIL, 2014, p. 971).

The two recommendations that follow the one above in NTC's report are related to a subject we have seen in chapter 3: military justice. In recommendation no. 21, the commission defends the extinction of the remaining military justice systems of states, which handle certain crimes of Military Police forces – most of which have already been extinguished, as discussed in chapter 3. This recommendation is described as another implication of the demilitarization of police forces. Recommendation no. 22, on the other hand, consists in the exclusion of civilians as defendants at the federal military justice system, which is described as a "true anomaly that persists from military dictatorship". Therefore, the report prescribes that this system should be limited to *military crimes* practiced by members of the Armed Forces, which also restricts the sorts of violations that would be tried by this separate system (BRAZIL, 2014, p. 972).

At the final report of Rio's truth commission, such a continuity between present militarization of public security and a limited transitional process is further

developed in an entire chapter devoted to "the repetition of human rights violations" (COMISSÃO DA VERDADE DO RIO, 2015, p. 433). Among its conclusions, the report notes that "security forces were remodeled to serve repression and the state was broadly militarized. The legacy left by that period remains visible and present until our days" (2015, p. 443). The report also offers eight specific recommendations regarding the police reform, including changes in the curriculum of police academies, an end to the rigid hierarchies and oppressive discipline within corporations, the regulation of the use of force, and the prohibition of violent symbols and expressions in police activity (2015, p. 445) as well as, once again, "demilitarizing the police, by promoting its unbinding from the Armed Forces" (2015, p. 446).

Finally, in the report of the Subcommission of Truth in Democracy "Mothers of Acari", the militarization of police corporations is quoted as an illustration of why a truth commission "in democracy" is needed in the first place – not only because those forces reflect an "authoritarian heritage present in the public security model practiced in the democratic period", but also because "considering the slavery-based formation of the Brazilian society, these authoritarian practices, associated to institutional racism, are capable of promoting actual massacres" (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b, p. 10). In this sense, as discussed in chapter 5, while the commissions that were created to look at dictatorship highlight the extent to which present-day "militarized police forces" are associated with legacies of that period, the Subcommission of Truth in Democracy has been careful to continuously highlight the intertwined legacies of slavery and dictatorship that, in the end, modulate the effects of the said militarization. The report also ends with a list of recommendations which includes the "dissolution of civilian and military police forces and the creation of a new demilitarized corporation" (COMISSÃO DE DIREITOS HUMANOS DA ALERJ, 2018b), amongst other forms of intervention in present security and justice practices.

These recommendations let us know the extent to which *militarization* has come to be widely understood, among transitional justice and human rights practitioners in Brazil, as an essential knot that needs to be untied for a different future to be made. In certain contexts, it stands for the very *repetition* that reveals a failure of previous attempts to come to terms with past human rights violations, in line with the transitional justice narrative we have encountered in previous chapters.

The centrality of this knot is not only due to highly visible levels of use of force by the police in Brazilian large cities; after all, a transformation in this trend would not have to be necessarily imagined through the vocabulary of demilitarization. Instead, we might say that we have arrived again, but now from the other side, at a concern we have encountered at the first part of the thesis: one that is prompted by the blurring of a *boundary* between military and police forces. If in those chapters we have found certain manifested concerns by human rights and public security experts over the risks of an expansion in the roles attributed to military actors, here we see that truth reports have been monitoring this boundary from the other side, by framing as "repetition" the approximations between police forces and the forms of organization, training, aesthetics, and practices that characterize military corporations.

By extension, untying the knot of militarization is seen, in this kind of prescriptions, as a way of reinstating a distinction between how a democratic state is allowed to deal with political and criminal *threats* — that is, between a *civilianized* police focused on the protection of citizens and organized according to democratic rule of law standards, which should be in charge of handling criminal threats; and the *militarized* Armed Forces that are organized according to the principles of hierarchy and discipline and are socialized and prepared for the use of force against political enemies. Therefore, the specific police reform prescriptions that are subsumed under the marker of *demilitarization of public security* stand as a proxy for the untying of this knot that is deemed incompatible with our imaginary of the treatment of organized violence by democratic states. When brought into the framework of transitional justice, the absence of these reforms is translated as being itself a form of "repetition" that can only reveal the failure of a previous transitional justice process.

Since then, there have also been concerns about the ways in which such a centrality of *demilitarization* in political discussions about public security might lead to a neglect of particular dimensions of the problem of state violence. On the one hand, this lens runs the risk of highlighting legacies of dictatorship in security bureaucracies to the detriment of longer racialized legacies, as we have seen in our discussion of the Subcommission of Truth in Democracy in chapter 5. On the other hand, there is also the crucial fact that the use of force by state agents, under the aegis of a war on crime, is not only a result from the practices and training of Military Police forces, but also of practices of Civil Police forces that are often engaged in equally violent operations (as illustrated by the Salgueiro Massacre of 2017 discussed in chapter 3), and of the

judicial system which selectively targets the control of racialized bodies and enables the continuity of police lethality in the first place (see FLAUZINA, 2006). In this sense, the terms in which the discussion of (de)militarization are often conducted might limit the horizon of possibility that is envisioned on the theme. While the strength of the term "demilitarization" as a political claim and the importance of associated agendas should in no way be neglected, it is important to be aware of equally important transformations that risk being left aside when discussions on public security are subsumed under a limited understanding of the term.

Beyond the content of these recommendations, we can also look at their political effects. At a recent virtual roundtable, Pedro Dallari, who coordinated the process of writing of the NTC's report, was asked about his perspectives on the effects of the National Truth Commissions and how they could be compared to the original expectations of its members. In his answer, he referred to Gen. Villas Bôas's book mentioned in the opening of this chapter, where it was argued that the NTC had been a "betrayal" to military actors. To Dallari, this was an important — and unfortunate — part of the afterlife of the report: its incorporation into a narrative according to which the NTC had only stirred tensions between civilian and military actors, through the very act of truth-telling about past human rights violations. Moreover, this narrative reflected the profound change in political relations in the country between the moment when the NTC was created, and the moment when it presented the report — in this last context, president Dilma Rousseff's government underwent a political crisis that was likely reflected in the fact that, going against one of NTC's recommendation, the government did not create a follow-up commission that would oversee the implementation of all other recommendations (DIPLOMACIA PARA DEMOCRACIA, 2021). This turn of events also allows us to reflect on the various ways in which a truth report becomes enmeshed in the continuous (re)making of politics — not only, and perhaps not even frequently, through the actual implementation of recommendations formulated by its members, but instead through the different ways in which this object can be appropriated by political actors, from educators to politicians, and from victims to perpetrators.

