MARÍA FERNANDA OLARTE-SIERRA

(Un)Doing the Colombian Armed Conflict
Forensic Knowledge, Contradicting Bodies, Unsettling Stories

Abstract: In 2005, Colombia enacted the Justice and Peace Law, which was a transitional framework for addressing the legal status of demobilised members of the paramilitary group Autodefensas Unidas de Colombia [United Self-Defence of Colombia] and other armed groups. In exchange for providing intelligence on the whereabouts of the bodies of people these groups had kidnapped and killed, prison sentences could be reduced. Forensic experts from the Attorney General’s Office were in charge of exhuming and identifying the bodies, placing them centre-stage as a source of scientific evidence, testimony and authority based on their presumed objectivity and non-prejudicial approach. However, forensic knowledge, like all knowledge, is situated, partial and performative. Here, I attend to the effects of forensic knowledge on victims’ right to truth, memory practices and the administration of justice under the Justice and Peace Law. I argue that forensic knowledge co-produces conflict by producing victims and perpetrators whose identities and stories can be at odds with other accounts of the violence that occurred.

Keywords: Anthropology of science, Colombian armed conflict, forensic investigation, knowledge practices, victims’ identification

The Colombian armed conflict is heterogeneous in nature. For more than six decades, the Colombian population has endured steady violence from various and ever-changing actors, including drug traffickers, ideological and narco-guerrillas, paramilitary forces, and the state and the army. Acts of killing, torturing and making people disappear by all these groups are manifold, as are attacks on civilian populations in rural and urban areas across the country (Fajardo 2014). Throughout this period, an increasing number of people have been affected by violence and the definition of a ‘direct victim’ has changed over time (Centro Nacional de Memoria Histórica 2013; Rodríguez Morales 2016; Krystalli 2019). According to the National Registrar of Victims, as at 1 March 2021, there have been approximately 9,114,000 reported victims of the armed conflict (Unidad para las Víctimas 2021). Although some of the main actors involved in the violence have signed peace agreements, others have remained actively armed, keeping the violence uninterrupted.

Among the results of varied peace agreements and transitional justice frameworks, including victims’ numerous rights, are the efforts of reconstructing the
past from the experience of each demobilised actor and victim-group (Madrigal and Sánchez 2012; Centro Nacional de Memoria Histórica 2018). For instance, in 2011, the Law 1448 of Victims and Land Restitution stipulated the creation of the National Centre for Historic Memory as the organisation in charge of reconstructing the conflict’s memories (Congreso de Colombia 2011). Similarly, there are civil, grassroots and government houses of memory³, museums of memory, memorials and memory practices contributing to the same end (Centro Nacional de Memoria Histórica 2019).

In this text, I focus on the 975/2005 Justice and Peace Law, a transitional legal framework designed to facilitate the social reincorporation of demobilised members of the paramilitary group Autodefensas Unidas de Colombia (AUC) [United Self-Defense of Colombia] and other armed actors into civilian life. The law included benefits, such as the reduction of prison sentences, in exchange for providing intelligence on the whereabouts of the bodies of people they had kidnapped, disappeared and killed. Demobilised actors’ confessions became central in the production of the memory of the conflict while administering justice (Jaramillo-Marín 2010; Castillejo-Cuéllar 2014). In this process, forensic experts from the Attorney General’s Office, faced with the task of exhuming and identifying the bodies of AUC’s victims, were placed centre-stage as a source of scientific evidence, testimony and authority.

I address the relationships between truth, memory, justice and victims’ reparations established through the production of forensic knowledge within the scenario of the Justice and Peace Law. Like all knowledge, forensic knowledge is situated, partial and far from neutral. Knowledge production practices are performative and generative, thus they have world-making effects (Mol 2002; Law 2008; M’charek 2008). I argue that forensic knowledge enacts victims and perpetrators whose identities and stories can contradict other accounts of the violence, including the forensic experts’ qualitative accounts. Well-documented violence like gender-based violence and violence against women are a case in point, since they are made invisible within the accounts of some forms of forensic knowledge, which are part of official reports accounting for the armed conflict. Moving some victims to the background challenges transitional justice’s attempts at reconciliation and efforts to end the conflict, as it perpetuates the causes of violence and the ongoing victimisation of some social groups. I address this issue through the story of an uncomfortable body, whose identification added complexity to a forensic practice in the service of justice and victim reparation. I combine two approaches. The first is Science and Technology Studies, which considers that scientific products are socio-cultural and are situated in specific historical and political spaces (Mol 2002; M’charek 2013; Law 2015; Blume 2017). The other is Social Anthropology, which allows me to address the actors, practices and objects of the armed conflict also as contextualised in given socio-cultural, historical and political moments (Uribe 2008; Castillejo-Cuellar 2014).
AUC: A Geography of Disappearance-Death-Disappearance

