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# Restoring the dignity of the war's disappeared? Exhumations of mass graves, restorative justice and compassion policies in Peru

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## Abstract

In recent years, exhumation campaigns of mass graves resulting from the armed conflict (1980–2000) between the Maoist guerrillas of PCP-Shining Path (Sendero Luminoso) and the State's armed forces have increased in Peru. People in rural Andes, the most marginalised sectors of national society, which were also particularly affected by the war, are the main group concerned with exhumations. This article examines the handling, flow and re-appropriation of exhumed human remains in public space to inform sociopolitical issues underlying the reparation policies implemented by the State, sometimes with the support of human rights NGOs. How do the families of victims become involved in this unusual 'return' of their dead? Have the exhumations become a new repertoire of collective action for Andean people seeking to access their fundamental rights and for recognition of their status as citizens? Finally, what do these devices that 'dignify the dead' reveal about the internal workings of Peruvian society – its structural inequities and racism – which permeate the social fabric?

**Key words:** Peru, internal armed conflict, reparation, exhumations, mass graves, victims, citizenship

## Ayacucho: the remains of thirty-five victims from years of violence are being returned<sup>1</sup>

The Forensic Medicine Institute of the Public Prosecutor's Office of Ayacucho returned the human remains of 35 inhabitants of the provinces of La Mar and Cangallo who were killed and buried in a mass grave during the years of violence. The families of the victims arrived from diverse locations to give a Christian burial to their loved ones after more than 30 years. After receiving the remains, the families returned to their home villages.<sup>2</sup>

In recent years, Peru has seen an increase in exhumation campaigns related to the conflict between the PCP-Shining Path Maoist guerrillas and the armed forces of the Peruvian State.<sup>3</sup> At regular intervals, the press publishes brief stories about the

official ceremonies to return human remains to the families of the disappeared or about the victims of massacres, sometimes more than thirty years after the event. In what context does the opening of these mass graves occur, and according to what approach? How do the exhumations become crucial events for certain sectors of the population, with their own rhythm and ritual, as well as coverage by the media? The disappearance of thousands of individuals during the war can be understood as an event involving a break in the intelligibility of one's relationship with the world.<sup>4</sup> Yet the return of the deceased implies, in turn, a new upheaval in the relationship with death, bodies and mourning, which establishes these exhumations as a complex event on a sociocultural level, in both individual and collective terms.<sup>5</sup> This article will look at the manipulations, circulations and re-appropriations of these human remains in public space to highlight the socio-political stakes underlying these exhumations, arrangements that are often called 'dignifying the dead'.

The exhumations are primarily related to the rural populations of the country. The Central Andes of Ayacucho, the epicentre of the combat, and its neighbouring districts, which are some of the poorest and most 'indigenous' in Peru,<sup>6</sup> suffered more than 85 per cent of the deaths and disappearances during the period. Therefore, historically, the least wealthy and most marginalised sectors of the population were those worst affected by the war. In what way are these families of victims involved, or do they implicate themselves, in this unusual 'return' of the remains of those they lost? Human rights activists see in these 'reparations' policies a chance to empower<sup>7</sup> the families of the disappeared as well as to challenge the mechanisms of racial and ethnic discrimination that are deeply embedded in Peruvian society. I will examine these claims in light of the follow-up and reception of some exhumation procedures with families originating in the rural Ayacucho Andes. Finally, the article will question what these exhumations reveal about the internal functioning of Peruvian society, its structural inequalities and the racism that permeates the social fabric.

### **The truth and reconciliation commission, transitional justice and the national exhumation plans**

In the aftermath of the armed conflict at the end of the twentieth century, and under the impetus of action by human rights activists,<sup>8</sup> a Truth and Reconciliation Commission (CVR) was established in August 2001 by Supreme Decree. The Final Report of the CVR was submitted to the President of the Republic, Alejandro Toledo, in August 2003. Along with the account of the estimated numbers of victims or the evaluation of the responsibility of different armed actors, it provided a series of recommendations addressed to the Peruvian State. The CVR notably indicated the need to reconnect social ties that had been broken by the political violence, in order to conceive of a real and lasting national reconciliation between Peruvians. While calling for criminal proceedings against State agents accused of human rights violations, it also proposed to execute a 'Complete Reparations Plan' aimed at the victims and their families. Apart from economic reparations (financial, individual, or collective compensation, development aid programmes

and other possibilities), the establishment of a register of the mass graves present in the country would allow for the implementation of a 'Systematic Plan for Forensic Anthropological Research' on the national level. For the CVR, this was the most important reparation for national reconciliation and should therefore become one of the priorities of current and future governments. The theme of exhumation then became central to the political agendas of human rights NGOs, which had the final objective of finding all of those who disappeared during the armed conflict. By the end of its inquiries, the CVR had identified 4,664 graves, called 'places of burial'. Subsequently, the NGO COMISEDH (Human Rights Commission) counted 1,815 additional graves in the region of Ayacucho alone, raising the number of gravesites to 6,462. In 2004, a report by the International Committee of the Red Cross (ICRC) indicated the existence of 8,588 disappeared. Three years later, the EPAF (Peruvian Forensic Anthropology Team) estimated the figure to be 13,271. At the latest count, established in 2011 by the Public Prosecutor's Office, the final number of Peruvian disappeared is 15,731.<sup>9</sup>

The project to open graves has by no means met with unanimous approval in Peruvian society, especially among the armed forces and politicians active during the war. The goal of the exhumations is not only to discover the bodies of the disappeared or the victims of massacres so as to return them to their families, but also – and primarily in terms of their legal authorisation – to provide elements of scientific proof to establish the cause of death, in view of later legal action against those identified as the perpetrators of the massacres. This explains, in part, the postponements and even the reticence of the State to engage in exhumations of mass graves, since the extrajudicial executions carried out by its armed forces produced the majority of the hidden gravesites.<sup>10</sup>