6.2. Untying impunity: truth as a means to justice

At the introduction to part B, we have discussed the complex relations between truth and justice in the context of transitional justice practices. As we have seen, although amnesties to political crimes have been part of many transitional justice

processes in Latin America, their application to those acts that are understood as "serious human rights violations" (including crimes against humanity and war crimes) has come under increasing scrutiny by regional and international organizations over the last decades. This trend is associated with the rise of an "anti-impunity" transnational agenda, which places criminal punishment as an unquestionable imperative for addressing human rights violations (ENGLE, 2015; ENGLE; MILLER; DAVIS, 2016; MAVRONICOLA, 2020). This trend also has effects for the roles attributed to truth commissions: if they have traditionally been imagined either as a less desirable substitute for judicial prosecutions, or as a precedent or supplement to these (REÁTEGUI, 2009), the consolidation of an anti-impunity agenda leads to further questions as to the relation between these *extrajudicial* mechanisms and potential trials.

In the last chapter, we have seen some of the tensions surrounding recent proposals for the creation of transitional justice mechanisms in Mexico during the last presidential transition in the country, from Enrique Peña Nieto to Andrés Manuel López Obrador (AMLO). These discussions started, in fact, when AMLO promised (still during his presidential campaign) that as part of the country's pacification he would be providing *amnesties* — and he did not care to really specify to whom or for what crimes. His campaign speeches were filled with expressions such as *forgiveness* and even "*punto final*" ("full stop"), leaving human rights activists to wonder whether AMLO was aware of the deep association between this last term and impunity in the region (DAYÁN, 2019b, personal interview). Soon enough, AMLO realized that his promise of amnesties did not land as well as expected with victims of state and non-state violence in the country, who began to publicly respond to his speeches with cries of "neither forgiveness, nor forgetting" (*ni perdón, ni olvido*) (ANIMAL POLÍTICO, 2017).

It was then up to AMLO's team to bring his discourse on the country's pacification into an increasing alignment with the anti-impunity agenda that brought together human rights activists and victims' groups in the country — by claiming that these amnesties would be "part of a comprehensive peacebuilding strategy under the transitional justice framework in order to close the cycle of war and violence", while still "recognizing and punishing serious human rights violations" (ORTIZ AHLF, 2018). And as we have seen, that was the cue for civil society organizations to enter the public discussion and attempt to reshape this agenda into their own terms.

This might lead us to a question: why did it seem to AMLO that a promise of *amnesties* would be welcomed by the Mexican society in the first place? Without further speculating on unknown intentions, this promise may have been, at first, mainly aimed at countryside workers engaged in the production of illicit substances for lack of alternatives; and having this sort of contexts in mind, AMLO may have attempted to mobilize an existing sentiment that, for the rich, there was already a *de facto* amnesty, so it was unfair for the little justice that exists to be always applied against the poor (DAYÁN, 2019b, personal interview).

Although one cannot know AMLO's intention with the broad promise, this possibility also draws our attention to an inherent ambiguity that marks the discussion about justice and impunity, within and beyond TJ contexts: the extent to which law enforcement can, itself, be violent. In fact, in a region where punitive populism is at the center of so many political agendas — including in the form of so-called "wars on drugs" — and where the selective application of justice has been itself a source of human rights violations in different forms throughout history, what does it mean for impunity to be framed as the main *knot* to be untied? In Mexico, this question is particularly important as we speak of transitional justice proposals that attempt to clarify and transform *present* patterns of human rights violations, and it is particularly reflected in the content of truth commission proposals presented over the last few years, as we will see below.

6.2.1. Mexican civil society's truth commission proposal as part of an "anti-impunity package"

In chapter 5 we have seen that in 2019, when AMLO's administration had started, an updated truth commission proposal was presented by a group of human rights activists and experts, reflecting broad discussions with scholars, civil society organizations and victims from Mexico and abroad. This proposal encompassed the clarification of human rights violations perpetrated in the present, since Calderón had declared a war on drugs in the country in 2006, and in the past, in contexts of political violence since 1965. The proposal also outlined the contributions that were expected to be offered by the proposed truth commission, namely: 1) a focus on the experience of victims and family members, differently from prosecutions that are focused on perpetrators, thus offering voice and dignity to victims that had been silenced by violence and impunity; 2) it would offer a credible, sustained and explanatory narrative of violence which destigmatizes victims; 3) it would combat a narrative of denial and

simulation disseminated by the state on serious violations; and 4) it would disseminate knowledge on transgenerational consequences of violence (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2019, p. 1–2).

While a distinction was thus established between the purposes of truth and criminal justice, the proposal also discussed the expected connections between the two. It advocated for the combination of truth-seeking and judicial prosecutions of perpetrators of serious human rights violations, explaining that this combination would be part of an "anti-impunity package". The truth commission's work, in this case, would provide inputs for the criminal investigation of perpetrators, including those associated with the state and with organized crime; and it would also provide inputs for comprehensive processes of reparation to victims and their family members, as well as for the debate on institutional and socioeconomic reforms needed to ensure non-repetition (PLATAFORMA CONTRA LA IMPUNIDAD Y LA CORRUPCIÓN, 2019, p. 3). That included an understanding that identifying structural patterns of impunity was essential for knowing how to transform them (VÁZQUEZ VALENCIA, 2019, personal interview).

The proposal was mainly formulated by *Plataforma Contra la Impunidad y la Corrupción*, a platform that brings in its own name that which is continuously presented as the central knot that needs to be untied for the transformation of present violence in the country: *impunity*. In their agenda, however, this problem came alongside another one, *corruption*, a term whose presence is much less frequent in transitional justice debates.

In 2019, when interviewing people who had been involved in the formulation of these proposals, I expressed my surprise to see these two emphases — against corruption and against serious human rights violations — being presented as part of the same agenda, and I asked how that had come about. On the one hand, they pointed out the influence of Guatemala's CICIG[35], which also brought together both of these agendas — although it would be the anti-corruption emphases that would ultimately gain more visibility, and also lead to the unraveling of cooperation between the Guatemalan government and the United Nations that sustained the commission. Both in the Guatemalan context and in these Mexican proposals, the notion of

35 The International Commission Against Impunity in Guatemala, which functioned between 2006 and 2019 resulting from the cooperation between Guatemalan governments and the United Nations (for more information, see SANTOS, 2020).