The paramilitary phenomenon is neither recent nor particular to the Colombian context. From the mid-20th century, paramilitary organisations became a resource for political and economic elites (and mafias) around the world to gain, maintain and reassure their power through the rhetoric of fighting against insurgency. Paramilitary groups are supported, protected and aided by national armed forces and local state institutions. In Latin America, paramilitary groups were consolidated against the backdrop of the Cold War in the 1950s and 1960s (García-Peña Jaramillo 2004). In Colombia, the juridical basis for establishing paramilitary groups took place in 1965, under the Statute for National Defence (Velásquez Rivera 2007). Thus, in Colombia, paramilitary groups are not a recent, short-term or isolated event. Rather, the formation of these groups has been a clear and steady state policy in which businessmen, landowners, politicians and drug lords have participated (García-Peña Jaramillo 2004).

In the mid-1990s, Colombia witnessed a boom in paramilitary self-defence groups. After decades of activity, in 1997, Carlos Castaño unified and became the political leader of most of the paramilitary groups that operated in various parts of the country, thus forming the Autodefensas Unidas de Colombia (AUC) (Cruz Rodríguez 2009). AUC’s violent actions were justified as needed to stop advancements made by guerrilla groups such as the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) and the Ejército de Liberación Nacional (ELN) who were initially seen as a threat given their political leftist ideology and their subsequent drug-related activities that posed a new threat (Centro Nacional de Memoria Histórica 2016). AUC received economic support from members of the Colombian military, established drug traffickers (afraid of nascent narco-guerrillas), economic elites such as business owners, and landowners (fearing loss of the status quo and threats to their land ownership), all of whom rejected politically subversive groups as much as social leaders, unionists and others considered deviant. For AUC’s supporters, the state had been weak in controlling such groups and decided to create and finance paramilitary groups, which acted with the complicity of the Colombian armed forces (García-Peña Jaramillo 2004; Gill 2005).

AUC’s unification produced a systematic model of persecution, disappearance and death, resulting in one of the bloodiest episodes of the Colombian armed conflict. Between 1997 and 2002, one of its most effective and deadliest strategies was ‘low-intensity’ action (Centro Nacional de Memoria Histórica 2013): selective assassinations, forced disappearances, small-scale massacres and kidnappings. AUC groups then became known as death franchises (Pérez Salazar 2010), since their model was based on selling groups of uniformed armed personnel trained in specific methods of torture, retention, killing and burial. Powerful economic and political groups financed AUC franchises across the country and as a result they produced a geography of systematic disappearance-death-
disappearance spread throughout the Colombian territory (Olarte-Sierra and Castro Bermúdez 2019).

A Law for Justice and Peace

In 2005, Law 975, also known as the Justice and Peace Law, was enacted to stop the AUC and other illegally armed groups (Congreso de Colombia 2005). The law’s main objective was defined as ‘facilitating peace processes and the individual or collective reintegration into civilian life of armed groups, guaranteeing victims’ rights to truth, justice and reparation’ (Article 10; my translation). Among these, according to the Law, the victims’ right to reparation included ‘effective collaboration in locating abducted or disappeared persons as well as the bodies of those killed . . . helping to identify and rebury them according to family and community traditions’ (Article 10; my translation).

Law 975/2005 marked the beginning of an unprecedented process that made use of mechanisms for post-conflict resolution amid an ongoing armed conflict (Uprimny et al 2006). From the outset, this law generated criticism from various fronts, such as victims’ groups, human rights organisations, civil society organisations and scholars working on transitional justice, peace and reconciliation (Uprimny et al 2006). The controversy stemmed from the law’s clear focus on establishing judicial truth and allowing little to no room for the reconstruction of social or collective truth. ‘Truth’ was produced through individual confessions by demobilised armed actors and excluded the voices of the victims (Madrigal and Sánchez 2012). Thus, the law sought to prosecute individuals, highlighting their accounts and portraying them as in need to be heard. Such an approach diminished the guarantees for and the possibility of reconstructing a collective and social memory that included victims’ experiences. This exclusion, it was expressed, hindered the production of a complex account of the conflict’s structural elements, and impeded a better understanding of its causes, effects and context (Jaramillo-Marín 2010).