For all that, the High-Level Multisectorial Commission (CMAN) came into being in 2005, under the auspices of the President of the Council of Ministers. Now part of the Ministry of Justice and Human Rights, it is the State entity responsible for coordinating the application of public reparation policies for the victims of the armed conflict,<sup>11</sup> in direct line with the stated recommendations of the CVR. Within this framework, and in response to measures driven by the actors of 'transitional justice', of which the truth commissions and the UN are key links,<sup>12</sup> the Peruvian State has undertaken several campaigns to exhume war graves. These campaigns have necessarily been coordinated by the Public Prosecutor's Office within the Forensic Medicine Institute through its Specialised Forensic Team (EFE), created for this purpose in 2003. Only its personnel – or the NGOs with expertise in this subject sanctioned by the Public Prosecutor – are authorised to conduct these investigations, under the direction of a prosecutor who is responsible for opening a parallel judicial investigation. The initial lack of technical training of these experts, the very small size of the team (fifteen members for the entire country in 2003), the tiny budgets allocated to its missions, as well as the lack of political will on the part of the State, are some of the reasons that explain the recurring problems encountered by these official experts: poor preservation of evidence, difficulty in conserving bodies, and more. Exhumations are theoretically carried out when the families of the disappeared or of one of the deceased buried

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in the previously identified graves make a direct request. The forensic examination of the exhumed remains then relies on a series of identification examinations (recognition by means of ante-mortem records<sup>13</sup> or DNA tests). The remains are then delivered to the families during a public ceremony.

Between 2001 and 2011, around a hundred exhumations were performed by the State and/or by forensic expert NGOs, during which approximately 2,500 bodies were uncovered, 1,500 of which were identified and a majority returned to families.<sup>14</sup> The number may seem large. However, if the exhumations continue at the current pace, it is estimated that it would take seventy years to exhume and identify all of the bodies buried in the mass graves.<sup>15</sup> For this reason, the actors of human rights organisations highlight the absence of a real policy driven by the State and have called for such a policy to be established in order to resolve this question on a national level.

### Lucanamarca: a model of exhumation and re-inhumation

Some exhumations related to the armed conflict were carried out in Peru as early as the 1990s, the most emblematic of which took place in La Cantuta.<sup>16</sup> However, it was within the framework of the CVR that the willingness to systemise the mass grave exhumation campaigns took shape. Among those undertaken by the CVR in the Ayacucho district (Chuschi, Totos and Lucanamarca), the last one, carried out in Lucanamarca over two months, between 9 November 2002 and 10 January 2003, received the most media attention. In this village, sixty-nine people were killed by the Shining Path on 3 April 1983, including several elderly persons and children. The victims were then buried near the place of their death, on mountain tops or in cemeteries in the area, in collective and individual graves. The exhumation of Lucanamarca took place in parallel with the start of a trial against the material and intellectual perpetrators of the massacre, among whom were members of the Central Committee of the Shining Path incarcerated since 1992.<sup>17</sup> The CVR's decision to focus on Lucanamarca can be explained in part by the desire to make the event a symbol of the Shining Path's barbarity. The decision was both strategic and political.<sup>18</sup> Exposing and even over-mediatising the exhumation of the victims of this massacre rather than those of the massacres perpetrated by the armed forces of the Peruvian State sought to avoid, or at least neutralise, accusations by segments close to the military that the CVR was biased and was suspected of favouring 'terrorist subversion'.

The exhumation, carried out by the forensic team of the Public Prosecutor, included the presence of foreign experts and scientific direction by Luis Fondebrider, from the famous Argentinian Forensic Anthropology Team (EAAF).<sup>19</sup> The CVR financed the project supported by the associations of victims, with the donation of caskets and the construction of funeral niches (*nichos*) in the Lucanamarca cemetery to rebury the exhumed bodies. After an exceptionally quick identification of the exhumed remains – in less than a month – at the Forensic Medicine Institute of Lima, mainly using the ante-mortem records of the victims, the bodies were taken to the Church of La Recoleta, in the centre of

the capital, where a first official religious ceremony was held. A benediction of the coffins took place during the mass for *cuervo presente* attended by the authorised representatives of the CVR, the heads of human rights organisations, several representatives of the Peruvian State (Public Prosecutor, Mediator of the Republic) and several churches (Catholic, Evangelical), much like the national funerals of high-ranking public figures. The coffins were then returned to the Andes. Another ceremony was then organised in the church of Lucanamarca, on the main square. In another strong public gesture, the President of the Republic, Alejandro Toledo, travelled to the village. Arriving by helicopter at the beginning of the ceremony, he gave a speech before those assembled, who were mesmerised by this unexpected presence. Of all the exhumations conducted by the CVR, Lucanamarca – a massacre that did not implicate the Peruvian State, unlike the exhumations in Chuschi and Totos – was the only ceremony where the leader of the country spoke of the pain the country faced in the disappearance of these Peruvians eliminated by ‘terrorism’. A terrorism that had since been eradicated, he hastened to add. The performative nature of his oral intervention was part of a broader process of integrating the Andean victims into the pantheon of the country’s dead.<sup>20</sup> Almost four hundred people then progressed on foot to the cemetery, two kilometres from the town centre. The coffins were carried on the shoulders of the families or of visitors (NGOs, anthropologists and journalists) as they slowly climbed the tortuous path leading to the final gravesites. Seeing this procession of white caskets moving to the heights of the village,<sup>21</sup> one can only be reminded of the *Via Crucis* on Golgotha and the analogy between the victims of the conflict and the Passion of Christ; and this theme was not lost on Peruvian society, which is deeply permeated by Christianity.