"macrocriminality" would highlight connections between state and non-state actors in the continuity of impunity in relation to crimes that challenged the political/criminal distinction. Connections between matters under the umbrella of an anti-impunity agenda were highlighted, for instance, by Luis Daniel Vázquez Valencia (FLACSO-México, UNAM):

> We [members of human rights organizations] started to realize that all ends in the same place. That is, for instance, you have a feminicide, you do all it takes to start a strategic litigation, you get to the Prosecutor or to the courts and nothing happens, they do not investigate. You have an indigenous community, a corruption act allows the start of megaproject which violates human rights, you file the complaints, it gets to the prosecutors, and nothing happens. You have a disappeared person, you ask for an investigation, nothing happens. That is, we all end, sooner or later, at a prosecutors office where nothing happens. So our trouble is here, we have to think of how we change this justice system, to build a strong policy against impunity (VÁZQUEZ VALENCIA, 2019, personal interview).

However, this inclusion would not mean that any act of corruption might be included in these proposals for the creation of a truth commission and an extraordinary mechanism against impunity — that is, a small irregularity would not be treated as parallel to a forced disappearance. Instead, there would be a focus on corruption practices that revealed the existence of broader networks of impunity which were, in turn, somehow connected to serious human rights violations (VÁZQUEZ VALENCIA, 2019, personal interview).

On the other hand, there was a strategic side to this decision, associated with a perception that taking up the anticorruption agenda might help bring aboard a share of Mexican society that would not be as readily supportive of a human rights agenda, so often characterized as a defense for criminals (CORTEZ, 2019, personal interview; VÁZQUEZ VALENCIA, 2019, personal interview). There were surely limits to this strategic alliance. For instance, in previous years, a broader anti-corruption movement, including private sector representatives, had been alongside human rights activists in the mobilization for an autonomous and functional prosecutor's office under the collective "*Fiscalía que Sirva*" (a "Prosecutor's office that works"). Later, however, when activists began to mobilize against the creation of a militarized national guard, a section of that anticorruption movement was not particularly interested in joining this new collective (VÁZQUEZ VALENCIA, 2019, personal interview).

The potential compatibility, among certain sectors of society, between an anti-corruption stance and an indifference towards militarized security policies can bring our attention to an important risk: the possible capture of an anti-impunity agenda by those who advocate for various forms of punitive populism across the region, a

position that is also associated with the spread of *mano dura* security policies. For Engle (2015, p. 2), the transnational emergence of anti-impunity agenda is part of a turn to criminal law within human rights through domestic and international prosecutions for serious violations, potentially reinforcing "individualized and decontextualized understanding of the harms they aim to address, even while relying on the state and on forms of criminalization of which they have long been critical."

The risk of this capture can be observed not only in relation to the emphasis on impunity, but also to the transitional justice agenda more broadly, including mechanisms such as truth commissions themselves. In this regard, while on the government side there has been little mention of the possibility of creating a truth commission with a broad mandate to cover the present violence of state agents and criminal actors (at least beyond the Ayotzinapa case, as we have seen in chapter 5), the term "truth commission" has come up again in 2021 in an odd and widely criticized public consultation. In August 2021, the government held a referendum (in which little over 7% of the population decided to vote) to ask whether citizens desired "a process of clarification of political decisions taken in the past years by political actors, aimed at ensuring justice and the rights of possible victims". While the wording is markedly vague, public discourse on the subject often made reference to a possible "truth commission" but indicated a focus on "judging former presidents" for still unknown actions (CMDPDH, 2021; DAYÁN, 2021). This populist appropriation of the discussion highlights the aforementioned risk of capture of the TJ agenda in ways that preclude broader and much needed structural transformations.

Therefore, as highlighted by Jacobo Dayán (2021), while one should not disregard the legitimate demands of victims and family members for the prosecution of individual cases, the struggle against impunity — defined by him as the "mother of all battles" in Mexico (DAYÁN, 2019b, personal interview) — should mainly aim at the identification and transformation of broader patterns of violence.

On the one hand, this focus requires placing at the center the transformation of judicial structures that currently work for the administration of violence and impunity. On the other hand, we might add that dealing with such risks of capture requires a close attention to the very processes through which "crimes" are produced as such, that is, to processes of criminalization — including in their entanglements with human rights agendas — and to the violence that may arise from such processes. In other words, untying the knot of impunity in transformative ways appears to require

an attention to the complex and unexpected ways in which the strands of crime and justice can become entangled, as well as to the potential pitfalls of strategic alliances in the promotion of much-needed change.

6.3. Untying denial: truth-telling as a process

In September 2019, at a coffee place in Bogotá, when asked about his expectations for peace in Colombia, human rights defender Camilo Castellanos told me about a classic Colombian novel:

> If we do not grow conscious of what the problem of violence has been in the Colombian society, with memory and all, we will not leave this vicious circle, this eternal return, because here we have been walking down this same route for a while. There is a short book here which is very good, a short novel, called The Vortex [*La Vorágine*]. It is a book on the *caucheras* of Putumayo, in the Amazon, right? By [José] Eustasio Rivera. It says at a certain point that an indigenous people of the Amazon dance in circle, and in that circle they are continuously stepping on the same footprints. And they never manage to leave, they can stay all night dancing and doing the same, repeating the same steps. That is the history of Colombia, in civil wars, in broad exercises of violence, where violence makes economic power, makes political power, and we never manage to leave that circle[36].

The image evoked a sense of inescapability, of history constantly repeating itself in slightly different terms. In Colombia, the perception that violence is somehow continuous throughout its history, going through mere reconfigurations from time to time, is commonly expressed. Even in recent history, a continuous cycle of negotiation attempts between the government and the numerous non-state armed groups, often followed by setbacks or by the emergence of dissidences or new groups, seems to favor the image of a society which is continuously stepping on its own footprints, trapped in the same path. However, beyond the appearance of inescapability, Castellanos's account was not one of hopelessness — instead, he pointed towards a need for the country to *grow conscious* of this path that had been stepped on too many times already, so that transformation could be envisioned and promoted. This prescription resonates the account that informs many truth commissions: the idea that the emergence of a collectively shared historical truth on past violence — and, increasingly, on present violence — can help us imagine and produce a different future, a notion that is connected to the idea of a "political pedagogy of truth" (HOLLANDA; ISRAEL, 2019, p. 9).