As said before, Law 975/2005 included a considerable reduction of prison sentences. If the confessions of demobilised armed actors were deemed truthful, relevant and valuable, the accused received a prison sentence between five and eight years (Article 29). This contrasted with trials conducted in the ordinary justice system, where prison sentences were much longer and could include extradition to countries like the US for drug charges – as happened to some AUC members (Cote-Barco 2010). To benefit from the Law 975/2005, the armed actors (or postulados, as they were referred to during their trial) had to surrender their weapons, return stolen or illegally appropriated goods, deliver recruited children to the National Institute of Family Wellbeing and provide intelligence on the whereabouts of the bodies of people they had kidnapped, killed and buried in unmarked graves (Articles 10–11). According to the Law, the Attorney General’s
Office was in charge of the ‘Clarification of the Truth’, through the newly created Unit of Justice and Peace that involved:

[an investigation] by the deputy prosecutor of the case, with the support of the specialised group of the judicial police, [of] the circumstances, including the time, manner, and place, in which the punishable conduct was carried out . . .

With the collaboration of the demobilised [armed actors], the judicial police will investigate the whereabouts of kidnapped or disappeared persons and inform relatives of the results obtained in a timely manner. (Article 15; my translation)

As of 1 November 2018, the Prosecution Office had found 5,734 graves with 9,410 bodies – 4,507 bodies have been identified and returned to their families. Needless to say, Law 975/2005 created significant challenges for forensic experts due to the sheer number of cases and the conditions in which the bodies had been buried: they had often been dismembered and buried in graves on the side of roads or in remote areas. Together with the strategy of kidnapping, disappearing and killing, the burial method was intended to further the person’s disappearance by hiding the body (Olarte-Sierra and Castro Bermúdez 2019). Hence, the knowledge produced by the forensic experts in the Prosecution Office became key for administering justice, as well as reconstructing the past, since it helped corroborate or deny the postulados’ versions of what had occurred (Olarte-Sierra et al 2014).

Methodological Considerations

In this article, I rely in two sets of data: one gathered during research that took place from 2012 to 2013 when I conducted five months of ethnographic inquiry with a research team of social anthropologists at one laboratory of the Attorney General’s Office in Colombia. We documented how information systems had produced specific versions of the Colombian armed conflict(s) by forensic experts (see Olarte-Sierra et al 2014). Our ethnographic work included an analysis of archives and documental units (a single case file) – previously anonymised. The case described here is part of this material. The other set of data stems from interviews that I have conducted from 2016 to 2021 with numerous forensic experts located in five different cities and whose experience range from eight to more than 20 years. Since late 2016, I have explored the effects of forensic practices in enactments of the Colombian armed conflict, and I have worked with Jaime Castro Bermúdez, forensic anthropologist at the Attorney General’s Office, as my co-researcher.

Forensic Knowledge in Transitional Worlds

In transitional justice scenarios, forensic knowledge is useful and relevant. Forensic experts’ work and testimonial interpretations of the events are regarded
as evidence and experts are considered objective witnesses. In judicial terms, forensic material and information are mobilised to help judges to gauge decisions in specific cases (Haimes and Toom 2014; Rosenblatt 2015; Fournet 2017). In humanitarian situations, forensic experts have the task of exhuming and identifying victims so that their remains can be returned to their families; this is considered to contribute to lessening the families’ suffering (Huffschmid 2015; Cordner and Tidball-Binz 2017). Additionally, in civil or institutional spaces, forensic experts often act as witnesses of violence who can give testimony and help produce protocols for dealing with victims (Toom 2018). Quantified measurements of death, such as ballistics analysis, DNA information, injury measurements, forensic archaeology on objects found in graves (such as clothes, robes, documents) and a body’s disposition in the grave, are all privileged material that these experts produce.

The relevance of including forensic experts’ analyses in transitional justice and (post)conflict scenarios is because they tend to be in an advantageous position to make sense of the violent past and present, for three reasons that relate to their work: (1) their responsibility is to identify all victims of a conflict, help determine (and prosecute) perpetrators and establish the conditions and forms in which the violence took place; (2) since the investigation is central to their work, they must have thorough knowledge of the socio-political, cultural and historical particularities of each case; and (3) forensic experts must develop contextual and multiple working scenarios to produce knowledge on the nature of violence to make sense of the marks it leaves on bodies and landscapes (Olarte-Sierra 2019). One could say that their knowledge of violence and conflict surpasses that of other witnesses and actors; it is a form of knowledge that incorporates various interacting and superimposed layers of the conflict in which forensic experts work (Garibian et al 2017).