All of this much-mediatised celebration in the presence of political and religious authorities played a key role in the visibility and consideration of the suffering of victims’ families and their search for official recognition. Articles in the press, radio broadcasts and television programmes all echoed this ‘exemplary’ exhumation which seemed to render justice, finally, to the victims of this massacre and thereby serve, by extension, as a homage to all those victims of the armed conflict. The importance of Lucanamarca also stems from the fact that the subsequent exhumation campaigns and the return of bodies to their families for their final re-burial would all follow more or less the same script.

### **Exhumations as spectacle and the ‘right to a dignified burial’: towards a social and political recognition of the victims?**

Ayacucho, 20 November 2011. 7.00 a.m. The families called to the Forensic Medicine Institute have arrived. Endless hours of waiting. The tension rises as time flows on and you can read the concern on the distraught faces that betray an indelible pain. Soon it will be 2.00 p.m. The forensic personnel and the prosecutor finally give the members of the peasant community of Soras the exhumed remains of their dead, assassinated in 1983 by the Shining Path.<sup>22</sup> The caskets are then taken to the headquarters of COMISEDH, the human rights NGO that filed a civil case and is

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participating in this exhumation procedure. Before nightfall, around 5.00 p.m., several dozen people leave the COMISEDH building, coffins on their shoulders, travelling in procession (*romería*) through the street and alleys of Ayacucho to the Plaza de Armas, the central and emblematic place of local power. As they pass, traffic is momentarily stopped. This silent performance resonates powerfully in the Andean town. Passers-by stop and fall silent as they watch the slow steps of this stunning funeral cortege composed of around twenty white coffins. After a full circuit around the main square, the families of the dead place the caskets at the entrance of the cathedral. [After the caskets have been carried into the cathedral a] service is held, with the caskets in rows before the altar. The adults listen to the sermon with emotion while the children play between the chairs of this large, cold edifice. The mass ends, the coffins depart once more for the nearby Ayacucho provincial municipality building where they are placed in the town council's meeting room. A crowd of curious onlookers has joined this singular urban journey. In the name of the absent mayor, a town councillor addresses a speech to the families of these 'innocent Peruvians killed by terrorism'. An overnight vigil is held for the bodies in this public place, exceptionally, open to all. At dawn, the families take the bus back to their village, more than ten hours away, to bury their dead definitively in the cemetery of Soras.<sup>23</sup>

The exhumation campaigns follow a ritualised, stereotyped and mediatised pattern that leads us to question the spectacularisation of these acts of 'restoring dignity' to the exhumed remains. As a social space of participation and negotiation of identities and power relations by heterogeneous groups, the public sphere provides a daily view of the fragmentations and mechanisms of internal exclusion of Peruvian society.<sup>24</sup> Yet the presence in the public space of the families most affected by the armed conflict, families that for the most part belong to the most marginalised and least favoured sectors in socioeconomic terms, also provides the opportunity to claim the acquiring of rights openly. These actors in fact appropriate the mediatisation of the exhumations, which gives visibility to their situation, albeit ephemeral, in the public arena. In part, it aims to remind the national community of the fact that the question of enforced disappearances is far from being resolved in the country. At the same time, it participates in developing a political mobilisation that hopes to bring about public policies that until now have been lacking or missing.

According to Habermas, the principle of 'publicity' provides public space – as a place of disseminating information, taking positions and holding debates – with the possibility of carrying out a critique of established power.<sup>25</sup> The public sphere therefore represents a political space where mediation occurs between society and the State, leading precisely to the formation of public opinion. Some authors have taken inspiration from this German philosopher to understand the public sphere as a social space that allows for proposing more inclusive democratic models in Latin America, with the goal of participatory democracy.<sup>26</sup> The commemorative acts related to the exhumations should therefore be seen as a repertory of collective action and as a new, legitimate language of intervention in the public sphere, both for the institutions (NGOs, victims' associations and State institutions) that conceptualise them and for the actors who participate in them as recipients and

re-appropriate them. Moreover, as a recurrent element that comes from interviews held with the families of the Soras case, there is the insistent desire to see their rights restored along with the concern for social and State recognition of their condition as victims, but also as citizens, which is so often denied. The passage through places of worship (cathedrals, churches and temples) and the institutions of political power (town hall) constitutes a first step in this regard towards an official consideration of their fate by religious and political authorities, which is of essential importance for many families.

In her study of political reburials in Eastern Europe at the time of post-Socialist change, Katherine Verdery examined how the bodies of some leaders were turned into political symbols.<sup>27</sup> Her questioning of the 'political life of cadavers' interests us first as a way to envisage the social impact of exhumations in Peru and think about the way they led to the re-appropriation of the remains as 'political capital'. The bodies removed from the mass graves have indeed become a source of legitimation for the families of victims in their political and economic demands on the central State, in particular for access to all reparation policies. Accepting a role in this difficult and painful experience of exhumation of the dead seems to provide irrefutable proof of their extrajudicial execution that attests to the identity of the deceased and survivors as victims. This is made possible by the 'ultimate truth of the bodies' which allows its social existence to be justified.<sup>28</sup> The exhumation and display of bodies that it involves thus becomes another way to achieve financial reparation, as family testimony is apparently insufficient. A more 'bureaucratic' and nonetheless important aspect for the families also deserves mention. Recovering the bodies officially allows them to receive a death certificate, which the families may not have obtained until then. This document makes it easier to manage questions such as succession or recognition as an orphan.<sup>29</sup>