This dimension of the work of truth commissions has been central to the currently active *Commission for the Clarification of Truth, Coexistence and Non-Repetition* in

36 Interview with Camilo Castellanos, Bogotá, August 2019.

Colombia (to which I refer here as the Colombian Truth Commission) and to the ways it aims to help the Colombian society come out of the same beaten paths — or, to take up the image we explore in this chapter, to help *untying knots* that prevent the future from being made otherwise. In the Brazilian context we have highlighted the centrality of the knot of militarization in truth commissions' attempted participation in the making of alternative futures, and in the Mexican context we have emphasized the knot of impunity that is placed at the center of contemporary truth commission proposals. In Colombia, in turn, the main expected contribution of the commission created after the peace agreement between the Colombian government and FARC-EP is found elsewhere: in the untying of the knot of *denial* and in the associated promotion of coexistence.

While countering denial is an aim that often appears, explicitly or not, among the aims of truth commissions, as they struggle to produce and offer a reliable and consistent account of past and/or present patterns of human rights violations, in the Colombian context this aim acquires different dimensions. As we have seen in previous chapters, beyond a denial about particular patterns of violations, truth and memory initiatives in the country face resistance by certain sectors of society that deny the existence of an armed conflict in the first place. That is, the recognition of the political character of organized violence between state actors, guerrillas and paramilitary groups is also at stake in political debates, in view of the persistence of criminalizing approaches that still oppose the 2016 peace agreement with the FARC and its implementation.

An important aspect in this regard, as it was in the Brazilian context discussed above, is the disconnect between the political scene at the moment when the Colombian Truth Commission was first envisioned and designed, and the context in which it has to develop most of its work and in which it will deliver its final product. That is especially associated with a government shift between the presidency of Juan Manuel Santos (2010-2018), who officially recognized the existence of an armed conflict and engaged in the negotiations that led to the peace agreement with the FARC, and the presidency of Iván Duque (2018-), who recovered some elements of former President Uribe's political discourse and who, while not openly denying the political nature of the conflict, has in many ways slowed down the implementation of various points of the agreement. More broadly, there has been a wide perception of polarization and fracturing of the society with regards to the peace accord, leading to

a focus, on the part of civil society organizations, on the need to "protect the agreement" (LUNA DELGADO, 2019, personal interview).

Below, we will look at how the Colombian Truth Commission has been conceiving of its own role in view of these challenges and particularities, as well as some of the ways in which its approach to truth-seeking might help us reflect on the work of truth commissions in the making of alternative futures.

6.3.1. A truth commission's process as a "mirror" in Colombia

The Colombian Truth Commission was created in 2017 as part of the implementation of the victims section within the 2016 peace agreement between the Colombian government and FARC-EP. Along with the Special Jurisdiction for Peace (JEP), the Unit for the Search for Persons Presumed Disappeared in the context and by reason of the armed conflict (UBPD), and a set of reparation measures and guarantees of non-repetition, it composes the Comprehensive System of Truth, Justice, Reparation and Non-repetition (SIVJRNR, all acronyms in Spanish).

According to the 2017 decree that created the commission, it has three main goals: *Clarification*, *Recognition*, and *Coexistence*. On the first goal, the commission aims to "contribute towards the *clarification* of what has happened […] and offer a broad explanation of the complexity of the conflict, in order to promote an understanding that is shared among the society […]" (COLOMBIA, 2017). The second goal, "promoting and contributing towards *recognition*", is said to encompass

> the recognition of victims and citizens who have seen their rights violated and as political subjects who matter to the country's transformation; the voluntary recognition of individual and collective responsibility by all of those who directly or indirectly participated in the conflict […]; and in general the recognition by all society of this legacy of violations and infractions as something that must be rejected by all and that should not and cannot be repeated (COLOMBIA, 2017).

Finally, on the third goal, "promoting *coexistence* in the territories" is something that goes beyond "the simple sharing of the same social and political space"; it is instead "the creation of a transformative environment that enables peaceful conflict resolution and the construction of a broad culture of respect and tolerance in democracy", through the creation of spaces of dialogue that make room for recognition in its various forms (COLOMBIA, 2017).

For Alejandro Valencia Villa, one of the commissioners, while the goal of clarification is commonly shared among truth commissions, it is the other two that pose a particularly major challenge in this case. After all, differently from other contexts in Latin America and beyond, in Colombia a lot of "truth" had already been

offered over the decades by governmental and non-governmental structures, by civil society organizations and scholars, although certain dimensions of the conflict remain less known than others. All of this knowledge of the past had not been reflected, however, in the widespread recognition of victims, of responsibility and, especially, of the very existence of an armed conflict in the country. Moreover, the goal of coexistence was particularly difficult given that the conflict is not effectively over, with some regions still experiencing high levels of political violence and insecurity (VALENCIA VILLA, 2019, personal interview).

The persistence of conflict also impacted the temporal horizon of transformation envisioned by the commission. As explained by another commissioner who we have also met in the previous chapter, Carlos Beristain, the fact that the conflict was not over meant that the axis of "non-repetition" found in the Commission's name could not be limited to the production of a list of recommendations at the end of its term; instead, they were committed to influencing the public debate on urgent themes — such as the execution of social leaders — throughout its temporal mandate. He compared this process to the one that had taken place in Ruta Pacífica's commission, also in the middle of the conflict, which had relied on the construction of trust networks and done what was possible within present constraints (BERISTAIN, 2019, personal interview).

In this context, the goal of promoting recognition is central to the ways in which the Commission envisions its own contribution towards the untying of the knot of *denial*. Or as put by Beristain, they aim to help Colombia "look at itself in a mirror". For him, the work of clarification was central for the identification of these things that had to be said and to be called by their own names. But the recognition of truth would not only be promoted through the final report, but also — and in fact, mainly — through the creation of spaces of dialogue and recognition and through a work of public advocacy and pedagogy, in order to take this inclusive truth to "parts of society that have remained aside, or that have justified, or that had not cared what happened in the country" (BERISTAIN, 2019, personal interview).

This decentralization of the report in the untying of denial is part of a bet that also sets the Colombian truth commission apart from many others in the region: the focus on the *process*. As explained by TJ expert Mariana Casij Peña, while other Latin American commissions have heavily relied on recommendations as an instrument for

transformation, in this context the Commission occupies a very particular place in the country's transitional justice system:

> This is a commission that bets all the chips in the process. A commission that will not end by recommending 'prosecute these 60 people, or create a reparations program for the conflict's victims', that is already being done. It is a Commission that must allow the society to recognize itself and that all voices and versions be included (CASIJ PEÑA, 2019, personal interview).