These insights enable forensic experts to articulate the contextual particularities of each case, thus encompassing victims’ experiences, perpetrators’ motivations, and accompanying political and governmental actions and agendas. Cases, however, are not considered to be isolated events. Rather, they add up to produce a comprehensive account of the processes and dynamics of violence, providing an overall view of the conflict (Olarte-Sierra 2019). Forensic experts’ knowledge (and I refer here to the interdisciplinary work of identification carried out by forensic anthropologists, dentists and physicians) goes well beyond quantification and expert testimony. Since forensic experts produce knowledge about extreme violence and conflict in specific socio-cultural and political contexts, they too mobilise particular ideas about life, death, victimhood and perpetratorhood (Olarte-Sierra and Castro Bermúdez 2019). Hence, even though forensic experts’ knowledge (like most scientific knowledge) is considered to be neutral and truth-telling, scientific know-how also has effects on the politico-legal, social and ethical contexts in which it occurs. This is so because knowledge does not describe the world ‘as it is’, rather, it co-produces (Jasanoff 2006) the thing that
it studies. Knowledge production is neither passive nor neutral, but a mediated performative action, which brings into being the world we inhabit (Mol 2002; Law 2015; M’charek 2008).

This understanding of forensic knowledge has not been ignored by the social sciences, which have addressed and challenged the role of forensic experts in accounting for the past. The contribution of forensic anthropologists and archaeologists to the reconstruction of past violent periods has been understood for the ability that these experts have to bear witness to violence through their reading of the inscriptions that deadly acts leave on the bodies of the victims and on the landscape. Forensic knowledge has been considered as expert, trained and political knowledge (Moon 2013; Crossland 2018; Garibian et al. 2017), which can also contribute, beyond the study of the corpse, to the analysis of the destruction of heritage and the silencing of other voices during episodes of conflict and violence (Gassiot Ballbè 2008; Zarankin and Salerno 2008).

**Bodies in Conflict, or about ‘Leidy’**

I address the world-making effects of forensic knowledge production practices on the administration of justice, memory practices, and experiences and understandings of the Colombian conflict. I do this by relating to a case we found in a documental unit (the file of a single case, which includes all the information and procedures connected to that case) we studied in 2013 – the case of Leidy.

The exhumation procedure through which Leidy’s body was recovered was part of the process followed to verify the information provided by a demobilised paramilitary. The accused had testified that he was responsible for the disappearance, assassination and burial of a woman named Leidy, a recognised sex worker. The file registered material evidence found in the grave, which included a body wearing a mini-skirt, a top and sandals, a rucksack containing 21 condoms and the identification cards of two men, Pedro and Aníbal. The forensic anthropologists in charge of the exhumation recorded in the report: ‘[the postulado] stated that the documents found in the backpack may correspond to Leidy’s clients [. . .] when they [clients] did not have money, they left their documents as guarantee of future payment’ (Unidad Documental # 2, 2013; my translation). The report further noted that the body had been gagged, which signalled to the forensic anthropologist that there had been possible torture. This was noted in the report’s slot titled ‘observations’, and included no further details. Once Leidy’s body was exhumed, the forensic team organised and carefully packed her remains, her clothes and the rucksack with all its contents into plastic bags. Later, her body and her belongings were transported to one of the identification laboratories of the Attorney General’s Office.

The packing of the body – with all associated material found in the grave – is standard procedure in exhumation cases. For forensic anthropologists working
at the exhumation site, everything is evidence and, as such, it must be accounted for. This means photographing, measuring, drawing and recording the grave, its contents and its context. Once this is done, everything is transported to an identification laboratory (see Olarte-Sierra et al 2014). At the laboratories of the Attorney General’s Office, forensic anthropologists are the first to handle the bodies. They clean the body (or as much of the body as they could recover from the grave) and place it in anatomical position on one of the stainless-steel tables. The body remains there until the case is closed or is stored for further investigation. The only body parts that will leave the table are the piece femur or a tooth that will be sent to the genetics lab for DNA analysis. Forensic anthropologists also photograph and wash the clothes, robes and other associated materials that are brought to the lab and place them on an extension of the table located at the lower part of the body (where the feet of the body to be identified are positioned). The purpose of doing this is that the forensic identification team (composed of an anthropologist, a dentist and a physician) have this material at their disposal at all times when analysing the body. After the body is laid down and individualisation is confirmed (that is, the bones are only from one individual), the forensic anthropologist classifies the body in terms of sex, race, stature and age: the standardised parameters for basic human identification (Fiscalía General de la Nación et al 2017). All the bodies that arrive at this (or any other) forensic identification laboratory are made to fit in these four categories in order to be able to start the identification process. However, humans and their experiences are difficult to standardise, and standardisation forced onto human experiences pushes aside critical life nuances (Bowker and Star 1999; Lampland and Star 2009). This is precisely what happened in Leidy’s case.