### Humanitarian exhumation: a policy of compassion

Exhumations are part of 'restorative' or 'reparative' justice and thus represent alternative or at best complementary procedures to those of criminal justice. Faced with the difficulties and delays of legal proceedings, which can last for several years or even fail to reach a conclusion, leading to an indefinite deferral of the return of remains to families, some human rights NGOs support recourse to 'humanitarian exhumations'. They partake of the principle that some activists have called the 'humanitarian umbrella', a mechanism that provides for an accelerated recovery and restitution of the uncovered remains to families for 'humanitarian reasons' as justice 'advances at its own pace'.<sup>30</sup> The elements exhumed and identified can always serve as material evidence in the case of future legal proceedings against the alleged perpetrators. Yet this is no longer the main goal of the exhumations. These unburied remains now seem to have passed from the status of 'element of proof' to that of 'element of mourning', one could say, in an eminently normative perspective. It is a question in fact of 'dignifying the dead' (*dignificar los muertos*). This theme is part of the framework of procedures characteristic of transitional justice that were established around the turn of the millennium on the international level



and that can be found in Guatemala, Bosnia, Rwanda and even Cambodia.<sup>31</sup> In this context, the question of exhumations reveals the now indisputable place given to victims and to the obligation to soothe their pain. Concern for recovering the dead also, and especially, involves the living, who need to be 'pacified' in the wake of fratricidal conflicts. The fact that the living can finally begin their personal mourning is considered to be the necessary precondition for the final development of a real national, collective mourning.

Opening the mass graves is therefore at the heart of the 'humanitarian reason' analysed by Didier Fassin, where the turn to moral sentiments has become an essential and effective element of contemporary policy, feeding its discourse and legitimising its practices. The language of suffering and compassion is now the common reference of a moral economy focused on the condition of the victim, which tends to replace the discourse on inequality and injustice.<sup>32</sup> In this regard, the Spanish Daily *El País* recently published an article with the revealing title 'Mass Graves: Peru's Greatest Humanitarian Debt'.<sup>33</sup> The legitimacy of public expression about the exhumations is thus made possible by a process of political neutralisation of the discourse that is circumscribed to the 'right to a dignified burial'. The call for empathy towards the wounds of war and its after-effects, respect for the dead and the mourning of families comes from moral values judged to be superior and universal. The corollary of this focus on the category of victim, however, is that the conditions that led to the structural inequalities of Peruvian society, which offer a partial explanation of these deaths, as well as the at-risk situation in which many families found themselves after the war, appear to go unheard. In the same way, any reference to political identities or to the possible ideological positioning of the deceased cannot be mentioned in the public commemoration. The image of the disinterred bodies must be maintained and promoted as that of 'innocent' victims. We should also note that the identity of the executioners who conducted the extrajudicial executions is not put forward either. As such, those who attend the public return of these exhumed bodies cannot know, without asking directly, if the victims were killed by the PCP-Shining Path or by agents of the Peruvian State. The public procedure of returning the exhumed bodies therefore reinforces a de-politicisation of the crime committed and the context of execution.

Moreover, use of the repertory of victimisation offers the hope of finally attaining a valued place in the national community, even if it is only within the pantheon of the nation's dead. It offers the chance to escape the 'precarious life' to which Judith Butler refers when she observes and questions the fact that some deceased persons are considered more worthy of tears than others.<sup>34</sup> These deceased Peruvians struggle in fact to be recognised by the State as deceased persons worthy of a resting place and of receiving official recognition of their extrajudicial executions. As a comparison, I would like to look at the role of the French mission after the Second World War to search for the bodies of those deported to Germany. Under the Ministry of Veterans Affairs, and active from 1946 to 1958, this mission engaged in a vast investigation to locate the bodies of French citizens who had disappeared in Germany during the war. The exhumations they performed allowed for the identification of thousands of individuals. Some bodies were returned to France,

while others were buried on site in the French quarters of the concentration camps. Jean-Marc Dreyfus emphasises how this activity represented a 'renationalisation of the bodies' that also allowed their 'reprivatisation' for the families of the victims.<sup>35</sup> While one can agree on the fact that the exhumations carried out in Peru quite allow a 'privatisation of the bodies' for those who find the ones they have lost, can it be said that they are 'renationalised'? The contexts are undoubtedly different. However, thousands of individuals have found themselves in fact excluded from the national community through their extrajudicial execution, an exclusion that continued for many years with general indifference and forgetting of their very disappearance. It is as if they were in some way de-nationalised, as if they were no longer Peruvians about whom the State would show concern, either during their lives or after their deaths. For this reason, national reconciliation, which is at the heart of the exhumation campaigns and is the objective of the human rights organisations, is familiar with the idea of renationalising the bodies of the disappeared. By bringing them from the darkness into the light, even if it is only for the time of the official ceremony to return the bodies and the ritual commemorations that follow, it is indeed a question of bringing them back into the pantheon of the nation's dead.

Yet, to what extent do the exhumations enable a real, significant modification in how the mourning Andeans are taken into consideration and a substantial change in the forms of ethnic and racial discrimination present in Peruvian society?