In this sense, the main "product" of this commission would not be its final report, but its process itself.

For sure, while the commission had a remarkably ambitious mandate that went beyond clarification to also encompass coexistence and non-repetition, its participants were clearly aware that the initiative could only be a small part of a broader process of democratic transformation. That was highlighted by Alejandro Valencia Villa, who had also had a significant experience in other TJ mechanisms in the region as mentioned in chapter 5, when asked about the contribution that the commission could offer to democracy in Colombia:

> Well, that is the problem with truth commission reports, at times its impacts… at least in my experience, the immediate impacts of truth commission reports are very low. The results come more in the medium to large term, and we will add something like the middle of the way because we do not start from scratch; instead, we will give another pull to the theme of truth. But we are only a small piece of one of the points of the peace agreements. That is, if we produce a good report, that does not ensure that things will work perfectly in Colombia. What one expects is precisely a much more comprehensive and coherent implementation of all points of the peace agreement, and that is what would help a lot in having a better democracy. […] Besides, what we could contribute is precisely in bringing down a few lies and positioning more inclusive memories regarding certain issues. If we do that, at least I will consider myself satisfied (VALENCIA VILLA, 2019, personal interview).

So we have a Commission that has been heavily relying on the *process* as its main avenue of contribution towards processes of future-making, but which also acknowledges the limits of its own possible participation amid a multiplicity of political tensions and frictions. This acknowledgment is important to the extent that it shapes the expectations of actors involved in this exercise in truth-seeking, and it should also be taken into account in analyses of the "impacts" of truth commissions.

Besides, in the Colombian context, the main knot they aim to untie through the work — the knot of denial — is centrally connected to how the treatment of organized violence can be envisioned for the post-agreement context. Firstly, because it sheds light on what had been foreshadowed by the traditional account of the country as the longest-standing democracy in the region; especially in the case of large sections of the population who had been, and continue to be, continuously excluded from

effective political participation, including the participation in the making of an alternative future. And secondly, because this denial has also been extended to the political nature of the conflict, which includes the recognition of former combatants as well as of victims as political actors; a dimension that had long been questioned by accounts of the conflict aimed at the criminalization of non-state actors, which is still echoed by those who deny the existence of an armed conflict in the country. In this sense, this knot has been tying together criminal and political violence in ways that have prevented the production of an inclusive truth about the conflict as well as of an inclusive peace. And in its own way, the Commission is one of the mechanisms that can engage in this long-term effort to untie such a knot and participate in the making of a different future.

6.4. Conclusion: Drawing future threads between criminal and political violence

Throughout part B of this thesis, we have looked at the work of truth commissions and similar truth-seeking mechanisms developed over the last two decades in Brazil, Colombia and Mexico. We have looked at some of the various ways in which these actors have been drawing lines between criminal violence and political violence. Inserted in a transitional justice framework, they generally do so by bringing together a focus on so-called "serious human rights violations" — that is, those acts of violence whose effects can be framed as war crimes, crimes against humanity or genocide, regardless of their criminal or political motivation — and a concern with the consolidation of democracy and/or peace. Both of these elements (a human rights frame and an orientation towards democratization and peacebuilding) are fundamentally expressed in the particular ways in which truth commissions participate in the making of pasts, presents and futures; and in this process, they impact the ways lines are redrawn between criminal and political violence within the work of these commissions.

In chapter 4, we have observed this expression in the ways in which the Brazilian NTC, the Mexican FEMOSPP and the Colombian Justice and Peace Law system have engaged in the production of partial pasts, through the *weaving of certain storylines into surfaces*. In this process, they attempted to outline certain "universes of victims" in relation to exceptional pasts, and the criminal/political distinction was central in these processes and appeared at the margins of woven surfaces or of woven patterns. These exercises in past-weaving were always partial, in the sense that rather

than producing totalizing truths they engaged in truth-telling alongside many other actors. That is expressed in the multiplication of surfaces of the past in all three contexts — as seen in the creation of subnational truth commissions (in Brazil's Rio de Janeiro, in Mexico's Guerrero) and memory institutions (such as the National Center for Historical Memory in Colombia) that attempted to weave storylines that had been left out by other official mechanisms.

In chapter 5, we have explored the ways in which lines are drawn between political violence associated with an exceptional period in the past and criminal (or allegedly "counter-criminal") violence that is deemed ordinary in the present. Here this line-drawing was mainly performed through the identification, in recent truth commissions' reports and proposals, of violent *legacies* and *continuums*, which we have visualized as embroidered threads composed by the stitches of repetition. We have seen the ways in which, in Mexican truth commission's proposals, the notion of a legacy of impunity connecting past political violence and the present drug-related war in the country became increasingly clear across different versions; how in the Brazilian context, the Subcommission of Truth in Democracy Mothers of Acari highlighted the extent to which present patterns of violence perpetrated by state agents and death squads are connected not only to a legacy of militarization that has been repeated since dictatorship, but also to an intertwined legacy of slavery and colonialism; and finally, how in the Colombian context, a truth and memory commission created by Ruta Pacífica de las Mujeres Colombianas highlighted the continuums — of patriarchy, race and class — that connect violence over time and challenge the possibility of distinguishing between exceptional and ordinary, political and apolitical forms of violence.

If in chapters 4 and 5 we were interested in how truth commissions engage in the making of past and present through the identification of patterns and connections, in this chapter we have engaged another dimension of their work — their orientation towards the *future*. Here, the elements of a human rights frame and an orientation towards democratization/peacebuilding are particularly central, as they shape the ways in which truth commissions envision their own roles in the making of alternative futures. The three *knots* that appear as central to the writers of commissions' reports and proposals discussed here (*militarization* in the Brazilian context, *impunity* in the Mexican one and *denial* in the Colombian one) are centrally connected to the encounter

between those two elements; and they are also knots in which strands of political and criminal violence are fundamentally tied together.