After the first analysis, the forensic anthropologist in charge of identifying the corpse pronounced that Leidy’s body was male. In the search for clarifying this finding, a piece of Leidy’s femur was sent to a forensic geneticist for DNA analysis. The report confirmed that the DNA sample was a match to a DNA sample provided years ago by a couple searching for their missing son, Pedro (one of the identity cards found in the grave). Leidy’s case then transformed from the disappearance, killing and possible torture of a female sex worker (now understood to be a transgender woman) to the death of a male. These transformations that Leidy and her story went through were the work of forensic anthropology’s approach to bodies, the DNA matching of her body, and the search warrant and long-lasting police report submitted by Pedro’s parents when looking for their missing son. Even though the postulado had delivered the body and the story of a sex worker as part of his confession, this now became a case of another dead man adding to the statistics of all those killed in the bloody conflict in Colombia. Although the death of a man was considered to be of utmost importance, the history of a transgendered female sex worker was not. The privileged datum was the biological sex definition determined by forensic analysis and not the identity and gender of the person involved. There were no notarial records acknowledging
Leidy’s transgender identity and her legal existence as such. Thus, she became a note in a documental unit through the combination of DNA analysis that reduces the body to a biological definition of sex with the judicial imperative to name the dead body with its legal name.

Here, Science and Technology Studies, particularly a material semiotic analysis and the feminist critique of knowledge production practices, are relevant for making sense of Leidy’s story. From this approach we know that the world is made through and sustained by socio-material practices, including scientific knowledge practices (M’charek 2008; Mol 2015; Law 2015). As such, reality is also multiple because it is enacted through diverse relations (M’charek 2013; Abrahamsson et al 2015). In the case of forensic work, varied kinds of knowledge need to work together to identify a person. That is, like other kinds of scientific knowledge, ‘they do not act alone, but draw on knowledge from other branches, import techniques from elsewhere, and try to achieve things together’ (Mol 2015: 70) and in such collaboration forensic knowledge practices produce a victim. Thus, given reality multiplicity, a generative way to account for the world could be by attending to its complexity in ways that do not flatten it, but rather allow complexity to arise (Law and Mol 2002), embracing the fact that one size never fits all (Lampland and Star 2009) and considering that single stories or accounts are never sufficient because ‘[a single story] robs people of dignity’ (Adichie 2009: min 13.50). However, sometimes forensic work also produces unknowability (Smith and Garcia-Deister 2017). The relations produced by forensic knowledge of varied types result in keeping unknowable aspects of the person they are identifying and ‘consequently signal the emergence of new forms of violence’ (2017: 685). Here it is Leidy’s transgender experience and identity. As Proctor and Schiebinger (2008) highlight, ignorance, too, is produced and maintained through practices that sustain and distribute not-knowing (or not-yet-knowing), neglect or silence. In this case, it is produced through the combination of forensic identification practices that cannot know other than biological understanding of gender and sex, and judicial mandates that do not allow to name a body by her lived experience, Leidy, but only by the legal name, Pedro.

In this sense, knowledge production practices, particularly (most of the) scientific ones, impose a regime of coherence in which disorder is uncomfortable, difference makes noise and blurry findings are frowned upon. However, and despite all of science’s furious attempts to produce a coherent, singular and unifying world, reality eludes these impositions. Impurities leak through crevices and demand to be acknowledged. Normally, under a regime of coherence, such demands for attention are repeatedly ignored. Law and Mol argue:

simplifications that reduce a complex reality to whatever it is that fits into a simple scheme tend to ‘forget’ about the complex, which may mean that the latter is surprising and disturbing when it reappears later on and, in extreme cases, is simply repressed. (2002: 3)
Undoubtedly, in Colombia, as elsewhere, forensic experts are faced with numerous contingencies, such as the need to address increasing numbers of bodies to be identified, and the need to respond to and accommodate a mode of knowledge production that often ignores complexity. Hence, simplifications are both part of and a result of their work. One may even argue that simplification is a requirement for their job, especially when carrying out the work of identification. Unfortunately, simplifications have material consequences in post-conflict settings as well as an effect on promises of reconciliation and the cessation of the violence, in terms of reparation and on the accounts of the violent past and present. Leidy’s case shows how that required simplification may further make invisible and unknowable some kinds of victims and some forms of violence like, for instance, gender-based violence. This, in turn, has consequences on accounts of the armed conflict as it tends to produce only some types of victims, like Pedro, given its impossibility to address the complexity of transgender identities in the forensic registry.