### **Reparation policy or reproduction of ethnic and racial discrimination?**

The bodies are returned at the morgue in the presence of the Deputy Public Prosecutor (*fiscal*) once the forensic examinations on the exhumed remains have been performed. Before this transfer, however, is the obligatory 'recognition' of the remains by the families. This step represented a real ordeal for the people with whom I spoke. In general, this recognition had already taken place when the families attended the exhumation itself. Yet the Forensic Medicine Institute requires them to relive this awful moment. During the return of the bodies to the families of the Soras case at the Ayacucho morgue, the people called in for the identification were told to put on a mask before following an employee of the Institute to the cold room where the remains were held. Several people tried to avoid this step in the procedure, stating that they would prefer to recover the remains of their dead with all the others, in the waiting room with all of the families and COMISEDH NGO personnel accompanying them. Their request was sharply denied by the Forensic Medicine Institute staff, who were apparently jaded by having to repeat that the individual visual identification was required. Yet how would gazing on the remains again allow a more sure identification of the deceased, asked Pablo G., tears in his eyes, angry with having to 'identify' again and alone the remains of his father who had died twenty-eight years earlier, when he was only a child. The interactions between the morgue staff and the victims' families sometimes express a symbolic violence that can be completely understood only by placing it in relation

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to interethnic relations in Peru between those who define themselves as mixed race and those who call themselves peasants but who are reduced to an Indianness of which they reject the associations of stigmatisation and inferiority.<sup>36</sup> The idea is not new and participates in a long national tradition of discrimination, a heritage of the colonial structures of domination, which has the corollary effect of making the populations called indigenous into Others, and sometimes even denying them their humanity. In her article on the exhumations conducted in the Chungui District (Ayacucho), Nathalie Koc-Menard explains in detail the poor treatment inflicted on the peasants, who feel insulted by it. She cites the words of a woman expressing the violence of the moment when she had to recognise the remains of her dead father a second time, at the morgue:

The Public Prosecutor called me to go in and identify my father's clothing. I wondered why I was asked to do this again since I had already done it at the exhumation ... we are not animals. We do feel sad about it. But these people think we are like animals, that we do not feel anything. That is what they think. They say, 'These people are not human' ... People [from the city and the Fiscalía], I believe, think that countryside people do not have feelings.<sup>37</sup>

In line with this type of behaviour, characterised by disdain, some methods of transfer of the exhumed bodies illustrate the lack of consideration accorded to the pain of the families of the disappeared by the public authorities. In some cases – which are far from being exceptions – the remains of the dead were returned in cardboard boxes, metal milk bottles, or even disposable plastic bags. This is how Josefina Jiménez Montesinos received the remains of her two sons from the hands of the forensic staff and the Deputy Prosecutor of Huánuco in February 2013: in two metal condensed milk boxes covered with plastic wrap, recycled for the occasion into caskets. Stunned to be receiving the remains of her children in this way, Mrs Jiménez explained that she did not have the means to purchase coffins. The representatives of the Public Prosecutor replied that it was not their problem as no budget had been allocated for this type of purchase. They sent her away with her two metal boxes to the Ombudsman (*Defensor del Pueblo*) to submit a request for a donation of coffins and for placing the remains in the coffins at the cemetery of her village. Yet does the financial reason advanced by the State officials explain everything? This way of treating a mother coming to receive the remains of her sons is described, precisely, in a report by the Ombudsman as a 'lack of respect to the dignity of the deceased persons and their families'.<sup>38</sup> State financing is in fact limited to the obligations associated with the excavations and there is no line in the budget to allow the poorest populations to travel from their villages to recover the remains of their dead or even to bury them under decent conditions. Here we find the contradiction noted by Nathalie Koc-Menard: the application of these reparations policies, which have the aim of restoring the dignity of the victims, in fact reproduces situations of exclusion even as they are supposed to work against them. This can be seen in the angry words of a young woman that she recorded during a ceremony to return exhumed remains: 'They say that there is no budget [to help

relatives take loved ones' remains back to their villages]. Then why the hell did you exhume them? [. . .]. This is not reparation! This is derision, by walking all over us . . . making fun of our pain, of our suffering.<sup>39</sup>

Moreover, and outside any consideration of the efficacy of the measures put in place to ease the suffering of families during the exhumations, the unequal treatment of citizens in terms of the glaring absence of psychological support for people participating in the exhumations in the Andes cannot go unsaid. Of the 263 exhumations conducted in Ayacucho over ten years, only sixteen were carried out with a psychologist present. And it should be said that this support occurred in cases where the exhumations were conducted in the presence of NGOs. When the State took it upon itself to implement its own exhumation campaigns related to the indigenous populations of the Andes, no psychological support measure was put in place.<sup>40</sup> However, this aspect represents a crucial element of the recommendations relating to exhumations promoted by the authorities of transitional justice. This was the case, for example, during the exhumation of the mass grave of the peasant community of Cceraacro,<sup>41</sup> conducted in 2011. The State sent no psychologists to support the families of the people killed who were to be disinterred.

Again, when the forensic personnel mandated by the Public Prosecutor arrived in this hamlet in the district of Ocros (Ayacucho), most of the inhabitants present – village leaders and families of the victims of the massacre carried out by the PCP-Shining Path in 1984 – had not even been informed of the arrival of these experts responsible for uncovering a grave situated a dozen metres from the main square. Indeed, as already noted, it is enough for a person to request the opening of a mass grave to recover the remains of a family member for the State to decide to begin legal proceedings and organise the exhumation. We can also see, without real surprise, that the Peruvian State seems relatively quick to respond to solicitations about graves attributed to the Shining Path. This seems to be what happened in Cceraacro, where the exhumation was requested from Lima by the exiled children of an assassinated couple and quickly implemented. Yet the way in which the opening of the gravesite occurred raises questions about the methods of these exhumations, which are supposed to give comfort to the survivors, not harm them further. In Cceraacro, the forensic personnel called for volunteers for the initial excavation. Given the lack of applicants, a modest sum was proposed to be paid to those who would dig. Some villagers finally accepted and dug the trench themselves until reaching the remains. Then the experts took over. Several people spoke to me of their discomfort, as they experienced this unforeseen opening as a further, unnecessary violence – all the more so in that the personnel of the Public Prosecutor's Office sometimes use questionable methods to convince the population. Pressure tactics accompanied by lies have sometimes been used with those who hesitate to exhume the members of their families. Threats are issued stating that economic reparations will be distributed only to those families of victims who agree to the exhumation procedure.<sup>42</sup> A sum of approximately 3,000 US\$ (10,000 soles) is indeed allocated to the families of victims. Given the poverty or extreme poverty in which they exist, this argument, albeit false, has been conclusive for many in the final decision to accept exhumations.