In relation to *militarization*, we have seen how a particular understanding of this problem was expressed in the *recommendations* of three truth commissions in Brazil: the NTC and CEV-Rio, which aimed to clarify past patterns of politically motivated state violence; and the Subcommission of Truth in Democracy Mothers of Acari, that was focused on present patterns of state terror that are often grounded on an alleged war on crime. We have seen that the term *militarization*, as well as the imperative to *demilitarize*, often refer in the discourse of human rights activists and in the text of truth reports to the present form and practices of Brazilian Military Police forces — ranging from their character as a reserve force for military corporations to the content of their training and the combat logic of their operations. There is thus an underlying intention to (re)institute a clear boundary between, on one side, military forces and the (political) threats they fight, and on the other side the police forces and the (criminal) threats they fight — a distinction that is, as we have seen in the first part of this thesis, deemed central to the ways a democratic peaceful state should handle non-state violence.

In looking at Mexican civil society organizations' proposals for the creation of a truth commission, we have in this chapter focused on the centrality of *impunity* as a challenge to be tackled by transitional justice mechanisms. We have seen the ways in which a truth commission is expected to help in the transformation of impunity — not only through the identification of those who have been individually responsible for serious violations, but mainly through the identification of broad patterns that sustain impunity under the most various forms, including in relation to those violations. Such emphasis inserts this truth commission proposal within a broader transnational anti-impunity agenda that has been increasingly consolidated over the last few decades in the field of human rights; and in Mexico, as elsewhere, an attention to the risk of capture of this agenda is needed, in order to ensure that the label does not become subsumed to "redistributed punishment" (MAVRONICOLA, 2020). Fundamentally, this anti-impunity agenda brings together the treatment of "political" and "criminal" violence by the state, by emphasizing its impacts (serious violations) over its motivations in relation to state response; but there is a continuously negotiated balance between doing so by emphasizing the individual criminalization of certain acts (such

as torture and forced disappearance) and by emphasizing structural and institutional transformations in the justice and security systems themselves.

Finally, *denial* is a central knot that the Colombian Truth Commission has been attempting to untie, mainly through its work of pedagogy, public advocacy, and the creation of spaces of dialogue. In this sense, differently from other commissions, this one is said to be placing its bet on the *process* more than in the final report itself, especially given the historical production of multiple reports by truth and memory initiatives in the country. In the Colombian context, this denial is centrally connected to social divisions in relation to the *recognition* of the political nature of the armed conflict in the country, a recognition that has been particularly challenged by years of framing guerrillas such as FARC-EP as primarily "narcoterrorist" threats rather than political enemies, as seen in chapter 3. In this sense, this division, that was also to some extent manifested in the results of a referendum in which a small majority of voters opposed the 2016 peace agreement, is also a division between the making of a different future — a making that must necessarily include the participation of large sections of the population who have not been fully recognized as political subjects in the past — and the persistence of past and present patterns of violence.

As we are in the subject of how truth commissions attempt to participate in the making of alternative futures, it is also worth noting some absent knots in this discussion. In particular, there have been growing international discussions about the limitations of transitional justice mechanisms, created from the encounter between (civil and political) human rights and democratization strands, to deal with socioeconomic foundations and forms of violence. That includes a certain incompatibility between perspectives for the transformation of these socioeconomic structures and the temporal imagination of the "transitional", leading certain scholars to defend a shift from transitional justice to "transformative justice", for instance (GREADY; ROBINS, 2019; SHARP, 2014). After all, these are dimensions of violence that are less amenable to the identification of exceptional parts of the past and present that can be clearly transformed through a sort of rupture. On the other hand, these chapters have revealed the plurality of forms and aims of recent truth commissions — some of which have increasingly attempted to account for longer continuities and for traditionally ignored storylines, while also being increasingly less limited to the traditional framework of "coming to terms" with past political violence and more open to the possibility of "transitional justice without a transition". In this sense, a next step

for such mechanisms might be a clearer engagement with dimensions of violence that have appeared more frequently in the discourse of commissioners than in the pages of truth reports, such as inequalities in land distribution and in the provision of policies that go far beyond the realms of "justice" and "security".

Nonetheless, the identification of "limits" or "silences" in transitional justice efforts should not be understood either as a critique of their existence or as a claim that they should be, alone, performing a full transformation of reality. As argued by Dustin N. Sharp,

> The gap between ambitious critical theory ideals and incremental realities has the potential to produce an unwarranted sense of pessimism, disillusion and failure, even as overall empirical assessments of the field suggest meaningful if modest impacts in many contexts. This points to the need to better manage expectations as to what 'success' looks like even as we try to reimagine what transitional justice could become (SHARP, 2019, p. 571)

In this vein, the role of truth commissions might be conceived as that of makers who, rather than aiming to impose a preconceived form upon the political realities in which they work, more modest attempt "to find the grain of the world's becoming and to follow its course while bending it to their evolving purpose" (INGOLD, 2010). That means, as mentioned at the introduction to this part of the thesis, turning from a hylomorphic, or technical, conception of making, towards a *textile* conception, which leaves aside a conception of things as "constituted in the rational and rule-governed transposition of preconceived form onto inert substance, rather than in a weaving of, and through, active materials" (INGOLD, 2010).

Reengaging the work of truth commissions in the making of pasts, presents, and futures in these terms allows us to incorporate into our scholarly analyses a humility that commissioners already reveal when speaking of their own work and expectations. Besides, it is also an acknowledgment of the fact that rethinking and transforming our conceptions of "democracy" and of the place of violence within it is not a work for a group of "experts" alone; instead, this work can only come about through collective and plural struggles, with all the frictions, tensions and improvisations that may entail.

Final considerations: sewing with stories of line-drawing in Latin America

As we wrapped up the introduction of this thesis, I presented a sketch map of its *structure*, that is, I related the stories I would present in the following chapters in the order in which you would find them. A sketch map, as we have seen, focuses on the presentation of a particular path; and in a sense, the thesis itself could be understood as an account of the path I had walked when following the drawing of the line between criminal and political violence.

As I also mentioned in the introduction, if this thesis could be *partially* described as a sketch map, it could also *partially* be described as a patchwork. In a patchwork, the various parts – in this case, the various stories – "are like bits of cloth that have been sewn together" (LAW; MOL, 1995, p. 290); and a single set of cloths can be turned into various patchworks. In their case, John Law and Annemarie Mol were sewing together multiple stories in which Doppler apparatuses were enacted in ways that were different and the same – in ways that were partially connected.

The main object of this thesis, in turn, has been the line between criminal violence and political violence, and its drawing by a multitude of governmental and non-governmental actors in Latin America. I argued that by attending to the multiple drawings of this line, we could highlight connections and disconnections between Latin American contexts when it comes to the treatment of organized violence – connections and disconnections that could easily be brushed aside when the region is treated as homogeneously anomalous in relation to a preexisting standard. Therefore, rather than explaining *why* certain Latin American countries frustrate expectations associated with peace and democracy when it comes to the treatment of violence, I would tell stories of *how* the lines that underlie such expectations have been continuously redrawn.