By looking into the forensic registry produced by forensic experts and considering it as a complex practice of knowledge production, I account for its non-coherence. In so doing, I address the challenges of forensic practice in this particular context. I seek an enactment of more diverse, populated, multiple worlds that are not content with simplification and singularity. That is to say, worlds in which Leidy and Pedro’s lives and stories, however contradictory, are equally real and acknowledged.

**Leidy and Pedro Simultaneously Are and Are Not**

Leidy and Pedro are in a profound relationship with the 975/2005 Justice and Peace Law since both are produced by it (as well as each one individually). Leidy was killed and disappeared either due to her transgendered nature or her sex worker activities, or both. From social and forensic anthropologists’ qualitative accounts, we know that women of all sorts have been highly vulnerable during the Colombian conflict and paramilitary action (Cadavid 2014). Transgender female sex workers and other gender minorities have suffered particularly as armed actors considered them to be immoral and deviant (Amnesty International 2008; Centro Nacional de Memoria Histórica 2015). It is well known that the AUC viciously abused and harassed them. As Jaime, the forensic anthropologist with whom I have collaborated, explained to me:

> We found many sex workers [in AUC’s graves]. They were easily killed, and often relatives didn’t even know they were dead. They moved a lot around the country for work and their families did not always know where they were. We found their bodies near paramilitary bases. Usually what happened was that [paramilitary commanders] hired them for days in a row or weeks even. They promised good payment and after they were done with the women, they would kill them. They
wouldn’t pay, they would just kill them and then bury them. (Conversation #7 with Jaime Castro Bermúdez, May 2018)

So, Leidy was not an exception. She was killed and disappeared only to later appear in the confession of a demobilised member of the AUC. She became one of the cases that helped the accused receive the benefits of the Justice and Peace Law. On the one hand, for that part of the process, Leidy is central and her story fundamental for the administration of transitional justice. On the other hand, there is Pedro, who was reported missing by his parents. Years later, they received the news that their son’s body had been found and they could have his remains. There is no account as to whether or not Pedro’s existence as Leidy was mentioned to his parents by the official personnel (generally, forensic experts) who are present at the ‘delivery ceremonies’. For memorialisation purposes, the name that appears in reports and which counts for national conflict statistics is Pedro’s and not Leidy’s. There is no mention either, in state registries, about the relationship that existed between the two.

One critique of the Justice and Peace Law made by forensic experts in Colombia is that it was too focused on providing increasing exhumation numbers, as Daniel, a forensic anthropologist, explains:

The Justice and Peace [Law] became a matter of figures. Prosecutors of that unit cared only about how many bodies were exhumed. The more bodies we exhumed, the better they looked to the Attorney General and to the government. It was all about how many bodies were found, no more. (Interview #2, September 2018)

Such a focus on figures produced a reversal on the usual forensic practice that starts with investigations that lead to exhumations. Under the Law 975/2005, exhumations were ordered by the Prosecutor based on the postulados’ testimonies and only after the exhumation was performed did the investigations start (Olarte-Sierra et al 2014). Two points are relevant here with regard to forensic knowledge production. One is that the lack of a previous investigation supposed that what was relevant was the postulados’ versions and accounts. The perpetrators were given a voice to speak about the violence that had occurred, but not the victims. Thus, exhumation procedures were dependent on the postulados’ willingness to cooperate and their recollection of events (Castillejo-Cuéllar 2014) and not on the families’ previous police reports about their missing relatives. The subsequent search for answers by the victims’ families was ignored by officials. Exhumations based on testimony by postulados ignored previous police statements and reports as well as evidence provided by families so that their information did not always match the postulado’s testimony (Castillejo-Cuéllar 2014). Moreover, even though bodies could, sometimes, be found according to postulado testimony, identification was not always possible – as mentioned earlier, 4,903 bodies remain unidentified. The focus on recovering bodies and the urge to present higher exhumation numbers meant that statistics became more
relevant than the stories of the bodies and victims. The bodies were only import-
"ant for exhumation purposes and in the best-case scenario for the return to their
families. The Justice and Peace Law resulted in a body count, not an explanation
of the stories of what had happened or the reasons why some people were dis-
appeared, killed and disappeared again. The stories of Leidy and Pedro are an
excellent example of this limitation.

Law 975/2005 and the official quantitative forensic register do not allow for
people like Leidy to exist. The bodies that do not fit the standards followed by the
official investigation of postulados’ testimonies are marginalised and not included
in the history of Colombia’s bloody armed conflict. In addition to this, some of
the knowledge practices used by forensic scientists in these scenarios are unable
to account for the complexity in the human experience and the non-coherence
(Law et al 2013) of the real world in which the victims lived and live.