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The reticence of some people to see members of their family disinterred needs to be emphasised. This is particularly the case when they know where their remains are buried, especially if they buried the remains themselves, as was the case in Cceraocro. After the February 1984 massacre, the villagers dug a grave near the centre of the hamlet to hastily bury the bodies of the victims before escaping into the night, for fear of the Shining Path's return. Everyone in the hamlet well knew who was in the grave and no one sought the return or identification of the victims. Some villagers were therefore not convinced of the need to exhume them, even though others considered, as suggested by the personnel of the Public Prosecutor's Office, that their reburial in the new cemetery would provide them with a true resting place. Regardless of the case, this means that, depending on the type of grave, the urgency to exhume the dead of the period of political violence is not always of the same order of priority for the families. Thus, the need to excavate some graves to find a person who disappeared and whose family has had no idea from the start where his or her body is located is disproportionate to the excavation of graves where the bodies are known. Sometimes, family and friends have disinterred bodies from a grave and reburied them in a cemetery at the time when the crime was committed. In this case, there is almost no desire to disinter the deceased, especially as reopening the tomb is seen as disturbing the peaceful rest of the dead. This is also the reason why it would be important to establish a typology of mass graves which would help to determine which graves should be exhumed first. Described as 'places of burial' (*sitios de entierro*) by the CVR, these places circumscribe very different realities for the families and do not imply the same relationship to the dead and disappeared of the war, or the same urgency to excavate them. Yet the State and some NGOs – concerned by the normative injunctions of international bodies<sup>43</sup> – seek to apply reparations policies where exhumations figure prominently, but without always conferring with the 'target' populations. One *must* exhume to 'repair'. As Nathalie Koc-Menard has noted, however, the populations are rarely consulted and their choices and needs in terms of these exhumations are not taken into consideration. Here we find one of the paradoxes at the heart of implementing 'humanitarian government', as Didier Fassin noted when stating that in the public sphere compassion always goes from top to bottom, from the most powerful to the most vulnerable. 'Those who are the object of humanitarian attention know very well that they are expected to be shown the humility of the obliged rather than the demands of rights holders.'<sup>44</sup>

## Conclusion

The theme of the return of human remains to Andean populations constitutes a crucial element in the path to State recognition of the suffering they endured and their status as full citizens. We have also seen that some exhumation procedures have been able to develop a new language and repertory of collective action in the quest for fundamental rights. Yet these advances in terms of social and symbolic recognition must be put into perspective. They still remain limited to the ephemeral situation of the mediatisation of ritual processions of coffins in public space.

We should note a paradox in the implementation of some of these reparations policies. The compassionate approach favoured by institutional actors places the register and the rallying of emotions at the heart of mechanisms of building awareness in public opinion. The goal is to elicit empathy for the families who are supposed to find solace, thanks to the return of exhumed bodies. Nevertheless, we can observe a disparity in the concrete methods of transferring these human remains and the management of the pain of the victims' families during the exhumations, which has been at best awkward and at worst insensitive. The injunction to end suffering in the imposed context of a normative restitution of bodies, most often without consultation of those primarily concerned, can then become a hurtful practice that causes feelings of humiliation and anger or even increases the affliction of the mourners.<sup>45</sup> The general lack of consideration for the 'indigenous' rural families during exhumations deserve to be highlighted. In some cases, a statistical view of exhumations to be performed by the Public Prosecutor's Office, coupled with an overly bureaucratic management of the pain of others, relegates the rural populations to the condition of sub-citizens. By doing so, it constitutes a symbolic violence that some families end up denouncing, especially if they receive institutional support from an NGO or an association of victims to help them in their approach. In this context of social violence and risk, should we be surprised by the numerous rumours circulating among the families of the disappeared related to errors that happen at the morgue? These include rumours relating to bodies switched by mistake – rumours which are sometimes well founded. Finally, at the heart of these policies, which target those most affected by the war and are supposed to improve their situation, structural inequalities clearly appear, along with the existence of second-class citizens and the normalised disdain for Andean peasants due to their identification as indigenous. In Peru, mechanisms of exclusion of large sectors of the population persist and reverberate at the very heart of exhumation campaigns. These campaigns are thus one indicator among others of the racism that continues to eat away at society, all the more insidious in that it never shows its true face.

## Notes

- 1 Translated from the author's French by Cadenza Academic Translations.
- 2 *RPP noticias* (radio station), Monday, 1 December 2014.
- 3 According to the final report of the Peruvian Truth Commission, which in Peru is called the Truth and Reconciliation Commission (CVR 2003), 54 per cent of the deaths are attributed to the PCP-Shining Path and the remaining 46 per cent to the Armed Forces, the police and the local self-defence militias. No other Latin-American revolutionary movement was as involved in massacres as the PCP-Shining Path. For a general overview of truth commissions in Latin America, see A. Martin (ed.), *La Mémoire et le pardon: Les commissions de la vérité et de la réconciliation en Amérique latine* (Paris, L'Harmattan, 2009). However, eclectic articles in this collective work are sometimes closer to activism than social science analysis.