By telling these stories, I have had to move across different scales – from local, to regional, to global, and back – to follow that line as it was drawn, both in the deployment of military actors for public security and in the practices of truth commissions. Following the line between criminal and political violence has led me to look at interactions between a multiplicity of actors – from local victims' movements such as MOVICE in Colombia to international experts such as ICTJ; from military officials describing their experience in a pacification mission in Rio de Janeiro to

lawyers attempting to get the International Criminal Court to prosecute former Mexican governmental actors and cartel members; from members of a truth commission deciding on how to organize violence patterns and cases into a final report, to military officials designing checklists to determine operational rules – and their own right to kill – in various missions. By travelling across these different spheres of activity, I have also sought to highlight the ways knowledge, norms, and resources travel transnationally, as well as the frictions that arise from their local manifestations.

In this conclusion, I will follow Law and Mol (1995, p. 290) in a brief attempt to sew together some of the "bits of cloth" that have composed this thesis, and which reveal different enactments of our analyzed object. If I have refrained from offering single definitions of *political violence*, *criminal violence*, or especially the *line* between them, I will here highlight some of the connections and disconnections between the various enactments of these entities we have encountered so far[37].

Let's start with "political violence". Military institutions, as we know them, have a transnational history that can be traced back to the formation of the modern (European) nation-state, and that history is inseparable from the professionalization of war-making, or the defense against external political enemies – as an activity that was increasingly understood as distinct from that of public order provision (Intro A). In certain Latin American countries, "waging wars" is also represented as the central military mission, what soldiers are primarily trained to do – a discourse that is many times repeated by military officials when asked to perform other tasks, as seen in a public interview by Mexican Gen. Salvador Cienfuegos as soldiers were deployed in public security (Ch. 3). Alongside fighting external political enemies, the fight against internal political enemies has also been part of the military mission in several countries in the region, as illustrated by the persecution of political opponents in Brazil during the Brazilian military dictatorship and in Mexico during the "dirty war" (Ch. 4); as well as in Colombia during decades of armed conflict against the country's guerrillas – even under the presidency of Álvaro Uribe, when although the word "armed conflict" was mostly banned from political discourse, there was no question that their combat was a role for military forces (Ch. 3). In sum, while fighting political enemies has long been framed as a military mission, it has taken up various forms over time.

37 "Intro A" will refer to the introduction to part A; "Intro B" to the introduction to part B; "Ch. 1" to Chapter 1, etc.

Military combat, however, has not been the only way through which political violence – between states, or within them – has been handled by the state. Peace processes and transitions to democracy have historically been centered on resolving or transforming political violence (Intro B). In Brazil, a long process of democratic transition started with the adoption of the 1979 Amnesty Law which covered political and connected crimes – the interpretation of which continues to be at stake (Ch. 4). In Mexico, similarly, the election of Vicente Fox in the turn of the century marked the culmination of what was understood by many as a political transition, following decades of authoritarian government (Ch. 4). In Colombia, Uribe's "democratic security" doctrine, which framed guerrillas as narcoterrorist threats (Ch. 3) coexisted with peace negotiations and a demobilization process aimed at paramilitary actors, whose political or criminal character was continuously debated by scholars and activists (Ch. 4); and followed by Juan Manuel Santos's administration, where the recognition of FARC-EP as political actors enabled peace negotiations with the country's main guerrilla, leading to a peace agreement in 2016 (Ch. 5).

In these processes, the issue of "dealing with the past" has been increasingly central, with the consolidation of a transnational field of transitional justice. Dealing with the past generally stands for ensuring the rights of victims of past political violence – perpetrated by conflict parties, or by authoritarian governments against political opponents – while not hampering the prospects for peace and democracy. That is, the underlying premise was that the effects (or legacies) of political violence should be handled in a particular way which favors sustainable peace and democracy (Intro B). These victims' rights are often defined in terms of four pillars (truth, justice, reparations, and non-repetition), and we have seen many instances of initiatives that dealt with the first of these rights – or in some cases, with the first two, as in the context of the Colombian Justice and Peace Law and associated mechanisms, and of the Mexican FEMOSPP (Ch. 4). In truth commissions, the selection of victims' stories whose lives could be woven into their final reports often relies on a definition of politically motivated violence, as was the case in the Brazilian political transition and in the composition of its National Truth Commission's final report (Ch. 4).

"Political violence" thus often emerged as the *other* of peace and democracy, needing to be suppressed either through combat or through conflict resolution. If it meets certain thresholds of intensity and organization that characterize it as an *armed conflict*, political violence is meant to be combatted within a set of norms that allows

for collateral damage, when proportional military objectives – a set of international norms that is then translated by military actors into their own operational guidelines, as we have seen in Colombia (Ch. 3). If it is deemed to be below such thresholds, combat can be guided by counterinsurgency-informed doctrines ranging from Latin American dictatorships to Uribe's democratic security in Colombia; and norms on the use of violence are often strategically avoided. If, instead, we speak of negotiated transitions (to democracy or to peace), transitional justice practices have come to be understood as a necessary part of the toolkit – a flexible toolkit, however, that leaves much room for local circumstances and transformations over time (Intro B).

"Criminal violence", on the other hand, is never expected to be entirely suppressed from social life, but rather prevented and repressed – it is expected, in this sense, to *coexist* with peace and democracy. In fact, criminalization processes are central to the production of public order by modern states and are inseparable from the transnational emergence and professionalization of police institutions. As mentioned above, it is generally framed as too "banal" to be a task for military forces (see Intro A), and too "ordinary" to give rise to victims' rights (see Intro B).

In many such contexts, we have seen the enactment of a *dividing line* between criminal and political violence, ranging from their attribution to different security forces (Intro A, Ch. 1) to efforts to distinguish between the two in the design of an Amnesty Law or of a truth commission's mandate, as seen in the Brazilian context (Ch. 4). Here, the definition of military missions and of several truth commission mandates have often produced "political violence" as their essential object in multiple ways – while "criminal violence" would be a non-object or at least an inadequate one.