Of Truth, Justice, Reparation and Memory

The effects of forensic knowledge practices on accounting for the past and pro-
viding justice and reparation in Colombia, such as Leidy’s case, bear examina-
tion. I have shown that forensic knowledge (as all knowledge) has world-making
effects by what it makes knowable and unknowable. In this context, forensic
knowledge enacts the conflict that it studies and, with it, its victims and perpe-
trators, through a practice of investigation, exhumation and identification. This
approach produced identities such as Pedro’s, whose death only augmented the
official numbers of the Colombian armed conflict, leaving behind and unknow-
able Leidy, who was relegated to a single case file or documental unit. The forensic
knowledge materialised another male victim, Pedro, while silencing a transgen-
dered woman, Leidy.

One effect of this world-making practice was that the person mentioned and
accounted for was Pedro. He became the one to be remembered, albeit with an
oversimplified story. His identity was privileged through the simplified standard
of basic human identification procedures, even when there is no account as to
why he was buried where he was found. There was no explanation of the reasons
why he was wearing women’s clothes, why he carried a rucksack full of condoms
or why he also carried with him the identity card of someone called Aníbal. The
story of a transgendered sex worker was not recorded, yet it was enacted through
my team’s ethnographic practice in 2013 that accounted for the story of Leidy
and Pedro and thus could evoke its non-coherence and complexity. We were able
to do this by addressing the documental unit and account for Leidy’s existence
(Olarte-Sierra et al 2014). Leidy hence simultaneously existed and did not.

Pedro’s parents received his remains, together with Pedro’s identity card
and death certificate. It is probable that the forensic personnel who delivered
Pedro’s remains explained the marks that death and violence left inscribed on his body, yet no information is kept of this. However, even though Pedro’s parents received a body to bury, questions regarding truth and victim reparation remain. For instance, is it enough to return a body to his or her relatives without its full story? Following Guglielmucci (2017), the answer is, most likely, no. Forensic identification is not just about giving a name to the remains. It is about being able to recover the person’s story in such a way that a possible judicial identification is compatible with a social story. Thus, the name and story need to make sense together. And this was not the case for Leidy and Pedro.

For the administration of transitional justice, Leidy/Pedro’s death only added to the numbers of disappeared people and exhumed and identified bodies. Additionally, the postulado who revealed the whereabouts of the body received the benefits of the 975/2005 Law. Nevertheless, again, there is no information regarding why Pedro was disappeared, killed, possibly tortured and buried. It was relevant that the postulado delivered a body, and he did. But why this body suffered so much was not addressed. Thus, Pedro became a statistic; another man killed during this bloody conflict. The transformation of Leidy into Pedro also allowed for a family to receive the remains of their missing son. By the same transformation, however, Leidy, who was the direct victim of the crimes and the ‘delivered’ victim by the postulado, was silenced and made unknowable.

This brings us to the idea of truth. For Leidy and Pedro, the truth produced by forensic experts’ knowledge practices was not a complex truth. Rather, it was a truth that simplified – in extremism – the experience of those like her and him who suffered. This is one of the effects of equating identification with identity or forcing a standard on someone’s life in the name of a scientific investigation. By this approach, the truth produced bypasses the richness and complexity of human experience and sets us even further from understanding the many Leidys who this conflict claimed, while leaving Pedro a figure with no story. Leidy and Pedro exist, they are both/and simultaneously. Pedro existed in the national registry and his death, thus, must be registered too. Leidy existed, although through other forms of documenting, namely, the daily practices by which she was enacted as a transgender sex worker. Should her parents know her story? Would they like to know it? These questions are beyond the scope of this article. However, they certainly add complexity to what the truth is in such convoluted scenarios and what it means to work towards truth, justice, reparation and memory in transitional justice contexts. However, from social accounts of the violence and even official forensic knowledge, we know that Leidy represented a vulnerable population, as seen in Jaime Castro Bermúdez’s words above. Thus, forensic experts are, indeed, placed to contribute beyond the formal identification of remains, which tend to reduce and simplify people’s life, and bring their more complex knowledge to enrich wider accounts of the violence and what it does to society.
Final Comments