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- 4 On the notion of event, see A. Bensa and E. Fassin, 'Les sciences sociales face à l'événement', *Terrain*, 38 (2002), 5–20.
- 5 Exhumations imply a deep, emotional upheaval that gives rise to unprecedented sociocultural responses in terms of a collective description of mourning. As such, the 'making' of new ritual funeral arrangements after the return of the remains of the disappeared will be the object of another study.
- 6 According to an estimate by the CVR of the total number of victims of the armed conflict – approximately 70,000 dead and disappeared – 79 per cent were of a rural background, 75 per cent spoke Quechua or another indigenous language – like the Ashaninka in Amazonia – while populations with a maternal tongue other than Castilian Spanish represent only 16 per cent of Peruvians as a whole. Finally, more than 40 per cent of the total number of victims came from the Ayacucho Andes.
- 7 The concept of 'empowerment', which comes from the Anglo-American social sciences, refers to a 'process through which an individual or a group acquires the means to strengthen its actions and free itself'. See M.-H. Bacque & C. Biewener, *L'empowerment, une pratique émancipatrice* (Paris, La Découverte, 2013).
- 8 The human rights NGOs took advantage of the favourable political context that followed the collapse of the authoritarian regime of Alberto Fujimori in November 2000. Confronted with revelations of the vast system of corruption that reached the head of state and implicated high-ranking members of the armed forces, the president fled to Japan and resigned by fax on 19 November 2000. A transitional government led by Valentin Paniagua was quickly named (2000–1). The CVR officially began its work under the government of Alejandro Toledo (2001–6).
- 9 Defensoría del pueblo, *A diez años de la verdad, justicia y reparación: avances, retrocesos y desafíos de un proceso inconcluso* (Lima, 2013).
- 10 The reticence of presidents Alan García (2006–11) and Ollanta Humala (2011–16) in regard to the CVR, its conclusions and its recommendations is well known. García, who had already served as president from 1985 to 1990, was notably accused, as head of the armed forces, of extrajudicial executions of hundreds of mutinous prisoners from the penitentiaries of Lima in 1986. As for the current president, a former soldier stationed in an emergency zone during the armed conflict, he was accused of enforced disappearances when acting as the head of the Madre Mía military base in the early 1990s.
- 11 For this reason the creation of a 'Reparations Council' aims to establish on a national level a Single Register of Victims (RUV), a necessary preliminary to the individual and collective management of reparations. This register, which is still in process, should allow identification of the beneficiaries of the Comprehensive Reparations Programme (PIR), created during the same year.
- 12 On the model of 'transitional justice' and its critical analysis, see S. Lefranc, 'La justice transitionnelle n'est pas un concept', *Mouvements*, 1:53 (2008), 61, 69; S. Lefranc, 'La professionnalisation d'un militantisme réformateur du droit: l'invention de la justice transitionnelle', *Droit et Société*, 73:3 (2009), 561–89; for its application in Peru, see N. Koc-Menard, 'Notes from the Fields: Exhuming the Past after Peruvian Internal Conflict', *International Journal of Transitional Justice*, 8:2 (2014).



- 13 *Ante-mortem* records collect information from the family and friends of the disappeared related to the person at the moment of his or her death or disappearance. They involve gathering everything that would aid in posthumous identification, from the clothing, shoes and jewellery worn on the day of disappearance to more bio-physiological details, such as having all their teeth, fillings or false teeth, or gold teeth, for example, and whether the person had any physical deformities or had broken any limbs, among other things. All of these elements serve to establish a detailed and personalised portrait of each victim that is used to identify the exhumed remains. For more details on the technical aspects of identification procedures, see M. Taccoen, 'Corps et violence de masse: les informations que peuvent fournir les praticiens de médecine légale', in É. Anstett and J.-M. Dreyfus (eds), *Cadavres impensables, cadavres impensés: approches méthodologiques du traitement des corps dans les violences de masse et les génocides* (Paris, Petra éditions, 2012), pp. 57–66.
- 14 In October 2014, 2,925 bodies had been recovered. Of the 1,689 bodies identified, 1,485 were returned to the families of the disappeared.
- 15 *Defensoría del pueblo*.
- 16 The case of La Cantuta refers to the disappearance of students and a professor of the University of La Cantuta, near Lima, accused of belonging to the PCP-Shining Path and executed in an extrajudicial manner in 1992 by the Colina paramilitary group. They were exhumed in 1993, in particular due to the media attention and support of the human rights NGO Amnesty International.
- 17 In his famous 'Interview of the Century', published in 1988 in the newspaper *El Diario*, Abimael Guzman, founder and director of the PCP-Shining Path, explained and justified the massacre of Lucanamarca *a posteriori*, given these farmers' betrayal of the Party.
- 18 Tensions have arisen within the human rights movement in terms of the appropriateness of this decision regarding the order of priority of the exhumations.
- 19 This archaeologist is the founder of the Argentinean Forensic Anthropology Team (EAAF) established in 1984 at the end of the dictatorship of the military junta, in the wake of CONADEP, a precursor of later truth commissions and the first of its kind in Latin America. The EAAF represents one of the oldest associations dedicated to the exhumation of bodies buried in mass graves and the forensic investigation of human rights violations. It is also one of the most recognised teams for training forensic anthropologists on an international level.
- 20 And this was above and beyond the eminently political aspect of his speech, which indirectly legitimised the government's actions against the subversive Shining Path.
- 21 See the documentary by C. Cárdenas & H. Gálvez, *Lucanamarca*, TV Cultura, Lima, 2008. URL: <https://www.youtube.com/watch?v=WCjFwhU3yTA> (accessed 18 January 2016).
- 22 For more information on the Soras-Cabanino case, known as the 'death express' due to the bus used by the members of the PCP-Shining Path to eliminate a hundred people spread over several places in 1984, see the online documentary.