However, at the same time, we have seen many instances in which the edges of these objects were disputed. Here we arrive at various *indistinctions* between political violence and criminal violence. In this regard, we have noted that entanglements between war-fighting and public security as two realms of activity and processes of professionalization have been historically complex, with a continuous circulation of knowledge between war-making, colonial occupation, counterinsurgency, and public order, which cut across continents in various ways. In postcolonial Latin American countries, in particular, external defense has seldom been the primary task of national armies, and their historical processes of formation and professionalization trouble the distinction between war and policing (Intro A).

In the present, indistinctions between criminal violence and political violence to be handled by security forces are enacted in various new ways – being often referred to as the *blurring* of the said line. Criteria are drawn up to separate criminal violence that are outside the ordinary, the banal. That is seen in governmental decrees determining the contexts in which military forces can be deployed against crime – for instance, when a context of public order disturbance exhausts normal policing mechanisms, as seen in Brazilian legislation on guarantee of law and order (GLO) operations (Ch. 1); or when, in Colombia, military operational guidelines are adapted to allow for the applicability of humanitarian law standards to the combat against the category of "organized armed groups", whether these have political or criminal motivations, as long as they surpass a threshold of intensity, organization, and territorial control (Ch. 3). The definition of certain criminal violence as being above the threshold of the ordinary is even mobilized for the creation of new security forces, as seen with the increasingly military National Guard in Mexico (Ch. 1; Ch. 2). Other times, such criteria draw not only from International Humanitarian Law, but also from International Human Rights Law, as seen with the category of "serious human rights violations" – which displaces the centrality of violence motivation in favor of "objective" characteristics of violent practices. That has allowed, for instance, the Truth Commission of the state of Rio de Janeiro to include in their report not only the violence of state agents against those who were part of an organized opposition movement, but also against those who were forcibly removed in favelas during the same military dictatorship (Ch. 4).

Aside from the displacement of differences between "criminal" and "political" violence in favor of other distinctions that are constructed as more relevant for the treatment of violence (through categories such as "organized armed groups" and "serious human rights violations"), there are many practices through which *connecting lines* are drawn between the two, while they are maintained as distinct entities. That can be observed, for instance, when criminal and political non-state violence alike is presented as the result of state absence in certain spaces – such as Brazilian favelas selected for "pacification", Colombian rural areas where peace needed further "consolidation", or Mexican regions where allegedly ineffective and corrupt local authorities amount to a virtual state absence (Ch. 2). In this narrative, the connecting line is the cause of violence (the existence of ungoverned spaces), a cause that could only be solved through military presence. On the other hand, we saw other lines that

connected not only criminal and political violence, but also past and present – such as the notion of *legacies* of impunity and militarization connecting past political violence and present criminal (or allegedly counter-criminal) violence at the Subcommission of Truth in Democracy Mothers of Acari in Brazil, and in a truth commission proposal discussed in Mexico over the last presidential transition; or even the notion of a *continuum* of violence that cuts across the distinction between peace and war by highlighting the intertwined threads of patriarchy and race, as seen in Ruta Pacífica's Memory and Truth Commission of Colombian Women (Ch. 5).

Finally, a crucial factor in the drawing of connections between "criminal" and "political" violence has been the centrality of various processes of *criminalization* in the treatment of violence in these contexts. On the one hand, we have seen how the emergence of the concept of "serious human rights violations" mentioned above – and the way it displaces the centrality of political motivation as a criterion for transitional justice mechanisms – is inseparable from the transnational consolidation of an *anti-impunity* agenda, which is made particularly explicit in recent proposals by Mexican activists (Ch. 6). This agenda therefore troubles the distinction between criminal and political violence by handling violence – by state and non-state actors – in primarily judicial terms, as in the case of "political crimes" and the possibility of amnesty (Intro B). At the same time, we have seen how the expansion of military missions in the fight on crime has often been associated with the redrawing of legalities in order to satisfy military demands for legal safeguards, as illustrated by recent changes in Colombian military law or by the progressive expansion of military jurisdiction in Brazil (Ch. 3).

That takes us to the three "knots" discussed in chapter 6, as they also cut across the practices of truth commissions and security forces. On the knot of *impunity*, discussed above, we have seen that a challenge lies in framing that problem in terms that do not legitimize and reinforce violent patterns of criminalization – for instance, by raising concerns about the effects of the redrawing of legalities discussed in chapter 3 without enabling narratives that reduce state violence to an individual problem. On the knot of *militarization*, we have discussed the need to think of this issue beyond a nostalgia for a clear police/military distinction; not only because that nostalgia is often grounded on a historically inaccurate narrative of these forces, but mainly because it runs the risk of ignoring structural dimensions of how militarization is constituted and practiced in these countries. In relation to the knot of *denial*, we have reflected

with the Colombian Truth Commission about the importance of truth-seeking as a process that allows a political community to look at itself in a mirror, acknowledging the limits of its own assumptions of democracy and peace.

This leads us to the decision to juxtapose, in this thesis, the practices of truth commissions and the expansion of military missions – through particular expressions of these practices in different Latin American countries. As mentioned at the introduction, as I interviewed experts in these countries, in 2019, responses to this juxtaposition varied – from Mexican activists for whom the two things were clearly connected, especially in light of how they were being discussed at the time during a presidential transition; while in Colombia, both discussions are discussed in specialized (and mostly separate) circles. In Brazil, the two discussions are continuously juxtaposed in discussions that connect contemporary militarization and an unfinished democratic transition, as discussed in chapter 5 and frequently witnessed in discussion groups on the subject.

But beyond distinctions on how fields of expertise are organized locally around these matters, their juxtaposition was sought here precisely in an effort to grasp the multiple enactments of the line that had caught my attention in the first place – the line between criminal and political violence. A line that seemed so central to accounts of Latin America as anomalous in relation to how state and non-state organized violence should be treated in peaceful democracies; and which still seemed to elude attempts to identify and fix its "proper" position. A line that was central to studies and practices of peacebuilding and democratization alike, but which refused to be pinned down.

That is why I have highlighted some of the connections and disconnections between multiple stories of how that line had been drawn – and also why I have mobilized cartographic and textile metaphors as analytical devices for making sense of that line that was not always a dividing boundary or a pattern edge, but also at times a connecting thread or bridge, or a knotted string. Aware that multiple other stories could be told with these stories – or that other quilts could be made by sewing these and other pieces in different ways –, I hope that this particular story has shed light on some of the conditions of possibility for the framing of violence in these three countries as a "puzzle" – by highlighting not only the multiplicity of these experiences, but also the limits of underlying assumptions regarding the treatment of violence in peace and democracy.

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