Forensic experts tend to be considered objective witnesses of violence, who translate the inscriptions that death leaves on bodies (Rosenblatt 2015; Fournet 2017). Thus, they are key actors in transitional justice and (post)conflict scenarios since their findings and testimonies are considered evidence in judicial, humanitarian and social processes (Fournet 2017; Cordner and Tidball-Binz 2017; Toom 2018). However, these knowledge production practices, like others, have world-making effects that enact the very conflict and violence they study and define. This particularity of knowledge practices also implies that forensic experts are neither neutral nor innocent. However, the regime of coherence imposed by some scientific knowledge practices does not allow for complexity in world-making. As a result, accounts from these practices flatten human experiences and produce simplified realities, making unknowable some elements of the story of people who had directly suffered violence (Smith and García-Deister 2017). Nonetheless, as ignorance or not-knowing are actively produced, they can also be actively addressed (Proctor and Schiebinger 2008). As such, qualitative accounts about forensic knowledge can evoke complexity and attend to non-coherence when actively sought, as in the case of Leidy and Pedro’s story presented here (Olarte-Sierra et al 2014).

I have presented the effect that forensic knowledge practices have had for victims’ right to truth, official accounts of the violent pasts and its victims, and the administration of justice under the 2005 Justice and Peace Law in Colombia. I laid out the case of Leidy, better understood as Leidy and Pedro. Here was a body that was, in the words of Bruno Latour (1993), ‘both/and’. Leidy, a transgendered female sex worker, was delivered by a postulado to take advantage of the Law’s prison sentence reduction. But Leidy’s body was pronounced to be a male and furthered identified by DNA analysis as Pedro. Once the body was confirmed as male and Pedro, Leidy’s story and the reasons for her death were unexplored. The body who became relevant was that of Pedro as a victim and another man killed in the conflict. Yet again, Leidy was made invisible and reduced to a note in a documental unit, just another transgender woman’s story excluded from the history of the conflict. Thus, the knowledge produced by forensic experts for some victims and perpetrators whose identities and stories are at odds with social accounts of violence must be re-evaluated by qualitative approaches that consider evidence that does not fit in a standardised forensic identification and investigative scheme. Outcomes of the long-standing conflict and violence in Colombia provide compelling evidence of the risks of depending only on standardised forensic investigations to explain the impact of violent paramilitary actions seconded by state and government complicity.

MARÍA FERNANDA OLARTE-SIERRA is a medical anthropologist and an anthropologist of science. Her work addresses the interactions between health, technol-
ogy and the body in highly biomedicalised and technological contexts, mainly in Latin America. Between 2020 and 2022, she was a Marie Skłodowska-Curie fellow at the University of Amsterdam, where she examined the politics of forensic knowledge production in the judicial and humanitarian accounting of mass violence in Colombia. She currently works as a Postdoctoral Fellow at the University of Vienna, where she studies collective forms of care in the search for forcibly disappeared persons in Latin America. Email: olartesierra@gmail.com. ORCID: https://orcid.org/0000-0002-6537-7138.

Part of this project received funding from the Horizon 2020 research and innovation program of the European Union with a Marie Skłodowska-Curie grant No 898537.

Acknowledgements

I want to thank Adriana Díaz del Castillo for her constant support in this project and her thoughtful comments on previous versions of this paper. Also, I want to thank the reviewers whose comments contributed to the betterment of this text.

Notes

1. By narco I refer to activities related to drug trafficking.
2. As stated in the UN basic principles and guidelines (United Nations 2006), victims of gross violations to Human Rights have the right restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
4. Self-defence groups in Colombia, such as the AUC, ‘have not been – nor are they – organized citizens against common criminality . . . – but groups that exercise a conservative type of violence whose purpose was to maintain an established socio-political order’ (Rivas Nieto and Rey García 2008: 44; my translation).
5. This shift from ‘I’ to ‘we’ refers to the research team mentioned in the methodological considerations.
6. This is a pseudonym, we kept, the Anglicism of the original name using it in the way it is usually written in Colombian Spanish.
7. Pseudonyms.
8. There are public ceremonies organised by the Prosecution Office, in which victims’ bodies are returned to their families. In them, relatives are presented with the remains of their loved one and they are welcomed to ask questions to the forensic experts present at the ceremonies.

References


Cruz Rodríguez, E. 2009. ‘Discurso y legitimación del paramilitarismo en Colombia: tras las huellas del proyecto hegemónico’ [Discourse and legitimation of paramilitarism in Colombia: tracking the hegemonic project], Ciencia Política 4: 83–114.


(Dé)faire le conflit armé colombien : connaissances médico-légales, corps contradictoires, récits troublants

coproduisent des conflits en produisant des victimes et des auteurs dont les identités et les histoires peuvent être en contradiction avec d’autres récits de la violence qui s’est produite.

**Mots-clés:** Anthropologie des sciences, conflit armé colombien, enquête médico-légale, identification des victimes, pratiques de connaissance