- URL: [https://www.youtube.com/watch?annotation\\_id=annotation\\_1123553761&feature=iv&src\\_vid=hQJKCbZfA&v=96Jon3IK1pA](https://www.youtube.com/watch?annotation_id=annotation_1123553761&feature=iv&src_vid=hQJKCbZfA&v=96Jon3IK1pA) (accessed 12 November 2015).
- 23 This passage is taken from a field journal; during a short stay in Ayacucho, in November 2011, I attended the official return of remains to the families of victims of the Soras-Cabanino case.
  - 24 G. Cánepa Koch, 'Cultura y política: una reflexión en torno al sujeto público', in G. Cánepa and M.-E. Ulfe (eds), *Mirando la esfera pública desde la cultura en el Perú* (Lima, Concytec, 2009), pp. 15–34.
  - 25 J. Habermas, *L'Espace public: archéologie de la publicité comme dimension constitutive de la société bourgeoise* (Paris, Payot, 1988).
  - 26 See in particular E. Dagnino, A. Olivera and A. Panfichi, *La disputa por la construcción Democrática en América Latina* (Mexico, Fondo de Cultura Económica-Ciesas, 2006).
  - 27 K. Verdery, *The Political Life of Dead Bodies: Reburial and Postsocialist Change* (New York, Columbia University Press, 1999).
  - 28 D. Fassin, *La raison humanitaire: une histoire morale du temps présent* (Paris, Gallimard/Seuil, 2010).
  - 29 Koc-Menard, 'Notes from the Fields'.
  - 30 J. P. Baraybar and C. R. Cardoza, *Desaparición forzada en el Perú, el aporte de la investigación antropológica forense en la obtención de la evidencia probatoria y la construcción de un paraguas humanitario* (Lima, Coordinadora de Derechos Humanos/EPAF, 2009); L. Fondebrider, 'Reflections on the Scientific Documentation of Human Rights Violations', *International Review of the Red Cross*, 84 (2002), 885–91.
  - 31 See V. Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York, Palgrave Macmillan, 2003); E. Claverie, 'Réapparaitre: Retrouver les corps des personnes disparues pendant la guerre en Bosnie', *Raisons politiques*, 1:41 (2011) 13–31; A. Y. Guillou, 'Temporalité et définitions des corps après le génocide khmer rouge', in É. Anstett and J.-M. Dreyfus (eds), *Cadavres impensables, cadavres impensés: approches méthodologiques du traitement des corps dans les violences de masse et les génocides* (Paris, Petra éditions, 2012), pp. 107–18.
  - 32 On this contemporary moral economy focused on the condition of the victim and the rise of a 'humanitarian government', refer to the work of Didier Fassin, in particular his recent works. See Fassin, *La Raison humanitaire*; D. Fassin and R. Rechtman, *L'Empire du traumatisme. Enquête sur la condition de victime* (Paris, Flammarion, 2007).
  - 33 R. Escobar, 'La mayor deuda humanitaria de Perú', *El País*, 3 September 2014.
  - 34 J. Butler, *Vie précaire: Les pouvoirs du deuil et de la violence après les attentats du 11 septembre 2001* (Paris, Editions Amsterdam, 2005).
  - 35 J.-M. Dreyfus, 'Une renationalisation des corps? La Mission française de recherche des cadavres de déportés en Allemagne, 1946–1958', in É. Anstett and J.-M. Dreyfus (eds), *Cadavres impensables, cadavres impensés: approches méthodologiques du traitement des corps dans les violences de masse et les génocides* (Paris, Petra éditions, 2012), pp. 67–78.

- 36 For more details on this category of classification, see V. Robin, 'Indiens, Quechuas ou Paysans? A propos des communautés quechuaphones des Andes sud péruviennes', *Les cahiers ALHIM*, 10 (2004).
- 37 Koc-Menard, 'Notes from the Fields'.
- 38 *Defensoría del pueblo*, p. 167.
- 39 Koc-Menard, 'Notes from the Fields'.
- 40 CENIA & COMISEDH, *Plan regional de Investigaciones Antropológico Forenses para Ayacucho. Estrategias de investigación y lineamientos generales* (Lima, COMISEDH, 2012).
- 41 It was precisely in Ceraacro that I began my ethnographic investigations of the memorial productions of the armed conflict. See V. R. Azevedo, '(Re)jouer l'histoire de la guerre, revivre le massacre: performance carnavalesque et processus mémoriels dans les Andes d'Ayacucho (Pérou)', *Droit et Culture*, 66:2 (2013), 103–27; V. R. Azevedo, 'Memorias oficiales, memorias silenciadas en Ocos (Perú): reflexiones a partir de la conmemoración de una masacre', *Antropologica*, 33:34 (2015), 147–64.
- 42 Koc-Menard, 'Notes from the Fields'.
- 43 Peru's ratification of several human rights conventions (American Convention on Human Rights, Inter-American Convention on Enforced Disappearances, UN International Convention on Enforced Disappearances) and the recent participation of the International Committee of the Red Cross have led the Peruvian government to implement campaigns to exhume mass graves and to seek, more or less actively, those who disappeared during the internal armed conflict. These international authorities regularly inquire about the government's advances in the quantity of bodies exhumed. See I. Rivas Plata, 'El equipo forense especializado y las investigaciones forenses sobre las víctimas del conflicto armado interno en el Perú', paper presented at the International Symposium *Impactos de las políticas de reparaciones a las víctimas de violencia política en América Latina*, Lima, IFEA/IDEHPUCP, 24 August 2015.
- 44 Fassin, *La Raison humanitaire*.
- 45 For a more general reflection on emotions in politics, see P. Braud, *L'Émotion en politique. Problèmes d'analyse* (Paris, Presses de Sciences Po, 1996); on 'emotional dispositions' in collective mobilisations see C. Traïni (ed.), *Emotions ... mobilisations!* (Paris, Presses de Sciences Po, 2009).